

# A Guide to the Supreme Court of Virginia Oral History Interviews, 2007-

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## **Abstract**

Oral history interviews of retired Supreme Court of Virginia justices were conducted for the Supreme Court of Virginia Historical Commission by Arlington County Circuit Judge Joanne F. Alper (1 interview), Norfolk State Professor of History Cassandra Newby-Alexander, State Law Librarian Gail Warren (1 interview), and Connie Doebele (1 interview), beginning in 2007. Interviews have been conducted with the following: Judge G. Steven Agee, Justice Harry L. Carrico, Justice George M. Cochran, Judge Barbara Milano Keenan, Chief Justice Cynthia D. Kinser, Justice Lawrence L. Koontz, Jr., Justice Elizabeth B. Lacy, Justice LeRoy F. Millette, Jr., Justice Charles Russell, Justice W. Carrington Thompson, and Justice Henry H. Whiting.

## **Creator**

Virginia State Law Library.

## **Extent**

15 mini video cassettes (DV camera) and 4 digital moving image files recorded with HDV camera; 15 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.

The interview of Cynthia D. Kinser is closed until August 16, 2026.

## **Acquisition Information**

The interviews were created for the Supreme Court of Virginia Archives, 2007-2018. In 2016, copies of interviews conducted from 2007-2016 were donated to the Library of Virginia for longterm preservation and access.

## **Preferred Citation**

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# **Biographical/Historical Information**

The Supreme Court of Virginia Historical Advisory Committee (formerly 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 was brought under the auspices of the Virginia State Law Library in 2011 and is ongoing.

Judge G. Steven Agee (b. 1952) was elected to the Supreme Court of Appeals of Virginia in 2003 and served until 2008, when he was appointed to the U.S. Court of Appeals for the Fourth Circuit. He served on the Court of Appeals of Virginia from 2001 to 2003. He was in private practice in Roanoke from 1977 to 2000 and a member of the House of Delegates from 1982 to 1994. Agee was born in Roanoke.

Justice Harry Lee Carrico (b. 1916) was appointed to the Supreme Court of Appeals of Virginia in 1961 and was chief justice from 1981-2003. Before joining the court, he was a lawyer and judge in Fairfax County. He was an ensign in the navy during World War II. Carrico was born in Washington D.C. and reared in rural Fauquier and Fairfax counties.

Justice George M. Cochran (1912-2011) served on the Supreme Court of Virginia from 1969-1987. A lifelong resident of Staunton, he was a member of the House of Delegates from 1948 to 1966 and the Virginia Senate from 1966 to 1968.

Barbara M. Keenan (b. 1950) served on the Supreme Court of Virginia from 1991 to 2010, when she was confirmed as a judge on the U.S. Court of Appeals for the Fourth Circuit. She was a judge on the Court of Appeals of Virginia from 1985 to 1991. She was the first woman to serve as a circuit and appellate court judge in Virginia.

Cynthia D. Kinser (b. 1951) served on the Supreme Court of Virginia from 1997 to 2014, and as chief justice from 2011 to 2014. She was the third woman to serve on the Supreme Court of Virginia and the first woman to serve as chief justice.

Justice Lawrence L. Koontz, Jr. (b. 1940) served as justice on the Supreme Court of Virginia from 1995 to 2011, when he took senior status. He was one ten judges who served on the first Court of Appeals of Virginia in 1985 and served on the court until 1995. He was the second chief judge of the court, serving from 1985 to 1993. From 1976 to 1984, Koontz was a circuit court judge in 23rd judicial circuit in Roanoke; from 1968 to 1976, he was a juvenile and domestic relations judge in the general district court in Roanoke.

Justice Elizabeth B. Lacy (b. 1945) served as justice on the Supreme Court of Virginia from 1989 to 2007, when she took senior status. She was the first woman to serve on the court, the first woman to serve as Deputy Attorney General in Virginia, and the first woman to serve as a judge on the State Corporation Commission. Lacy was born in South Carolina and grew up in Wisconsin. She worked in Texas as a teacher and Assistant Attorney General and Division Chief (1972-1976) before moving to Virginia. She was Virginia Deputy Attorney General, overseeing all civil litigation, from 1982-1985; and Judge, Virginia State Corporation Commission, 1985-1989.

Justice LeRoy F. Millette, Jr. (b. 1949) served as a justice on the Supreme Court of Virginia from 2008 to 2015, when he took senior status. He served on the Court of Appeals from 2007 to 2008. Millette was a circuit court judge in Prince William County from 1993 to 2007, a district court judge from 1990 to 1993, and an assistant commonwealth's attorney in Prince William County from 1986 to 1993. As a circuit court judge he presided over two widely publicized criminal trials: John Wayne Bobbitt in 1993 and John Allen Muhammed in 2003.

Justice Charles S. Russell (b. 1926) served on the Supreme Court of Virginia from 1982-1991. He returned to the court as a senior justice in 2004. Russell practiced law in Arlington and Fairfax from 1951 to 1967 and was appointed judge for the 17th Judicial District in 1967. From 1967 to 1982, Russell was a circuit court judge in Fairfax County. Russell was born in Richmond. He served in the U.S. Navy in World II and the Korean War.

Justice Roscoe B. Stephenson (1922-2011) served on the Supreme Court of Virginia as justice from 1981 to 1997, when he took senior status. A lifelong resident of Covington, Va., Stephenson practiced law in Covington and was Alleghany County Commonwealth's Attorney and a judge on the 25th judicial circuit before his appointment to the Supreme Court.

Justice John Charles Thomas (b. 1950) served on the Supreme Court of Virginia from 1983-1989. A native of Norfolk, Thomas graduated from the University of Virginia law school in 1975 and worked at Hunton & Williams law firm in Richmond, where he became the first African American to be named partner in a large law firm in the South. When Thomas resigned from the Supreme Court in 1989, he returned to private practice at Hunton & Williams.

Justice W. Carrington (William Carrington) Thompson (1915-2011) served on the Supreme Court of Virginia from 1980-1983. A native of Chatham, Virginia, he established a law practice there after returning from service in the navy during World War II. Thompson served in the Virginia House of Delegates from 1959 to 1968 and the Virginia State Senate from 1968-1973. He was a circuit judge before his appointment to the Supreme Court of Virginia.

Justice Henry H. Whiting (1923-) served on the Supreme Court of Virginia from 1987 to 1995, when he took senior status. Whiting was born in Fort Logan, Colorado, and spent most of his youth in Winchester, Virginia. He attended Virginia Tech for one year before enlisting in the U.S. Army during World War II. After the war, he attended the University of Virginia and earned a law degree there in 1949. He practiced law in Winchester, Virginia, for much of his career. In 1980, Whiting was appointed to the 28th Judicial Circuit by Governor John Dalton; in 1987, he was elected by the General Assembly to the Supreme Court of Virginia.

## Scope and Content

In the interview of Judge G. Steven Agee by Connie Doebele (September 26, 2017, 2 hours, 22 minutes; transcript available), Judge Agee talks about his early life and family, his father's military service in World War II, practicing law in Roanoke, and serving in the House of Delegates. He discusses changes in Virginia politics in the 1980s and 1990s, particularly in Republican party; and serving as an appellate court judge in the state and federal court system. Agee also discusses his legislative career, including his advocacy of changes in the judicial selection process and the parole system; and the unique sense of history associated with the Supreme Court of Virginia.

In the interview of Justice Harry Carrico by Judge Joanne Alper (April 12, 2007, 78 minutes; transcript available), Justice Carrico discusses changes he witnessed during his long tenure on the court, his experiences as a young judge and lawyer in northern Virginia (Alexandria and Fairfax and Prince William counties) in the 1940s and 1950s, his work on the Judicial Conference of the U.S. and his relationships with U.S. Supreme Court justices Warren Burger and William Rehnquist. Toward the end of the interview, he reflects on his relationships with the justices who were on the Supreme Court of Virginia when he was appointed in 1961, his workflow and opinion-writing processes, the creation of the Office of the Executive Secretary (court administrator), and the appointments of the first African American and women justices to the court. He also talks about the establishment of the Court of Appeals of Virginia in 1985 and a statewide

system of Juvenile and Domestic Relations courts in 1972 and 1973. The interview concludes with a discussion of the founding of the National Center for State Courts in 1971.

In the interview of Justice Harry Carrico by Professor Cassandra Newby-Alexander (September 28, 2007, 1 hour, 57 minutes; transcript available), Carrico discusses his family and early life on a dairy farm in rural Fairfax County, his father's work as a billboard artist for the General Outdoor Advertising Company and his business operating a riding stable. He recalls going to a combined grade school and high school in Bailey's Crossroads and attending Lee-Jackson High School in Fairfax County, and working and attending law school in Washington D.C. He discusses his experience working in contract terminations in the navy during World War II, his work as a lawyer and judge in Fairfax County before and after the war, and his appointment to the Supreme Court of Virginia in 1961. Toward the end of the interview, Carrico talks about the process of writing opinions, and his decision in *Loving v. Commonwealth of Virginia*, which upheld the state statute barring interracial marriage in 1967. He reflects on changes in the court during his tenure, including the appointment of the first African American and women justices, and his recollections of the justices who were on the court when he was appointed in 1961 (Chief Justice John Eggleston, Justice L. Warren I'Anson, Justice Claude V. Spratley, Harold F. Snead). The interview ends with a discussion of Carrico's work for the John Marshall Foundation and his thoughts about the historical importance of Marshall's contributions to the judiciary.

In the interview of Justice George M. Cochran by Professor Cassandra Newby-Alexander (March 30, 2007, 1 hour, 56 minutes; transcript available), Justice Cochran talks about his family's roots in Staunton, his ancestor Alexander H.H. Stuart and Stuart's political career before and after the Civil War. He reflects on his early life in Staunton, his education at Episcopal High School in Alexandria and at the University of Virginia, and his service in the navy in California and the Pacific during World War II. He discusses being a state legislator during the 1950s and 1960s and efforts by a younger generation of legislators to repeal the poll tax and segregation laws after World War II. Cochran also reflects on massive resistance and working to establish a community college system in Virginia. He talks about working with fellow state legislators Armistead Boothe, Mosby G. Perrow, Tayloe Murphy, Mills Godwin, and Albertis Harrison, and Governor Colgate Darden, and Governor Lindsay Almond. Toward the end of the interview, Cochran talks about his appointment to the Supreme Court of Virginia, his friendship with Albertis Harrison when they were both on the court, his thoughts about dissenting from the majority, and making the transition from writing legal briefs to writing judicial opinions. The interview concludes with Cochran's recollections about organizing meetings of the Virginia State Bar Association in England and Scotland, the appointment of the first women and African American justices to the court, and socializing with other out-of-town justices at the John Marshall Hotel in Richmond.

In the interview of Judge Barbara Milano Keenan by Professor Cassandra Newby-Alexander (June 6, 2013, 2 hours, 38 minutes; transcript available), Judge Keenan talks about her family's history and the influence of their experiences as immigrants to West Virginia in the early twentieth century, attending Catholic high school in Arlington, Virginia, and Cornell University during the 1960s; and working at the U.S. Department of Justice while attending law school at George Washington University. She discusses her early career as an assistant commonwealth's attorney in Fairfax County, working as a lawyer in private practice, her first years on the bench as a district and circuit court judge in Fairfax, and her service on the Court of Appeals of Virginia, the Supreme Court of Virginia, and the Fourth Circuit, U.S. Court of Appeals. She also reflects on the experience of being among the first women judges in Virginia and the influences of mentors and colleagues throughout her career.

The interview of Chief Justice Cynthia D. Kinser was conducted by Professor Cassandra Newby-Alexander August 16, 2016, at Gentry Locke law firm in Roanoke, Virginia. The recording and transcript of the interview are closed until August 16, 2026.

In the interview of Justice Lawrence L. Koontz, Jr. by Gail Warren, State Law Librarian (May 17, 2013, 55 minutes; transcript available), Justice Koontz talks about growing up in Salem, Virginia, attending Virginia Tech and law school at the University of Richmond, and his early years as a lawyer, commonwealth's attorney, and judge in Roanoke. He reflects on the experience of forming rules and procedures for the Court of Appeals, serving on the Supreme Court of Virginia, and changes in the legal profession and the judiciary during his career.

In the interview of Justice Elizabeth B. Lacy by Professor Cassandra Newby-Alexander (September 15, 2008, 1 hour, 56 minutes, transcript available), Justice Lacy talks about growing up in Oshkosh, Wisconsin, where her parents owned a business, in the 1950s; her education at Catholic schools in Oshkosh and at St. Mary's College at Notre Dame, and attending law school at the University of Texas in Austin. She talks about her early legal career working for the Texas Legislative Council and the Texas Attorney General's office, where she became the first woman division chief. She reflects on the political atmosphere in Texas when she was in law school and in the early years of her legal career, and the influence of women such as Barbara Jordan, Kay Bailey Hutchinson, Sarah Weddington, and others who were elected to public office in Texas in the late 1960s and early 1970s. In the second part of the interview, Justice Lacy recounts moving to Virginia in the late 1970s, her work as Deputy Attorney General under Attorney General Gerald Baliles, her appointment to the State Corporation Commission in 1985 and her work there, and her appointment to the Supreme Court of

Virginia in 1989. The interview ends with Lacy's reflections on her early experiences on the court and changes in the court during her tenure.

In the interview of Justice Lacy by Professor Cassandra Newby-Alexander (October 8, 2008, 1 hour, 38 minutes, transcript available), Justice Lacy talks about the appellate court process and the experience of working as a member of a group. She recalls cases that were particularly memorable involving redistricting, the definition of injury in a medical malpractice suit involving a tubal litigation; and a privacy case pertaining to parents' right to serve alcohol to minors in the privacy of their homes. She also talks about the early use of DNA evidence in Virginia and problems with evidence in death penalty cases. In the second part of the interview, Justice Lacy talks about her work on the Virginia Taskforce on Gender Bias in the Courtroom, her thoughts about gender, feminism, and gender discrimination, her perception of changes in the tone of the court during the period she served, her approach to decision-making in a group, the opinion-writing process, writing techniques, and working with law clerks. Toward the end of the interview, Justice Lacy reflects on her involvement in professional organizations like the National Association of Women Judges and the American Bar Association, and the importance of being a public advocate for the judicial system. She talks about the regulatory role of the Supreme Court of Virginia, and her efforts to stay informed of changes in legal education and practice. The interview concludes with Justice Lacy's reflections on her legacy as the first woman to serve on the Supreme Court of Virginia.

In the interview of Justice Millette by Professor Cassandra Newby-Alexander (June 16, 2017, 2 hours, 1 minute; transcript available) Millette talks about his family and growing up in Alexandria and Fairfax Virginia, attending the College of William and Mary, establishing a law practice in Prince William County, working as an assistant commonwealth's attorney and becoming a judge. He discusses his experiences presiding over the trial of John Wayne Bobbitt, in 1993, and John Allen Muhammad in 2003; and working as a circuit court and appellate judge.

In the interview of Justice Charles S. Russell by Judge Joanne Alper (April 23, 2007, 68 minutes; transcript available), Russell talks about his experience as a circuit court judge in Arlington County and his tenure on the Supreme Court of Virginia. He discusses his election to the court by one vote in 1982 and reflects on changes in the Virginia judiciary during his tenure as a justice and senior justice, particularly a greater acceptance of dissent and declining deference toward older justices. Russell also talks about colorful personalities he remembers from his early years as a member of the Arlington County bar. He talks about Judge Walter T. McCarthy, who inspired him when he was a child growing up in Arlington. Russell also reflects on memorable cases and historical events during his career. The interview closes with Russell's recollection of watching the attack on the Pentagon from his office window in Arlington on September 11, 2001, and his thoughts about the lasting impact of the event.

In the interview of Justice Roscoe B. Stephenson by Professor Cassandra Newby-Alexander (April 30, 2007, 1 hour, 27 minutes; transcript available), Justice Stephenson talks about his parents and siblings and growing up in Covington, Virginia, where his father was a lawyer. He recalls attending Washington and Lee University as an undergraduate and working on a construction project in Hampton and a steamer out of Baltimore during the break between college and law school, after he was discharged from the military on account of a heart murmur. Stephenson recalls that he was only one of two students attending law school at Washington and Lee University in 1945 because of the war. He talks about returning to Covington after law school, practicing law there with his father in the 1950s, and being Commonwealth's Attorney and a circuit court judge in Alleghany County. Stephenson reflects on changes in the judiciary beginning in the 1970s, particularly the increase of women, and the appointment of Elizabeth Lacy, the first woman justice, to the court in 1989. In the second part of the interview, Stephenson talks about his approach to writing opinions and cases that were particularly memorable. He discusses the use of DNA evidence in the *Spencer v. Commonwealth of Virginia* cases, other death penalty cases, and cases involving rights to mine coal and gas. The interview closes with Stephenson's recollections of his relationships with other justices and law clerks and memories of socializing with other out-of-town justices at the John Marshall Hotel in Richmond when the court was in session.

In the interview of Justice John Charles Thomas by Professor Cassandra Newby-Alexander (June 11, 2007, 2 hours, 21 minutes; transcript available), Justice Thomas discusses his family's roots in the Huntersville neighborhood of Norfolk, growing up in segregated Norfolk, and the influence on him of his parents, grandparents, extended family, community, school, and church. He recalls his maternal grandfather, who taught him to recite poetry when he was a young boy, and the minister of the First Baptist Church. He talks about his decision to attend Maury High School, a predominantly white high school in Norfolk, in 1965, and his experiences as a student there; and attending the University of Virginia. Thomas also reflects on clerking for the Civil Rights Division of the Justice Department one summer when he was a law student, and how this experience helped him in his efforts to secure a position at a large law firm in Virginia after he graduated. He recounts his early years working at the Richmond law firm Hunton & Williams, where he did legal work for Virginia Electric and Power Company, and becoming the first African American lawyer to make partner at a white law firm in the South. Toward the end of the interview, Thomas discusses his appointment to the Supreme Court of Virginia and being the first African American appointed to the court. He reflects on differences between himself and the other justices, in style, training, and age. The interview closes with

Thomas' thoughts on memorable opinions.

In the interview of Justice John Charles Thomas by Professor Cassandra Newby-Alexander (August 8, 2007, 1 hour, five minutes; transcript available), Thomas talks about his legal career in more detail, from his work as a young lawyer at Hunton & Williams, to his work as a justice, to his work on appellate cases after returning to private practice at Hunton & Williams. He recalls traveling to small courthouses around Virginia and arguing cases before the supreme court as a young lawyer. Thomas also elaborates on his nomination to the court and adjusting to being an appellate judge. He reflects on the changes he observed when Justice Elizabeth Lacy, the first woman appointed to the court, joined the men on the court, and the generation gap he felt existed between himself and Lacy and the rest of the justices, who were much older. Thomas concludes by talking about the changes he has witnessed during his lifetime and the sacrifices made by Oliver Hill and other pioneering African American lawyers as they worked to change institutions that were resistant to change.

In the interview of Justice W. Carrington Thompson by Professor Cassandra Newby-Alexander (November 14, 2007, 1 hour, 32 minutes; transcript available), Justice Thompson talks about his parents and his early life in Chatham, Virginia, particularly the influence of his father; his experiences as a student at Hampden-Sydney College, his professors, his religious education and the importance of his religious faith throughout his life. He talks about attending law school at the University of Virginia and being in the navy during World War II in the South Pacific. Thompson recalls his career in Chatham as a lawyer, state legislator, and circuit court judge. He reflects on the political circumstances of his appointments to the circuit court and Supreme Court of Virginia and his decision to retire after serving only three years. The interview closes with Thompson's thoughts on writing opinions in two death-penalty cases while he was on the court, his views on the death penalty, and his strict constructionist views on the Constitution and the role of the judiciary.

In the interview of Justice Henry H. Whiting by Professor Cassandra Newby-Alexander (December 12, 2011, 1 hour, 35 minutes; transcript available), Justice Whiting talks about his family, growing up in Winchester, Va., serving in the army during World War II and witnessing the Battle of Remagen, and his thoughts about General George S. Patton, who knew his father and was his godfather; attending college and law school at Virginia Tech and the University of Virginia, and practicing law in Winchester. Toward the end of interview, he discusses being a circuit judge in Winchester, his appointment to the Supreme Court of Virginia, and serving on the Supreme Court of Virginia.

## Index Terms

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Alper, Joanne F.

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Doebele, Connie.

Hill, Oliver White, 1907-2007.

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Newby-Alexander, Cassandra, 1956-.

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Supreme Court of Virginia Archives