

The Practice of Law in Manassas in 1966

Based on an interview of Judge Joseph A. Gallagher by John D. Primeau

The Honorable Joseph A. Gallagher presided in the Prince William courts from 1980 until 1999. His tenure on the bench was marked by patience, fairness, and a strong adherence to the law. Now enjoying retirement and in good health, Judge Gallagher recently sat down with me for an interview looking back on his life and long involvement with the Prince William Bar Association.

Judge Gallagher's early years did not portend a future life in the law. Born in Queens, New York, the middle child of five in a family where his father died young, Judge Gallagher remembers early life as a struggle for his single mother raising five children. Nonetheless, he obtained first a two-year degree, then a four year degree in Mechanical Engineering from the Polytechnic Institute of Brooklyn. After a short stint in the Army Corps of Engineers, Judge Gallagher was stationed in Fort Belvoir. There, in 1962, he followed an Army buddy into Georgetown Law School and, attending night school, got his law degree in three years while working full-time in the Army.

In 1966, after leaving the Army and briefly practicing law in Springfield, Judge Gallagher looked to Manassas to continue the practice of law. At the time in Prince William County, "construction was going wild. There were houses and businesses and schools just coming up out of the farm fields." After working for Bill Loporto for three years, Judge Gallagher formed a partnership with Bernie Bowles and Ed McGolrick – McGolrick, Bowles and Gallagher. Their offices were on Lee Avenue, right next to the current offices of Stephens Boatwright (which then was called Smith, Hoss and Stephens.) Judge Gallagher very much enjoyed practicing with his partners and the other lawyers who came through his firm, including Alan Shachter, Leo Scolforo and Nick Capousis.

Judge Gallagher remembers the Bar Association then as being "very collegial." "Most law firms did everything – real estate, criminal, personal injury, etc. This was a rural area and you couldn't really specialize in just one particular thing." He remembers when Paul Ebert was an *Assistant Commonwealth's Attorney*(!?) under Selwyn Smith, and when Frank Hoss, Bill Stephens and Jim Robeson and Stuart Robeson were assistant CA's in that office. Judge Gallagher particularly remembered Ed Fox, one of Paul Ebert's first assistants. A part-time prosecutor, Ed was an avid hunter and fisherman who "would work until he was done working and go hunt." Ed was also known to take off the entire month of October to enjoy the sporting life, without interruption. He recalls Ed Fox being a "really nice guy and easy to work with."

The Prince William Bar would hold its monthly meetings at the Dam Site Restaurant, near the Lake Jackson Bridge on Rt. 234. The meetings were always well-attended and were "just a bunch of guys having a good time." Judge Gallagher noted that the meetings really were "a bunch of guys", as there were no female lawyers in Prince William County at the time.

An unfortunate memory from private practice for Judge Gallagher was the old jail. (The current jail was built in 1982 and was later added onto.) The old jail only held about twenty-five prisoners, had no air conditioning and no place for lawyers to meet with their clients. "You had to find a space in the hallway or sit on the steps or on a window sill. There was no privacy when speaking with clients." In addition, because the jail was so small, many times Prince William prisoners were farmed out to other jails, so you had to drive long distances just to meet with a client.

Judge Gallagher recalled a couple of former practices that may seem remarkable to current practitioners. First, he remembers the Bar issuing a "minimum fee schedule". There were minimum fees for typical legal services – a will, a real estate closing, etc. - below which Bar members were not allowed to charge. Lawyers could charge above those amounts. (These practices were later forbidden by the Courts and the State Bar.) Also, the predecessor of our current magistrates were the "Justices of the Peace." Unfortunately, those Justices were paid by the legal process they issued: \$3 for each criminal warrant, \$2 for each Defendant admitted to bail, etc. This incentive-driven system was of course replaced by our current system of salaried magistrates.

Judge Gallagher first went on the Bench in 1980 as a JDR judge and, the following year, moved to the General District Court. He found JDR Court a difficult challenge. "It was very frustrating. I felt like my hands were tied. I couldn't make these kids see what ... I wanted them to see."

At the time, all three levels of Court were in the old Courthouse, (at the corner of Lee and Grant) including the Clerk's offices. It was very cramped until the new courthouse was built. Judge Gallagher recalls "the City was always reluctant to provide courthouse space" which was clearly needed. This was part of an ongoing dispute between the City of Manassas and Prince William County. The new Courthouse, of course, provided room for all of the needs of the County legal system: courtrooms, clerk's offices, the Sheriff's Department, and the Commonwealth's Attorney's Office.

Judge Gallagher remembers thoroughly enjoying his time on the Bench. I asked him his favorite part of being a judge. "I think mostly the people. Yeah, I think ... dealing with different attorneys and prosecutors. But litigants who came before me... were all individuals and, you know, you try to give them as much respect as you can. You know, it's that person's maybe one and only time in court, and you want to make them feel like they were heard, that it wasn't a waste of their time, even if you have to rule against them."

On behalf of the Bar, I want to extend my thanks to Judge Gallagher for taking the time to contribute to the Prince William Bar's historical project.