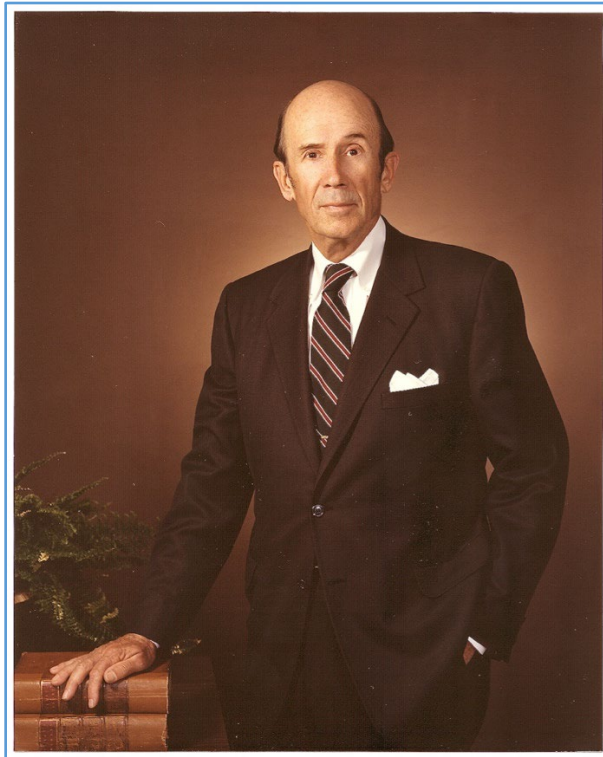




## 1930 – 1954

### **ROBERT J. McCANDLISH, JR. AND F. D. RICHARDSON**

In 1930, Fred Richardson was joined in Fairfax by his young nephew, Robert John McCandlish, Jr. of Hancock, Maryland. After receiving his undergraduate degree from the University of Maryland in 1930, Bob McCandlish began working as a clerk for his uncle. When McCandlish decided to become a lawyer, he began attending law school at night at George Washington University. During his law school days, Bob McCandlish lived, at least part of the time, with his aunt and uncle in Fairfax while commuting to school. Bob McCandlish and James Keith, who years later with strong backing from McCandlish became a circuit court judge, kept “bachelor quarters” together during those early days.



**Robert (“Bob”) J. McCandlish**

While attending law school McCandlish traveled out to Fairfax Court House on the old D.C.-to-Fairfax trolley to continue his work as a law clerk. Upon McCandlish’s admission to the Bar, he set up practice with Richardson, although not in a formal partnership. The offices, located at 102 South Payne Street, were immediately next door to the office of State Senator John W. Rust and his son, John H. (“Johnny”) Rust. Both buildings stand today directly across the street from the Old Courthouse.

The Payne Street law offices of Fred Richardson and Bob McCandlish were simple. Upon entering the front door, you were in Mr. Richardson's office and had to pass through it to access Mr. McCandlish's office. In the early years, there was no indoor toilet. At some later date, McCandlish prevailed upon his uncle and law partner to have the office expanded at the back of the building, and to install an indoor bathroom. Senator Rust never bothered to install a toilet, but made free use of his good friend Richardson's facilities. After his father passed away, Johnny Rust eventually had their building upgraded, including an indoor toilet and electric heating.

In the 1930 census, the population in Fairfax County was only 25,464. Arlington County, at 26,000, was still slightly more populous. But Roosevelt's New Deal was bringing people by the thousands to the Washington suburbs, and the combination of McCandlish's considerable talents with the time and place provided the foundation for what would become known in later years as "the McCandlish Firm."

Fairfax County was a typical rural Virginia County in the 1930s, with a small cadre of lawyers clustered around the court house doing real estate and criminal work, writing wills and settling estates, trying criminal and small civil cases. During the 1930s Fairfax County grew by 61% to 40,929 on the eve of World War II. Meanwhile, Arlington County, being closer in to Washington, doubled in size. In the 1930s the citizens of the Town of Fairfax were concerned about the preservation of the history of their town. Measures were taken to save old residences, and tree planting for the streets was made a budget item. Little did they know what was to come.

In 1930, F. D. Richardson was made a Law Admissions Board member. In 1936 Bob McCandlish was named an Associate Trial Justice in the local court. From 1937 through 1942, Richardson and McCandlish combined their talents to become a political force in Fairfax County. Both men gained stature through their reputations, and appointments to various offices. In May 1941, Bob McCandlish married Josephine Sutton, the daughter of Judge Frank Taylor Sutton, Jr. of Richmond, Virginia.<sup>7</sup> McCandlish met his bride-to-be at a Virginia Bar Association meeting at The Greenbrier where she was visiting with her parents. The next year, the McCandlishes would return as husband and wife.

McCandlish was a natural politician.<sup>8</sup> He remembered everyone's name, and he was outgoing and friendly. He was an entertaining companion at lunch, dinner, at a meeting or a convention,

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<sup>7</sup> From 1926 until his death, Judge Sutton was judge of the old Law and Equity Court of the City of Richmond, Part Two, a court of record, now the Circuit Court.

<sup>8</sup> Robert J. McCandlish, Jr. was a President of the Virginia Bar Association from 1960-61 and practiced law in Fairfax for more than 50 years. He was elected to three terms as a Delegate in the General Assembly in 1942, 1944 and 1948. He was a Commander of a naval gun crew embarked aboard a Liberty ship, he served in both the Atlantic and Pacific theaters, attaining the rank of lieutenant. He served as Commissioner of Accounts for

and he had a wide range of interests. He was particularly quick with the put-down quip, *e.g.*, to an associate full of himself for a good piece of work: “Even a blind hog finds an acorn every now and then.” Some of his quips were laced with good advice. When Henry M. deButts sought to answer a research question by quoting from a lecture by the famous University of Virginia Law Professor Hardy Dillard, McCandlish said, “Don’t tell me what Dillard says. We can’t quote him in a brief. First, go to the black books (the Virginia Code). If the answer isn’t there, go to the red books (Michie’s Jurisprudence). Then look in the brown books (the Virginia Supreme Court Reports). And don’t give me any out-state cases unless there is nothing else, and don’t give me any Georgia cases at all. The court is not going to pay any attention to them.”

In January 1942, F. D. Richardson and Robert J. McCandlish, Jr. became partners and announced the new Firm, **Richardson and McCandlish**. Once established in their practices, many of the lawyers in Fairfax sought elective office. State Senator John W. Rust practiced with his son in a small office next door to Richardson and McCandlish, and State Senator John S. Barbour held forth in the next block. In February 1942, McCandlish threw his hat in the ring and successfully sought election as Delegate to the Virginia General Assembly. In his second session, McCandlish had the good fortune to become the seatmate of John Warren Cooke. Even though Cooke and McCandlish were about the same age, Cooke was the son of a Confederate soldier who had served on the staff of Robert E. Lee. Cooke and McCandlish became close friends, one reason that McCandlish became a sought-after lobbyist when Cooke was elected Speaker many years later. McCandlish’s lobbying clients included Washington Gas and AT&T. McCandlish was re-elected to the House in 1943, and immediately after the session ended in 1944, he joined the Navy. While serving in the Navy, McCandlish was defeated in an absentee bid for re-election, but upon returning from the war, won a closely contested third election for the House of Delegates. The third election was so close that a three-judge panel, led by Judge Paul E. Brown, ordered a recount of the vote, which ultimately resulted in McCandlish’s election by the unlikely and incredible margin of *one vote*. At the conclusion of what would be McCandlish’s last term in the General Assembly, he began to devote his full attention to building a Firm which would be responsive to the growing needs of the Town and County.

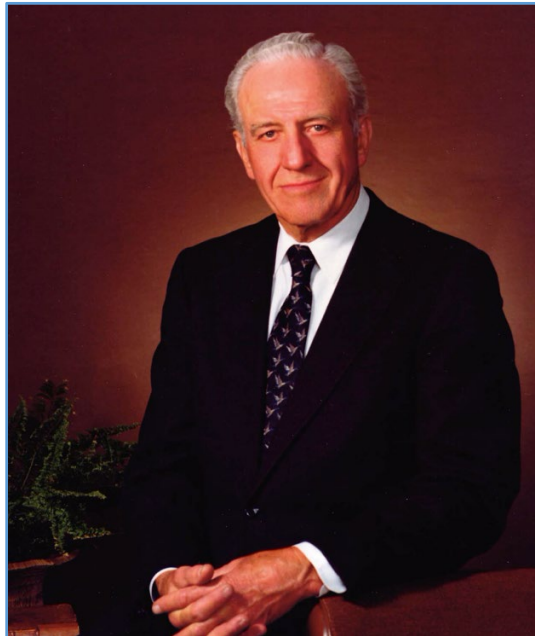
In 1948 Richardson and McCandlish were joined by Rothwell J. (“Jack”) Lillard as an associate. McCandlish had traveled to Charlottesville with his wife to interview prospective new associates at the Law School, and Jack Lillard was his first choice. Lillard was a tall and imposing man, who, by the age of 50, looked like a combination of George Washington and Michelangelo’s Moses. He did not so much argue the law to a judge as simply proclaim it, and

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Fairfax County from 1954 until 1987, and as Deputy Commissioner until shortly before his retirement in 1991; was a member of the Judicial Conference for the Fourth United States Circuit Court of Appeals, a Fellow of the American Bar Foundation and a member of the Boyd-Graves Conference. He was also a member of the Virginia Museum of Fine Arts, the Virginia Historical Society, the National Trust for Historic Preservation, the Robert E. Lee Memorial Association and the Winchester-Frederick County Historical Society.

through the years compiled an impressive record in the Virginia Supreme Court.<sup>9</sup> On one occasion, he was a leading prospect for appointment to that Court.

After receiving his undergraduate degree from the University of Virginia in 1934, Lillard returned home to Madison County, Virginia to become a teacher and principal of Madison County High School (1935–39). People from Madison County claimed that he intimidated even the biggest farm boy, and he admitted that he used the paddle, when appropriate, in the principal’s office. He said that he gave the students the choice of paddling or writing an essay, and they were all too proud to choose the essay.



**Rothwell J. (“Jack”) Lillard**

Like McCandlish, Lillard joined the Navy in World War II. In an interview in March, 2000, Jesse B. Wilson, III would recall that because of Lillard’s “flight experience” (Lillard participated in fly-overs for crop inspections as a part of a New Deal program) and his background as an educator (high school teacher), he received the rank of Lieutenant Commander and put in command of the Pre-Flight Training Center in Pensacola, Florida.

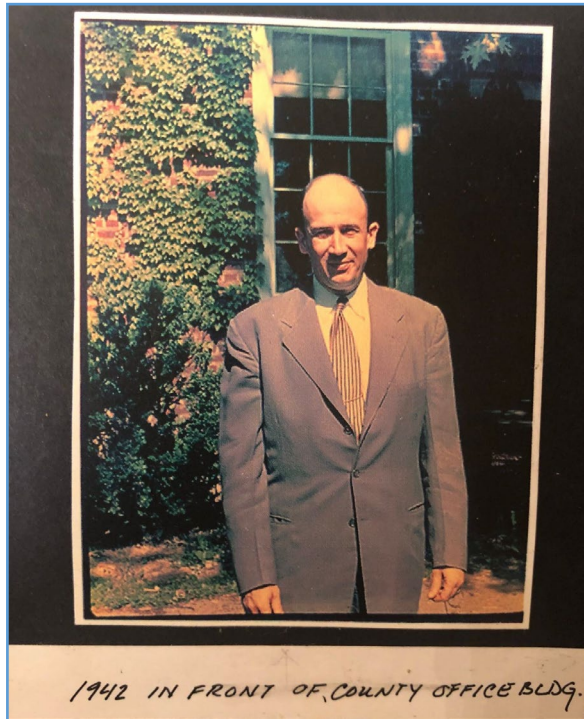
Following the war, Lillard attended the University of Virginia Law School with a host of other returning veterans on the G.I. “Bill of Rights.” The lawyers who came back from the war and entered practice in the late 1940s were one of the most talented and motivated groups ever to

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<sup>9</sup> **Rothwell J. Lillard's Reported Cases:** *Shirley-Duke Apartments, Section One, Inc. v. Board of County Sup'rs of Fairfax County*, 199 Va. 49, 97 S.E.2d 657 (1957); *Hiss v. Friedberg*, 201 Va. 572, 112 S.E.2d 871 (1960); *Rolfs v. Mason*, 202 Va. 690, 119 S.E.2d 238 (1961); *Olson v. Brickles*, 203 Va. 447, 124 S.E.2d 895 (1962); *Barnes v. Graham Virginia Quarries, Inc.*, 204 Va. 414, 132 S.E.2d 395 (1963); *Wright & Hunt, Inc. v. Wright*, 2, 205 Va. 454, 137 S.E.2d 90 (1964); *Kessler v. Commonwealth Doctors Hospital, Inc.*, 212 Va. 497, 185 S.E.2d 43 (1971); *Beard v. Poe*, 211 Va. 626, 179 S.E.2d 473 (1971); *Waterval v. William Doolan Elevator Service, Inc.*, 212 Va. 114, 181 S.E.2d 637 (1971).

come to the bar in Virginia, and Jack Lillard led the pack as the president of the University of Virginia law class of 1948. After entering law practice, he became involved in civic, charitable, and professional activities.<sup>10</sup> Lillard soon rose to the very top of the local profession. By 1950, he was on the Executive Committee of the Fairfax Bar Association, and was its President in 1952.

By the end of the 1940s Fairfax County was emerging as one of Virginia's and the nation's hottest spots. Its population, although still trailing Arlington by about 35,000, had reached nearly 100,000 people. The size and sophistication of local government and local business had gone through the first of several quantum leaps that were to recur in the 1970s, 80s and 90s.



In addition to Lillard, the Firm of Richardson & McCandlish was joined by Ernest Ballou, another 1948 graduate of the Virginia Law School. Ballou, whose origins were in Roanoke, was only in Fairfax for a short time before he was called off to the Korean War. When he came back from the war, he returned to Roanoke, where he later became a highly respected circuit court judge.

Ballou's place in the small office building on South Payne Street was taken by E. Calvin Van Dyck, a native of Portsmouth, Virginia and another member of the 1948 class at the University of Virginia Law School. Van Dyck was even more of a lawyer's lawyer than Lillard. Quiet, thorough and very cautious, he was very scholarly, almost professorial.<sup>11</sup> His published article on "last clear chance" was quoted by the Virginia Supreme Court. He lived within a stone's

throw of his close personal friend McCandlish and was the accommodating butt of many of McCandlish's jokes. Although Van Dyck's undergraduate degree was in electrical engineering, McCandlish persisted in claiming that Van Dyck could not change a light bulb (a base canard).

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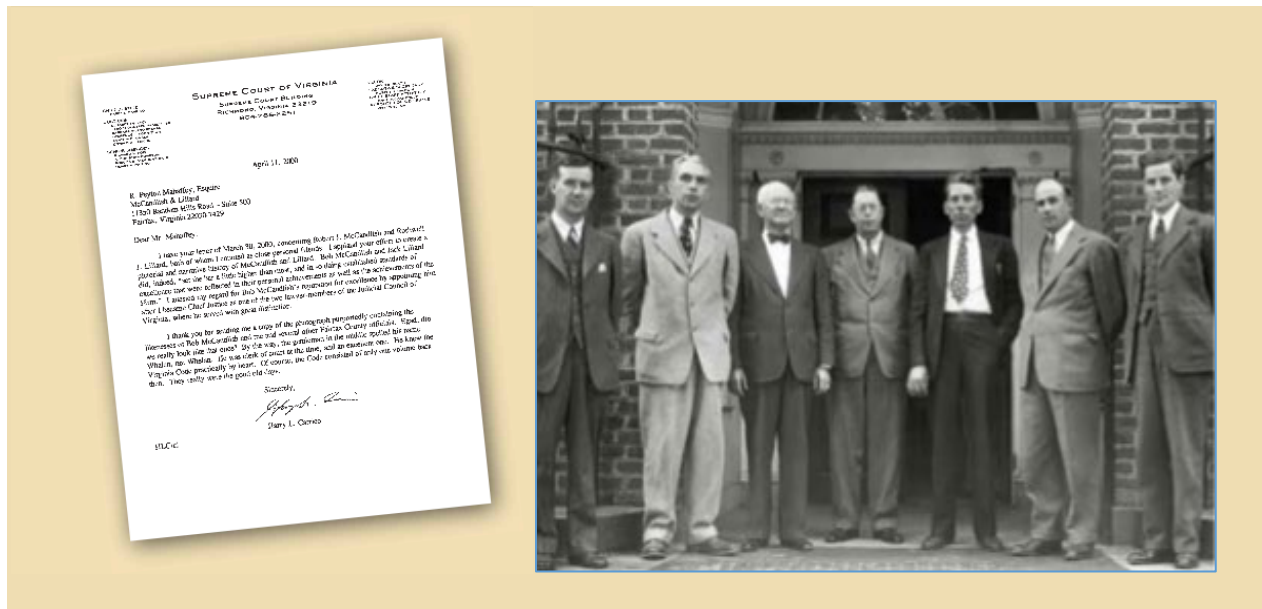
<sup>10</sup> **Rothwell J. Lillard** was a Fairfax Hospital Association Trustee; Chairman of the American Cancer Society's local fund drive; Vestryman and Senior Warden of Truro Episcopal Church; member of the Fairfax Chamber of Commerce; Fellow American College of Trial Lawyers; Fellow Virginia Law Foundation (1985); Member of the Rules Committee, Virginia Bar Council.

<sup>11</sup> **E. Calvin Van Dyck** was also a Director of the Fairfax Library Association.



Judge Calvin Van Dyke

McCandlish became very well known as an annexation specialist, probably as the result of his natural political skills. With population growth, residential development tended to take place in and around the settled communities. The newcomers wanted services such as public sewer and water, fire protection, snow and trash removal, and well-maintained streets. As the Cities of Falls Church and Alexandria and the Town of Fairfax began to fill up and spill over, they looked to take a bite out of neighboring Fairfax County to provide room for growth.



In 1951 Fairfax County sought out Hugh B. Marsh, its recently re-elected Commonwealth's Attorney, and Bob McCandlish to fight off attacks from the Cities of Alexandria and Falls Church. Alexandria succeeded moderately, but Falls Church was turned away completely.

McCandlish became a recognized expert as a regional annexor's attorney, representing Falls Church, the Town of Fairfax (with Town Attorney Van Dyck), the Town of Warrenton, the Town of Manassas and others. In 1954 McCandlish and Marsh were successful in upholding the constitutionality of the Virginia Water and Sewer Authorities Act in the case of *Farquhar v. Board of Supervisors of Fairfax County*, 196 Va. 54 (1954).<sup>12</sup> This important case paved the way for the creation of authorities in Fairfax, Loudoun and Prince William Counties.<sup>13</sup>

Jack Lillard became partner in 1952, and later that same year, **Richardson, McCandlish and Lillard** took in E. Calvin VanDyke as a partner.<sup>14</sup> The Firm was then called **Richardson, McCandlish, Lillard & Van Dyck**.

Toward the end of his career, Fred Richardson found more time for pleasures away from the office. In an interview in February 2000, John H. Rust, Sr. ("Johnny") recalled that his father and Fred Richardson were close friends and golf buddies. It was his recollection that Fred and Senator Rust's trips to the golf course became more frequent as the workload on their young protégés, Bob McCandlish and himself, increased. It was a common practice for these longtime friends to simply walk next door and prevail on the other to leave the office early to play golf. Senator Rust, Richardson, McCandlish and others started the Court House Country Club, now the Country Club of Fairfax. For many years it was a favorite luncheon spot for Firm members.

In his later years, Fred Richardson played most of his golf at Washington Golf and Country Club in Arlington, and in the year of his death, an annual tournament and memorial cup was established in his honor. Fifty-four years later, the Richardson Cup continues to be one of the most significant events of the golf season at Washington Golf and Country Club.

F. D. Richardson died on January 20, 1954 at the age of 79. He is laid to rest in the Old Fairfax City Cemetery. Judge Paul E. Brown entered an Order on January 25 appointing Robert J. McCandlish, Jr. as Commissioner of Accounts for the Circuit Court of Fairfax County, and McCandlish appeared before the Clerk and took the oath prescribed by law that day. The next day, McCandlish was appointed Administrator c.t.a. of the Estate of F. D. Richardson.

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<sup>12</sup> **Hugh B. Marsh's Reported Cases:** *Farquhar v. Board of Sup'rs of Fairfax County*, 196 Va. 54, 82 S.E.2d 577 (1954).

<sup>13</sup> **Robert J. McCandlish, Jr.'s Reported Cases:** *County of Fairfax v. City of Alexandria*, 193 Va. 82, 68 S.E.2d 101 (1951); *City of Falls Church v. County of Fairfax*, 193 Va. 113, 68 S.E.2d 96 (1951); *Archer v. National Bank of Fairfax*, 194 Va. 641, 74 S.E.2d 153 (1953); *Board of Sup'rs of Fairfax County v. Broyhill*, 195 Va. 603, 79 S.E.2d 666 (1954); *Farquhar v. Board of Sup'rs of Fairfax County*, 196 Va. 54, 82 S.E.2d 577 (1954); *Flakne v. Chesapeake & Potomac Tel. Co. of Va.*, 199 Va. 31, 97 S.E.2d 650 (1957).

<sup>14</sup> **E. Calvin Van Dyck's Reported Cases:** *Bibber v. McCreary*, 194 Va. 394, 73 S.E.2d, 382 (1952); *Archer v. National Bank of Fairfax*, 194 Va. 641, 74 S.E.2d 153 (1953); *Fairfax County v. Town of Fairfax*, 201 Va. 362, 111 S.E.2d 428 (1959); *Board of Sup'rs of Loudoun County v. Town of Fairfax*, 199 Va. 612, 101 S.E.2d 519 (1958); *Board of Sup'rs of Fairfax County v. Broyhill*, 105 Va. 603, 79 S.E.2d 666 (1954).