

A Guide to the Court of Appeals of Virginia Oral History Interviews, 2009

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A Collection in the Supreme Court of Virginia Archives, Virginia State Law Library 00020373, 00022067, 00033074, 00032456, 00035687, 00036013, 00036014, and 00037938, 00043198.

Virginia State Law Library, Supreme Court of Virginia Archives
2015-

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History

Processed by: Catherine G. O'Brien

Title Statement

A Guide to the Court of Appeals of Virginia Oral History Interviews, 2009

Subtitle: Court of Appeals of Virginia Oral History Interviews

Collection: 00020373

Author: Catherine G. O'Brien

Publication Statement

Date: ©2015 By The Virginia State Law Library. All rights reserved.

Publisher: Supreme Court of Virginia Archives, Virginia State Law Library

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Profile Description

Creation: Machine-readable finding aid derived from being created directly into EAD, created by Catherine G. O'Brien, 13 March 2012

Language Usage: Description is in English

Revision Description

2013-11-21 Converted to schema conforming EAD by dtd2schema.vh.xsl.

Descriptive Summary

Accession Numbers

00020373, 00022067, 00033074, 00032456, 00036013, 00036014, 00037938, and 00043198.

Language

English

Abstract

Oral history interviews, 2009-2018, of judges who have served on the Court of Appeals of Virginia. Oral history interviews were conducted by Cassandra Newby-Alexander, Professor of History, Norfolk State University, for the Supreme Court of Virginia Archives. Interviews were conducted with the following: retired Court of Appeals Judge James W. Benton, Jr., at the Supreme Court Building in Richmond; retired Court of Appeals Judge Richard S. Bray, at the office of the Beazley Foundation in Portsmouth; retired Court of Appeals Judge Johanna L. Fitzpatrick, at her home in Alexandria; Senior Judge James W. Haley, Jr., at the Supreme Court Building in Richmond; Senior Judge Samuel W. Coleman, at the Supreme Building in Richmond; and Chief Judge Salter S. Felton, Jr., at the Supreme Court Building in Richmond; Judge Robert P. Frank, at his chambers in Newport News; Judge William H. Hodges, at his residence in Norfolk; and Judge Rosemarie Annunziata, at the Supreme Court Building in Richmond. Transcripts available.

Creator

Virginia. Supreme Court.

Extent

2 mini video cassettes (DV camera) and seven digital video files; 9 interviews and 9 transcripts.

Repository

Supreme Court of Virginia Archives, Virginia State Law Library

Administrative Information

Access Restrictions

Collection is open to research.

Use Restrictions

Because the library is not open to the general public, researchers should contact the library to arrange access to the collection.

Acquisition Information

The interviews were created for the Supreme Court of Virginia Archives, 2009-2018.

Preferred Citation

Court of Appeals of Virginia Oral History Interviews, 2009-2015, Accession numbers 00020372, 00020373, 00022067, 00033074, 00032456, 00036013, 00036014, 00037938, and 00043198, Supreme Court of Virginia Archives, Virginia State Law Library, Richmond, Va.

Biographical/Historical Information

The Court of Appeals of Virginia was established January 1, 1985. It provides appellate review of final decisions of the circuit courts in domestic relations matters, appeals from decisions of an administrative agency, traffic infractions and criminal cases, except where a sentence of death has been imposed. It also hears appeals of final decisions of the Virginia Workers' Compensation Commission. Except in those cases where the decision of the Court of Appeals is final, any party aggrieved by a decision of the Court of Appeals may petition the Supreme Court for an appeal. The Court of Appeals consists of eleven judges. The court sits in panels of at least three judges, and the membership of the panels is rotated. The court sits at such locations as the chief judge designates, so as to provide convenient access to the various geographic areas of the Commonwealth.

James W. Benton, Jr. (b. 1944) was appointed to the Court of Appeals of Virginia in 1985 and retired in 2007. A native of Norfolk, Benton attended public schools there and participated in civil rights demonstrations while he was in high school. He earned an undergraduate degree from Temple University in Boston and a law degree from the University of Virginia. He worked for the NAACP Legal Defense Fund in Richmond and was a partner at the Richmond law firm of Hill, Tucker Marsh.

Robert S. Bray (b. 1946) was appointed to the Court of Appeals in 1991 by Governor Gerald Baliles and retired in 2002. A native of Portsmouth, Bray attended public schools there. He earned an undergraduate degree from Randolph-Macon College in Ashland and a law degree from the College of William and Mary. He was in private practice in Chesapeake for fifteen years before he was elected circuit court judge in Chesapeake in 1989. After retiring from the court in 2002 he served as president of the Beazley Foundation in Portsmouth.

Samuel W. Coleman (b. 1940) served on the Court of Appeals of Virginia from 1985-2001. He has served as a senior (retired) judge from 2001-2010 and 2013 to the present. Coleman was born in Kingsport, Tennessee and grew up in Gate City, Virginia, where he attended public schools. He earned an undergraduate degree from the University of Virginia and a law degree from Washington and Lee University. He practiced law in

Gate City until he was elected circuit court judge in the Thirteenth Judicial Circuit (Lee, Scott, and Wise Counties). In 1985, Coleman was elected to the first Court of Appeals of Virginia.

Walter S. Felton, Jr., (b. 1944) was appointed to the Court of Appeals of Virginia in 2002 and retired in 2014. He served as chief judge from 2006 to 2014. A native of Suffolk, Felton attended public schools there and college and law school at the University of Richmond. He practiced law in Suffolk, taught law at the College of William and Mary, and worked in the Office of the Attorney General and the office of Governor James S. Gilmore before he was appointed to the court in 2002.

Johanna L. Fitzpatrick (b. 1946) served on the Court of Appeals of Virginia from 1992 to 2006. A native of Birmingham, Alabama, she attended Tufts University in Boston and earned a law degree from Catholic University in Washington, D.C. She began working for Fairfax Legal Aid Society in 1974. In 1980, she was elected Juvenile and Domestic Relations judge in Fairfax County, making her the second woman elected judge in Virginia. In 1982, Fitzpatrick was elected circuit court judge in Fairfax County.

Robert P. Frank (b. 1944) served on the Court of Appeals from 1999 to 2014, when he took senior status. He was born and reared in Newport News. Frank earned undergraduate and law degrees from the University of Virginia. He practiced law in Newport News with his brother from 1968 to 1986, when he was elected judge of the Juvenile and Domestic Relations Court, Seventh Judicial Circuit in Newport News.

James W. Haley, Jr. (b. 1942) served on the Court of Appeals of Virginia from 2005 to 2012, when he took senior status. He was born in Washington, DC and reared in Arlington. Haley attended Washington and Lee University and the University of Virginia School of Law. He was a law clerk for Chief Justice John W. Eggleston in 1967 and 1968, then worked as an assistant commonwealth's attorney in Arlington County. He practiced law in Fredericksburg County and was County Attorney in King George County. In 1985, he was elected general district judge in the 15 judicial circuit, and in 1989 circuit court judge in the same circuit. He was elected to the Court of Appeals in 2005.

William H. Hodges (b. 1929) served on the Court of Appeals from 1985 to 1989. He was a state delegate from 1962 to 1966 and state senator from 1966 to 1972, when he was elected circuit court judge. He practiced law in Norfolk and Chesapeake from 1960 to 1972. He continued to serve as a substitute judge after he retired in 1989.

Rosemarie Annunziata (b. 1940) served on the Court of Appeals of Virginia from 1995 to 2005, and as a senior judge on the court from 2005 to 2015. She was a circuit court judge in Fairfax County from 1989 to 1995.

The Supreme Court of Virginia Historical Commission was established in 2006 to preserve and promote the history of the court. Oral history interviews of retired Supreme Court justices, Court of Appeals judges, other individuals associated with the court, and civil rights attorneys were begun in 2007. The project is ongoing.

Scope and Content

In the interview of James W. Benton, Jr., conducted March 12, 2009 (2 hours, 12 minutes; transcript available), Benton discusses growing up in the Huntersville neighborhood of Norfolk Va., attending segregated schools, participating in sit-in protests to desegregate public facilities, and being among the first African Americans to attend a formerly white high school in Norfolk. He talks about attending Temple University in Philadelphia, graduate school in Northwestern University in Chicago, and law school at the University of Virginia in the late 1960s and the experience of being one of the first African Americans to attend the law school. He relates his experiences working as an attorney for the NAACP Legal Defense Fund at the Richmond law firm Hill, Tucker, Marsh in Richmond; his work on the Norfolk school desegregation court cases, and his work on business cases and housing discrimination cases in the 1970s and 1980s. Benton also talks about the circumstances leading to his appointment on the Court of Appeals of Virginia when it was established in 1985, the work of establishing the court, his approach to his role as a judge, his thoughts about writing dissenting opinions, and his views on constitutional rights and criminal cases.

In the interview of Robert S. Bray, conducted August 6, 2018, at the Beazley Foundation in Portsmouth (1 hour, 46 minutes; transcript available), Judge Bray talks about growing up in Portsmouth and particularly the influences of his father, a pharmacist who owned several drug stores in the community, and Lawrence W. I'Anson, chief justice of the Supreme Court of Virginia. I'Anson was a neighbor and family friend and mentored Bray from a young age. He discusses his experiences as an attorney in private practice in Chesapeake, a circuit court judge, and as a judge on the Court of Appeals. He also reflects on his experience as president of the Beazley Foundation, where he succeeded retired Chief Justice I'Anson as president in 2002.

In the interview of Samuel W. Coleman, conducted December 16, 2013, at the Supreme Court Building in Richmond (2 hours, 27 minutes; transcript available), Judge Coleman talks about his family's roots in Scott County and growing up in Gate City, his education, practice law in Gate City, and serving as a circuit court judge. He also discusses making the transition to an appellate court judge and his experiences serving as a judge on the Court of Appeals of Virginia.

In the interview of James S. Felton, Jr., conducted November 7, 2014 (1 hour, 40 minutes; transcript available), Felton discusses growing up in Suffolk, attending public schools there, attending college and law school at the University of Richmond, and his career as an attorney, professor of law at William and Mary, an attorney in the Office of the Attorney General and the office of Virginia Governor James S. Gilmore, and as a judge and chief judge on the Court of Appeals of Virginia.

In the interview of Robert P. Frank, conducted December 19, 2014, at his chambers in Newport News (1 hour, 26 minutes; transcript available), Frank discusses his childhood in Newport News, his family's roots in Europe and immigration to Baltimore and Newport News; his family's connections to the Jewish community in Newport News, playing sports, attending public schools in Newport News and the University of Virginia. He talks about his career, first as a lawyer in private practice with his brother; and as a judicial and domestic relations judge, a circuit court judge, and a judge on the Court of Appeals of Virginia.

In the interview of Johanna Levenson Fitzpatrick, conducted July 13, 2009 (2 hours; transcript available), Judge Fitzpatrick talks about her early life and growing up in Birmingham, Alabama, where her father owned a department store; her education at Tufts University in Boston and Catholic University Law School in Washington, D.C., working as a legal-aid lawyer and on revisions to the code on neglect and abuse of children; and her work as a juvenile and domestic relations judge and a circuit court judge in Fairfax County. She talks about breaking down gender barriers as a judge in Virginia, and her appointment to the Court of Appeals of Virginia in 1992; choosing and mentoring law clerks, the process of writing opinions, differences between working as a trial judge and an appellate judge, her decision to retire in 2006, and her subsequent career as a mediator.

In the interview of James W. Haley, Jr., conducted September 11, 2013 (1 hour, 45 minutes, 24 seconds; transcript available), Judge Haley talks about growing up in Arlington, Virginia, and the influence of his parents (his father was a lawyer and worked as a lobbyist for coal companies; his mother was an attorney for the Treasury Department before Haley was born) and teachers at St. Stephen's Episcopal School for Boys, Washington and Lee, and the University of Virginia. He reflects on the experience of clerking for Chief Justice Eggleston and working for Commonwealth's Attorney William Hassan and a county attorney in King George County, and his experiences in private practice and as a district, circuit, and appellate judge on the Court of Appeals.

In the interview of William H. Hodges, conducted March 6, 2015, at his residence in Norfolk, Hodges talks about growing up in rural Norfolk County, where his father farmed and worked as a police officer; attending Randolph Macon Military Academy in Winchester and Randolph Macon College in Ashland, and law school at Washington and Lee; practicing law in Norfolk and Chesapeake, serving in the House of Delegates and Senate, and a circuit court judge, and the experience of being one of the founding members of the Court of Appeals.

In the interview of Rosemarie Annunziata, conducted November 18, 2015, Judge Annunziata talks about growing up a first-generation American in Newark and Irvington, New Jersey, her family's roots in the Puglia region of Italy; her education, including French studies at the Sorbonne, in Paris, and Yale University; working at the *Montgomery Advertiser* newspaper in Montgomery, Alabama, from 1963 to 1966; her work on the Fairfax County, Va., Planning Commission and other community work, attending law school after having a family, practicing law in Fairfax County, and her career as a circuit court and appellate judge.

Index Terms

Annunziata, Rosemarie Petitti, 1940-.
Benton, James William, 1944-.
Bray, Robert S., 1946-.
Coleman, Samuel Walton, 1940-.
Felton, Walter S., Jr., 1944-.
Fitzpatrick, Johanna Levenson, 1946-.
Frank, Robert P., 1944-.
Haley, James W., Jr., 1942-.
Hill, Oliver White, 1907-2007.
Hodges, William H., 1929-.
Hoffman, Walter Edward, 1907-1996.
Marsh, Henry L., 1933-.
Newby-Alexander, Cassandra, 1956-.
Tucker, Samuel Wilbert, 1913-1990.
Virginia -- Court of Appeals -- History.
Virginia -- Supreme Court -- Historical Commission.
African American civil rights workers -- Interviews.

African American lawyers -- Interviews.
Civil rights -- United States -- History -- 20th century.
Domestic relations court -- Virginia.
Juvenile court -- Virginia.
Minorities -- Civil rights -- Virginia.
Segregation in education -- Virginia.
Women lawyers -- Interviews.
Birmingham (Al.) -- History -- 20th century.
Norfolk (Va.) -- History -- 20th century.
Richmond (Va.) -- History -- 20th century.
Oral histories (document genre) -- Virginia.