

The Road to the Virginia Supreme Court

Based on an interview of Senior Justice LeRoy F. Millette, Jr., By Kristina Keech Spittler in February 2016

Senior Justice LeRoy F. Millette, Jr. was born in Lewistown, Pennsylvania but grew up in Alexandria and then moved to Fairfax, Virginia where he went to Woodson High School. While in high school, Millette saw the play “Inherit the Wind” and thought that it would “be a really interesting job to be able to go to court and try to ... bring out the truth by questioning witnesses.”

Millette attended the College of William & Mary where he received a BA in Economics and then obtained his JD from William & Mary Law School. Upon graduation, Millette came to Prince William County to be a trial lawyer for Compton, Latimer & Compton where he worked with Lacey Compton, Sr. and his two sons, Lacey Jr. and Claude, and Bud Latimer along with Doug Bergere, Mike Lubeley, Tom Duling, and Paul Giles. While the firm was primarily a real estate firm, he was hired to do litigation – “anything that came in the door.” His practice included criminal, domestic relations, collection, personal injury, contract review cases and a developed niche in bankruptcy cases. Of course, he also did real estate closings as “[e]veryone in the firm had to do real estate.” He recalled that there would often be four or five of the attorneys doing closings all day long on Fridays (and sometimes Saturdays) as the community was exploding – particularly Dale City and Manassas.

As a young attorney, Millette recalls talking regularly to a lot of attorneys on the east end of the County such as Pat Molinari, Mike Quigley, Dick Nageotte, Bob Zelnick, Dan Borinsky, Jim Turner, and Jim Fox. He noted that the windy road between Woodbridge and Manassas resulted in almost an east/west split back then. However, due to being in court in Manassas so much, Millette also enjoyed talking with attorneys in Manassas including Bill Hamblen (who was a classmate at William & Mary Law School), Paul Gluchowski, Bill Evans, and Bill Stephens. He noted that everyone sort of knew everyone back then. He also watched and learned a lot from observing Ed McGolrick (one of the strong plaintiff’s lawyers) and Tom Palmer (one of the strong civil defense lawyers) try cases in court.

When Millette first started, Bill May was the General District Court Judge and Herman Whisenant had just gone on the juvenile court. They used the old courthouse for General District and Juvenile Court and the jail was in the middle of the parking lot. The Circuit Court was in the two metal buildings right across the street. Prince William shared the Circuit Court with Fairfax and the judges would rotate to Prince William. Shortly thereafter, Judge Arthur Sinclair and Judge Percy Thornton became resident judges in Prince William County, both of whom he admired. Judge Murphy became the General District Court Judge.

After six years of practicing, Millette took some time off. He took his Porsche and his dog and drove out west for four months, staying with college and law school friends and camping along the way. He was actually camping in a tent in Jackson Hole, Wyoming when Mount St. Helen erupted/exploded. He woke up with a lot of ash on his tent. During the time he was out there, he started going to courthouses just to watch what was going on and decided that he really did want to practice law.

When he came back, Millette opened his own law practice. At about that time, Judge Murphy approached him about becoming a substitute judge and a special justice for potential commitment hearings for those with mental illnesses. Judge Murphy was a mentor to Millette. Millette then served as a substitute judge and special justice for approximately six years along with serving as the district representative on the disciplinary committee. He then decided to go to the Commonwealth Attorney’s Office noting that by then he was married and had a young daughter and son and wanted to spend time with his wife and children.

One of the things that he really liked about Prince William back then was the Bar Association. It provided a terrific opportunity to have some comradery. In addition to the monthly meetings, he enjoyed the Bar event that was held at Evergreen Country Club where people would either play golf or tennis and have a picnic or something that evening—usually at the President’s house. He believes that the collegiality also helps the practice of law because it’s hard, stressful and challenging at times.

Millette became a General District Court Judge in 1990 which he enjoyed because it gave him a sense of accomplishment to have a crowded room of people with cases and try to give everyone a fair hearing but still move the docket. He then was appointed to the Circuit Court where he served with Herman Whisenant, Frank Hoss, Bill

Hamblen, and Richard Potter. He is extremely proud of the Prince William Circuit Court bench and felt that they were all very good at working together, discussing legal issues, taking the next longest case from one of the other judges if their own docket was finished, and getting cases resolved. He also served as the circuit court member of the Judicial Inquiry and Review Commission for several years. This experience helped him in all of his judicial positions and later played a role when he was on the Virginia Supreme Court and in charge of the Supreme Court Mentor Program (each new judge in Virginia is assigned a more experienced judge from another jurisdiction as a mentor).

One of his most challenging cases while on the Circuit Court was serving as the judge on the Muhammad trial (the sniper case). The case went on for about a year with many complicated motions including a change of venue motion. The case was moved to Virginia Beach where Millette stayed for the whole six weeks of the trial. One of the things he is proud about the case was his appointing experienced defense counsel, Peter Greenspun and Jonathan Shapiro, and the fact that they, together with Paul Ebert, Jim Willett and Rick Conway, all worked very hard on the case such that the trial itself went well.

In 2007, there was a vacancy of the Virginia Supreme Court and Millette was interested in putting his name in for it. He was one of the five people who made it to an interview with the Governor of Virginia. A short time later, Millette's secretary at the courthouse said Tim Kaine was on the phone. He asked if she meant his office. She said, "No, Tim Kaine is on the phone." He thought he better take the call. The Governor then explained that he was not going to offer the Supreme Court position to him but asked if he would like to take the Court of Appeals position. Millette responded, "Well, I don't think I can say no to a Governor." He happily took the Court of Appeals position and served for eight and half months when he got another call from Tim Kaine, this time offering him a Supreme Court position.

While on the Supreme Court, Justice Millette has had the opportunity to help build consensus amongst his colleagues on legal issues and write opinions. He particularly likes writing opinions which provide guidance to the lawyers and judges on the law such as opinions that state the elements of a cause of action, what must be established and the burden of proof. He stated "that's like a blueprint for how you practice law and try cases."

Justice Millette recently took Senior Justice status with the Supreme Court so that he can have more time with his four grandchildren. He can also serve as a mediator while continuing to serve on a part-time basis as a Senior Justice. Justice Millette has served in every level of the courts on his road to the Virginia Supreme Court and at each level, he has represented Prince William with great distinction.