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Administrative Director

POST OFFICE BOX 3806
MERRIFIELD, VIRGINIA 22116-3806
PHONE: 804-282-6363
www.VWAA.org

E-Mail: VWAA@live.com

January 15, 2019

VIA FIRST-CLASS MAIL & FACSIMILE:

The Honorable Ralph S. Northam
Governor, Commonwealth of Virginia
1111 East Broad Street
Richmond, Virginia 23219

VIA FIRST-CLASS MAIL & EMAIL:

Senator Mark D. Obenshain
Chair, Courts of Justice Committee
Senate of Virginia
Pocahontas Building, Room E502
P.O. Box 396
Richmond, Virginia 23219
district26@senate.virginia.gov

VIA FIRST-CLASS MAIL & EMAIL:

Representative Robert B. Bell
Chair, Courts of Justice Committee
Virginia House of Delegates
Pocahontas Building, Room E311
900 E. Main Street
Richmond, Virginia 23219
DelRBell@house.virginia.gov

Re: Anticipated Vacancy in the 20th Judicial Circuit of Virginia, Loudoun County Circuit Court

Dear Governor Northam, Senator Obenshain, and Representative Bell:

On behalf of the Virginia Women Attorneys Association ("VWAA"), a regional committee (the "Committee") was impaneled to evaluate candidates for the anticipated vacancy in the 20th Judicial Circuit of Virginia, Loudoun County Circuit Court.

The VWAA requested that interested candidates complete the VWAA Judicial Candidates Questionnaire (the "Application") and participate in an interview with the Committee. On January 4, 2019, the Committee interviewed the candidates.

It is worth noting that the VWAA ratings are based upon a review of each candidate's merits against published standards and guidelines, including the following: fairness, integrity, experience, intellect, temperament, professionalism, and *pro bono* service. Ratings are not a function of a general vote by the VWAA membership, nor are they a comparison of candidates within the "pool" presented.

The following rating categories are used by the VWAA:

- (1) NOT QUALIFIED: Applied to any applicant who fails to meet the minimum requirements for fairness, experience, intellect, temperament, professionalism, integrity and/or other basic criteria set forth in the ABA Guidelines.
- (2) QUALIFIED: Applied to any applicant who meets the minimum requirements for fairness, experience, intellect, temperament, professionalism, integrity and/or other basic criteria set forth in the ABA Guidelines.
- (3) RECOMMENDED: Applied to applicants whose qualifications are sufficiently above the minimum requirements to warrant the Committee's affirmative recommendation.
- (4) HIGHLY RECOMMENDED: Reserved for any candidate who is especially well-qualified for the position and merits special recommendation.

The VWAA's procedures provide that ratings of "Qualified" and "Recommended" require a vote in support by at least a simple majority of the Committee. A rating of "Highly Recommended" requires a vote in support by at least a two-thirds majority of those voting. In order for the Committee to find that a candidate fails to meet the minimum qualifications and is "Not Qualified," at least two-thirds of those voting must so find.

The Executive Committee of the Board of Directors of the VWAA has approved, in accordance with its procedures, the following endorsements of the Committee for this judicial vacancy:

Lorrie A. Sinclair is found *highly recommended*

Matthew P. Snow is found *recommended*

Sean P. Morgan is found *qualified*

Executive summaries of the qualifications of each of the above candidates are attached to this letter.

For your further information, the Committee members participating in the interview process were as follows:

Renee Berard: Ms. Berard is a senior attorney at Alex Levay, PLLC. Her practice focuses on criminal defense and domestic relations. Ms. Berard is a certified guardian *ad litem* for children and is certified by the Indigent Defense Commission for misdemeanor and felony appointments. Ms. Berard has been a member of the Virginia State Bar since 2009.

Nan Joseph: Ms. Joseph is a principal with the law offices of Joseph & Mische. Ms. Joseph's practice as a trial lawyer in northern Virginia focuses on domestic relations and family law. Ms. Joseph is a certified Fellow of the American Academy of Matrimonial Lawyers and the International Academy of Matrimonial Lawyers. She served as a Special Justice for the Loudoun County General District Court from 2000 to 2017. In addition, Ms. Joseph has served as a member of the Loudoun County Board of Zoning Appeals since 1986 and has been its chairman since 2007. She has served on the Purcellville Planning Commission since July 2018. Ms. Joseph has been a member of the Virginia State Bar since 1976.

Cynthia Kaplan Revesman: Ms. Revesman is the sole managing member of the Law Offices of Cynthia Kaplan Revesman, P.L.C. located in Fairfax, Virginia. Ms. Revesman is admitted to practice law in all the federal and state courts in Virginia, Maryland, and the District of Columbia, and the United States Supreme Court. Ms. Revesman is currently the Treasurer of the Virginia Women Attorneys Association and has been a member of its state-wide Board since 2006. Her practice areas include commercial and retail collection Law, creditor's rights, civil and commercial litigation, insurance subrogation and defense, commercial landlord/tenant law, and criminal and traffic litigation. Ms. Revesman has been a member of the Virginia State Bar since 1991.

Rachel Robinson: Ms. Robinson is a Senior Assistant Public Defender in Loudoun County, where she litigates misdemeanor and felony criminal cases and has argued before both the Virginia Court of Appeals and the Virginia Supreme Court. She is the current President of the Loudoun Chapter of the Virginia Women Attorneys Association. Ms. Robinson has been a member of the Virginia State Bar since 2014.

We hope that this information will prove helpful to you during your selection process for this very important judicial position.

Respectfully yours,



Claire Keena
President
Virginia Women Attorneys Association



Rachel Robinson
Chair of the Loudoun Judicial Evaluation Committee
Virginia Women Attorneys Association

Enclosures: Executive Summary of Sean P. Morgan
 Executive Summary of Lorrie A. Sinclair
 Executive Summary of Matthew P. Snow

CC (by email only): Sean P. Morgan
 Lorrie A. Sinclair
 Matthew P. Snow

CC (by email only): Senator Richard D. Black
 Senator Jennifer B. Boysko
 Senator Barbara Favola

Senator Mark Obenshain
Senator Jill H. Vogel
Delegate John Bell
Delegate Mark Cole
Delegate Karrie K. Delaney
Delegate Gwendolyn W. Gooditis
Delegate David LaRock
Delegate Kathleen J. Murphy
Delegate David A. Reid
Delegate Michael Webert

CC (by email only): Senator Mark Obenshain
Senator Dick Saslaw
Senator Thomas Norment
Senator Janet Howell
Senator Louise Lucas
Senator John S. Edwards
Senator Ryan McDougale
Senator Richard Stuart
Senator William Stanley
Senator Bryce Reeves
Senator Benton "Ben" Chafin
Senator Creigh Deeds
Senator Glen Sturtevant
Senator J. Chapman Petersen
Senator Mark Peake

CC (by email only): Delegate Robert B. Bell
Delegate Terry G. Kilgore
Delegate Todd C. Gilbert
Delegate James A. Leftwich
Delegate Leslie R. Adams
Delegate Jeffrey L. Campbell
Delegate Christopher E. Collins
Delegate Jason S. Miyares
Delegate Vivian E. Watts
Delegate David J. Toscano
Delegate Charniele L. Herring
Delegate Patrick A. Hope
Delegate Michael P. Mullin
Delegate Jeffrey M. Bourne
Delegate Marcus B. Simon
Delegate Jennifer D. Carroll Foy

CC (by email only): Renee Berard
Nan Joseph
Cynthia Kaplan Revesman
Rachel Robinson

SEAN P. MORGAN

Experience and Legal Ability: Mr. Morgan received his Juris Doctor with honors from the University of Oklahoma in 1987 and was admitted to practice law in the Commonwealth of Virginia in 2003. He is also admitted to the Bars of the District of Columbia, Oklahoma, and the United States District Court for the Western District of Oklahoma.

Mr. Morgan currently serves as Deputy Commonwealth Attorney in the Loudoun County Commonwealth's Attorney's Office, which he joined in 2005. His primary focus is managing the litigation and prosecution of criminal cases. His duties include recommending and implementing litigation strategy, managing a litigation team, and acting as a management liaison with judges, law enforcement officers, public officials, and attorneys. Prior to his tenure in this office, he worked at the American Prosecutors Research Institute from 2001 to 2005. There, he was responsible for the development and training of prosecutors on computer crime, identity theft, elder abuse, and telemarketing fraud. From 1995 to 2001, Mr. Morgan worked at the Office of the District Attorney in Oklahoma County, Oklahoma, where he prosecuted criminal and fraud cases. In addition to his extensive background in criminal law, Mr. Morgan also litigated contract claims and protest of awards of federal government contracts during his tenure with Eckert, Seamans, Cherin & Mellott (1994-1995) and Saul, Ewing, Remick & Saul (1998-1993). Mr. Morgan was a Judicial Clerk with the United States District Court for the Western District of Oklahoma from 1988 to 1989.

As a result of his knowledge and experience in the prosecution of fraud cases and computer crimes, Mr. Morgan received the Virginia State Police Fraud Fighter Award in 2006 and 2008. He has participated as a Continuing Legal Education faculty member on nine occasions between 2002 and 2010, and lectured on various topics primarily focused on criminal law and fraud. In 2003, Mr. Morgan co-authored articles on elder abuse and fraud; and in 1995, he was a contributing author to the "Construction Claims Deskbook."

Fairness and Temperament: Through his submission and interview, Mr. Morgan demonstrated to the Committee that he possesses the requisite fairness and temperament expected of a Circuit Court Judge.

Professionalism and Integrity: Mr. Morgan has demonstrated a willingness and ability to administer the law fairly. The Committee finds that he possesses the requisite professionalism and integrity expected for the Circuit Court bench.

Overall Evaluation: The Committee was impressed with Mr. Morgan's intellect and integrity, but found that he has not expanded his legal education to any of the areas of civil practice, which are commonly before the Circuit Court. Mr. Morgan recently chaired a committee focused on important improvements in the Circuit Court, but still limited his scope to the practice of criminal law and remained unaware of key, current issues in the practice of domestic relations law in that court. The Committee noted that Mr. Morgan has government contract litigation experience from 30 years ago, but found that Mr. Morgan has not sought to update that knowledge or broaden his knowledge of other areas of law outside his criminal practice by attending CLEs, court hearings, trials, or online trainings. Gaining mentorship and training in a broader range of practice would likely benefit him. In addition, Mr. Morgan has limited public service and community involvement outside of his paid profession. Accordingly, the Committee found that Mr. Morgan's qualifications met the minimum requirements for the position of a Circuit Court judge and merits the Committee's rating of **QUALIFIED**.

LORRIE A. SINCLAIR

Experience and Legal Ability: Ms. Sinclair received her Juris Doctor from Marshall-Wythe School of Law at the College of William and Mary in 1996 and was admitted to practice law in the Commonwealth of Virginia in 1996. Ms. Sinclair is also admitted to practice in the United States Bankruptcy Court for the Eastern District of Virginia. In June 2018, Ms. Sinclair was admitted to the United States Supreme Court.

Ms. Sinclair has been a principal at the law firm of Biberaj, Snow & Sinclair PC since January 2015. For the six and a half years prior to that, she was a principal in the law firm of Sinclair Taylor PLLC, in Leesburg. Her practice encompasses a wide range of legal areas including criminal defense (felony and misdemeanors for both adults and juveniles), family law (including divorce, child custody, visitation and support), guardianships, conservatorships, personal injury, estate planning, probate, and civil litigation. She is qualified as and regularly serves as guardian *ad litem* for juveniles and, formerly, for incapacitated adults, and court-appointed counsel in criminal cases for misdemeanors, felonies, and juvenile matters.

From 2008 to December 2017, Ms. Sinclair has served as a Special Justice for civil commitments and has presided over hundreds of civil commitment hearings. In 2011, she was appointed as a substitute judge for the 20th Judicial Circuit and has sat in the General District and Juvenile and Domestic Relations District Courts in Loudoun, Clark, Frederick, Prince William, and Spotsylvania Counties, handling civil, criminal, and domestic relations matters. In addition to her practice, she served, from 2012 to 2014, as a contractor at Pro-telligent, LLC, teaching comparative law and contractor legal responsibilities for the U.S. Department of State's Bureau of International Narcotics and Law Enforcement Affairs and was a Legal Instructor at the Northern Virginia Criminal Justice Academy from December 2004 until July 2008.

Ms. Sinclair began her career as a Research Assistant at the Commonwealth's Attorneys' Services Council, and subsequently as Assistant Commonwealth's Attorney in Virginia Beach. Moving to Northern Virginia in 1999, she worked as an associate attorney at The Trade Mark Institute and then at a law firm in Sterling. In 2001, Ms. Sinclair returned to public service as an Assistant Commonwealth's Attorney in Loudoun County, where her experience included both felony and misdemeanor bench trials and jury trials. Ms. Sinclair has served on the Virginia Supreme Court's Court Reporters Committee (2007), the Virginia State Bar (VSB) Mandatory Continuing Legal Education Board (2011-2017), and as an at-large member of the VSB Bar Council (2012-2018), and the Virginia Trial Lawyers Association Ethics and Professionalism Committee (June 2016 to present). She is a past President and Board member of the Loudoun County Bar Association.

The Committee noted Ms. Sinclair's diligence in the continued expansion of practice areas in recent years as she has sought a position in the judiciary. Ms. Sinclair has gained a high degree of knowledge of the substantive and procedural aspects of the law in her ongoing service as Substitute Judge and Special Justice. In these positions, she has utilized opportunities for further training.

Fairness and Temperament: Through her submission and interview, Ms. Sinclair demonstrated to the Committee that she has a keen sense of justice and possesses the requisite fairness and temperament expected of a Circuit Court Judge. As a Substitute Judge and Special Justice, she has demonstrated a balance of patience and decisiveness that is desirable in a jurist. Ms. Sinclair's notable qualities include her compassion, open-mindedness, patience, tact and understanding. She has consistently shown the ability to facilitate conflict resolution and to deal with counsel and clients calmly and courteously.

Professionalism and Integrity: The Committee finds that Ms. Sinclair possesses the requisite professionalism and integrity for the Circuit Court bench. Ms. Sinclair's personal and professional conduct exemplifies adherence to the highest ethical standards.

Overall Evaluation: The Committee found that Ms. Sinclair's integrity, fairness, temperament, intellect, experiences, commitment to public service, and professionalism make her especially well-qualified for the position of a Circuit Court judge and therefore merit special recommendation and the designation of **HIGHLY RECOMMENDED**.

MATTHEW P. SNOW

Experience and Legal Ability: Mr. Snow graduated from the College of William and Mary, where he specialized in Government and Philosophy and was Captain, MVP, and a CAA Scholar Athlete with the Men's Division I Swimming Team. In 2000, he received a Juris Doctor Degree from the University of Richmond School of Law and was admitted to practice law in the Commonwealth of Virginia the same year. Mr. Snow is also admitted to practice in the Fourth Circuit Court of Appeals.

Mr. Snow has been a partner at the law firm of Biberaj Snow & Sinclair PC since 2004 (in 2015, the firm changed its name from Biberaj & Snow, PC to Biberaj Snow & Sinclair, PC). Prior to joining his firm, Mr. Snow litigated hundreds of criminal cases as a Senior Assistant Public Defender in Loudoun County and prosecuted misdemeanor offenses in Prince William County as a contract Assistant Town Attorney and as an associate in the boutique municipal law firm, Smith & Davenport.

In his current practice, Mr. Snow provides legal services in the following areas: domestic relations, family and juvenile law, criminal defense, estate planning, civil litigation, landlord/tenant, collections, and business formation. Mr. Snow serves as a guardian *ad litem* (GAL) for minors. He has presented at multiple CLE programs on the topics of GALs and parent attorneys in social services and child dependency cases. Mr. Snow usually handles several appellate cases each year and has concluded cases in the Supreme Court of Virginia.

In 2017, Mr. Snow began serving as a Substitute Judge in the Loudoun District Courts, usually sitting at least twice per month. Mr. Snow feels it is an honor to be able to serve his community in this capacity and has been observed to treat litigants before him, particularly *pro se* litigants, with respect, patience, and thoughtfulness. Mr. Snow expressed his belief that even giving bad news to litigants and counsel can be done with compassion and understanding. Before serving as a Substitute Judge, Mr. Snow conducted Mental Commitment Hearings as a Special Justice for six years. In both roles, and by representing multiple *pro bono* clients at any given time, Mr. Snow has demonstrated his sense of service towards individuals who do not otherwise have the mental or financial resources to effectively access the justice system.

Mr. Snow continues to serve his community outside of his role as an attorney. He has been a Committee Member of the Loudoun County "Beat the Odds" Scholarship Program since 2004 and currently serves as its Vice Chair. He is also Vice Chair of the Loudoun Community Services Board, of which he has been a Committee Member since 2006. From 2006 to 2015, Mr. Snow was on the Board of Directors for Community Residences Inc. (a non-profit mental health services provider), including his service as its Chairman from 2011 to 2014. He has also been on the Board of Directors since 2005 for Builders Foundation Inc., a non-profit charity that has raised nearly \$200,000 for Loudoun Special Olympics. He has also been a member of the American Inns of Court and the Virginia Women Attorneys Association.

Fairness and Temperament: Through his submission and interview, Mr. Snow demonstrated to the Committee that he has a deep sense of service and possesses the requisite fairness and temperament expected of a Circuit Court Judge. As a Substitute Judge and Special Justice, he is known to be composed, thoughtful, decisive, and humble.

Professionalism and Integrity: The Committee finds that Mr. Snow possesses the requisite professionalism and integrity for the Circuit Court.

Overall Evaluation: The Committee found that Mr. Snow's qualifications, including his integrity, preparedness, professional experience, and sincere commitment to public service and professionalism, are sufficiently above the minimum requirements for the position of a Circuit Court judge and merit the Committee's affirmative recommendation. Mr. Snow therefore warrants the Committee's rating of **RECOMMENDED**.