

**VIRGINIA:**

**BEFORE THE CIRCUIT COURT FOR FAIRFAX COUNTY**

**VIRGINIA STATE BAR EX REL  
FIFTH DISTRICT, SECTION II COMMITTEE  
VSB Docket No. 23-052-126450**

**v.**

**Case No. 2023-01108**

**JUSTIN JORDAN WEISS**

**MEMORANDUM ORDER**

**THIS MATTER** came to be heard on April 25, 2023 by a Three-Judge Circuit Court duly impaneled pursuant to Section 54.1-3935 of the Code of Virginia (1950) as amended, consisting of the Honorable Kathleen M. Uston, Judge of the Eighteenth Judicial Circuit; the Honorable Kimberly A. Irving, Chief Judge of the Thirty-First Judicial Circuit; and the Honorable Ricardo Rigual, Judge of the Fifteenth Judicial Circuit and designated Chief Judge (“Chief Judge”) of the Three-Judge Circuit Court (collectively, “the Court”).

Senior Assistant Bar Counsel Elizabeth K. Shoenfeld represented the Virginia State Bar (“VSB”). Respondent Justin Weiss, having received proper notice of the proceeding, appeared in person and was represented by Daniel Schumack and Seth Guggenheim.

The Chief Judge swore the court reporter. Each member of the Court verified that he or she had no personal or financial interest that might affect or reasonably be perceived to affect his or her ability to be impartial in this matter.

**WHEREUPON** a hearing was conducted upon the Rule to Show Cause issued against Respondent. The Rule directed Respondent to appear and to show cause why his license to practice law in the Commonwealth of Virginia should not be suspended, revoked or otherwise

sanctioned by reason of allegations of ethical misconduct set forth in the Certification issued by a Subcommittee of the Fifth District Committee, Section II, of the VSB.

Prior to the hearing, the parties submitted stipulations of fact.

The Court admitted VSB Exhibits 1-74 into evidence, except that, in response to Respondent's objection, the VSB agreed and the Court ruled that the portion of Exhibit 4 summarizing the interview of one witness should be stricken.

The Court admitted Respondent's Exhibits 6 and 8-13 into evidence. The Court sustained the VSB's objection to Respondent's Exhibit 14. Respondent's other exhibits were reserved for the sanctions phase of the case, which did not occur.

The Court heard argument regarding the VSB's objection to Respondent's proffered expert witness. After considering the argument of the parties, the Court ruled that the expert would be permitted to testify regarding Respondent's handling of the underlying case but would not be permitted to offer any legal conclusions regarding whether Respondent violated any Virginia Rule of Professional Conduct.

Both parties made opening statements. The Court received the testimony of Complainant and VSB Investigator Ronald McCall for the VSB. The VSB then rested.

Respondent moved to strike the VSB's evidence. After considering the evidence and the argument of the parties, the Court denied the motion.

The Court received the testimony of the designated expert and Respondent. Respondent then rested.

Both parties made closing arguments.

Upon due deliberation and consideration of the exhibits, witness testimony, and argument for the parties, the Court found, by majority decision, that the alleged violations of Virginia Rules of Professional Conduct 1.7(a)(2) and 8.4(b) were not proven by clear and convincing evidence. Judge Irving dissented on the record.

It is ORDERED that:

1. This matter is DISMISSED.
2. The Clerk shall return hearing exhibits to the respective parties' counsel.
3. The Clerk shall send a copy teste of this Memorandum Order to Respondent, Justin Weiss by certified mail, return receipt requested, at Kidwell & Kent, L.C., 9695 C Main Street, Fairfax, VA 22031; by first class mail to Daniel Schumack and Seth Guggenheim, Respondent's Co-Counsel, at Schumack & Guggenheim PLLC, 3900 Jermantown Road, Suite 300, Fairfax, Virginia 22030; to the Honorable Joanne Fronfelter, Clerk of the Disciplinary System, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219; and to Elizabeth Shoenfeld, 1111 E. Main Street, Suite 700, Richmond, Virginia 23219.

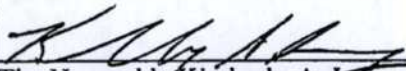
The hearing was recorded by Rudiger & Green, 8441 Rixlew Lane, Suite 330, Manassas, Virginia 20109.

ENTER: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Ricardo Rigual  
Chief Judge Designate

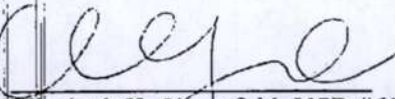


The Honorable Kathleen M. Uston

  
The Honorable Kimberly A. Irving

Seen:

VIRGINIA STATE BAR

  
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