

Arizona Bar Foundation  
Oral History Project:  
Arizona Legal History

Interview with the Hon. William P. Copple  
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ARIZONA BAR FOUNDATION  
ORAL HISTORY PROJECT:  
ARIZONA LEGAL HISTORY

HISTORICAL NOTE

Although Arizona was frequently referred to as "the Baby State," due to its twentieth-century entry into the Union, the history of the legal profession in the state is rich and colorful. In the earlier days, lawyers were mostly self-educated men, who practiced alone, or with one partner at the most, and spent much of their professional time alternately defending and prosecuting some of the most colorful characters of the Old West, and trying to collect on bills from people who had come West to escape their creditors.

Through the first half of this century, some of the nation's finest lawyers took up practice in Arizona. As the state's population grew, a law school was added to the University of Arizona and lawyers formed an integrated state bar in 1933. After World War II, the state exploded in development with the rest of the Sun Belt, and the law profession kept up with this growth, experiencing many changes in the process.

Today, there are law firms in Phoenix and Tucson which employ upwards of 100 attorneys, who may specialize in fairly narrow areas of practice. Half of the students in the state's two law schools are now women. Over the years, Arizona's influence on legal matters at the national level has been significant. Several landmark cases have originated in Arizona,

such as In re: Gault, and Miranda. Arizona can claim the first woman to sit on a state Supreme Court: Lorna Lockwood. Two members of the State Bar now sit on the U.S. Supreme Court, one as the Chief Justice and the other as the first woman to be appointed to the Supreme Court.

However, because Arizona is a young state, there are still attorneys living who knew and remember Arizona's earliest legal practitioners during Territorial days. Many of these senior members of the Bar practiced or sat on the bench before the profession, and indeed society itself, experienced the changes of the last forty years. In an effort to preserve their memories, the Archives Department of the Arizona Historical Society/Tucson developed the Evo DeConcini Legal History Project, an oral history project. From 1986-1988, twenty-one oral history interviews were conducted, focusing on the reminiscences of lawyers and judges in the Southern Arizona area.

In 1987, the Board of Directors of the Arizona Bar Foundation expressed an interest in continuing to document the history of the legal profession in Arizona on a state-wide basis. In particular, the Board felt that the collection of oral history interviews with senior members of the State Bar would stimulate scholarship and publication on various topics relating to legal history, such as water rights, land use and development, and civil rights, as well as on the history of individual firms and the State Bar, itself. The Bar Foundation and the Arizona Historical Society/Tucson agreed to work together to expand the

DeConcini Project statewide, calling it the Arizona Bar Foundation Oral History Project: Arizona Legal History.

Raising funds for two interviews initially, the Bar Foundation designated that the first two recipients of the Walter E. Craig Distinguished Service Award, Mark Wilmer of Snell and Wilmer (1987), and Philip E. Von Ammon of Fennemore Craig (1988) be interviewed in October, 1988. Both interviews were conducted by James F. McNulty, Jr., who conducted most of the interviews for the DeConcini Project. Subsequently, other interviews have been conducted with Congressman Morris K. Udall, Frank Snell, Estes D. McBryde, Amelia Lewis, and William Copple. Joana D. Damos conducted the interview with Lewis and John Westover conducted the Copple interview. The Legal History Committee of the Bar Foundation is developing a list of prospective interviewees in consultation with Adelaide B. Elm, Archivist, Arizona Historical Society, coordinator of the project.

Because it is open-ended, it is not possible to fully define the scope and content of the Arizona Bar Foundation Legal History Project. However, in order to archive the greatest depth and balance, and to insure that many viewpoints are represented, every effort is made to include both rural and urban practitioners, male and female, of varying racial and ethnic perspectives. Interviews are conducted as funds are made available. Transcripts of the interviews are available to researchers at the Arizona Historical Society in Tucson, the libraries of the Colleges of Law at the University of Arizona and

Arizona State University, and at the Bar Center, in Phoenix. The Historical Society is also cooperating with the Ninth Judicial Circuit Historical Society in making copies of interviews with Arizona lawyers and judges for their project available to researchers here in Arizona.

The Arizona Bar Foundation Legal History Project is important not only because it is documenting the history of the profession in Arizona but because legal history encompasses every aspect of society's development. To study legal history means to study land development, environmental issues, social and educational issues, political history, civil rights, economic history--in short, the history of our society. All of these topics are, and will continue to be developed in these oral history interviews. They may be seen as a valuable and unique supplement to the written record, as scholars begin to write the history of the legal profession in Arizona.

William P. Copple Interview

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### William P. Copple Interview

William P. Copple was born in Holtville, California, in 1916. He attended junior college for two years in Long Beach, California, followed by a year at the University of California at Berkeley. In 1936 he married and spent the next ten years working, first for the federal government at Boulder Dam and the Panama Canal, then in 1942 at a Kaiser shipyard in Richmond, California. He then spent two years working for his father's construction firm, Copple Construction Co., in Yuma, Arizona. In 1948, at age 32, Copple returned to the university in Berkeley. In 1951 he graduated from the University of California's Boalt Hall of Law. Since Arizona had a one-year residency requirement before admission to the Bar, Copple worked another year in construction in Yuma.

Copple was admitted to the Arizona Bar in 1952, and became a partner in the Yuma firm of Westover, Mansfield, Westover and Copple. In addition to his law practice during these years, he was active in civic affairs such as local and state Democratic Party politics, including one year as county Democratic Party chairman in 1954, service on the Yuma County Chamber of Commerce Board of Directors. In 1954 Copple was appointed by Governor Ernest McFarland to a four-year term on the Arizona Highway Commission, for which he served as chairman in 1958. Copple was also a member of the Committee of Fourteen, the committee which advised the governors of the



seven lower basin states on salinity problems in the Lower Colorado River Valley.

In 1965 Copple was appointed U.S. Attorney for the District of Arizona, and in 1966 he became Arizona's fourth judge on the U.S. District Court.

This interview deals primarily with Copple's experiences in the legal profession. Copple tells several interesting anecdotes about law cases with which he is familiar. He reflects at length on his involvement in the Wellton-Mohawk Irrigation and Drainage District project, for which he served as attorney for many years. The interview also contains Copple's recollections of many of the judges and lawyers he has known over the years. Prominent among these are Joseph D. Mansfield, William H. Westover, A.J. Eddy and Judge Henry C. Kelly. Copple's reflections on women in the law and on advertising by lawyers provide valuable insight into changes in the legal profession and the profession's role in the community. The interview ends with Copple's reflections on Arizona's impact on the course of judicial events nationwide.

#### The Interviewer

John H. Westover is an attorney with the firm of O'Connor, Cavanagh, Anderson, Westover, Killingsworth and Beshears in Phoenix.

The verbatim transcript of this interview has been edited according to oral history standards. The narrator also reviewed the transcript and in some cases may have made changes or additions. The original tapes are housed at the Arizona Historical Society in Tucson, Arizona.

WILLIAM P. COPPLE INTERVIEW

This is John H. Westover. I'm here in the chambers of the Honorable William P. Copple, judge of the federal District Court for the District of Arizona. I'm going to be interviewing Judge Copple for the [Arizona] Historical Society [and the Arizona Bar Foundation].

Copple: I'd like to say first, John, that I do not like to be referred to as a historical figure. I'm far too young for that.

Westover: (laughs) When did you originate, anyway?

Copple: I was born in Holtville, California, which is a little town in Imperial Valley, just across the Colorado River from Yuma, in 1916.

Westover: And your folks at that time? What were your folks doing?

Copple: Well, my father was doing various and sundry jobs, mostly land leveling with what used to be called a fresno and a team of horses. And he was also a mule skinner, hauling freight in horse-drawn wagons at that time. My mother was a housewife.

Copple: What were their names?

Westover: My father's name was Perry. He was from Oklahoma, and was part Cherokee Indian, I think it was like a sixteenth or a thirty-second. Anyway, he was at the last percentage that could receive a land allotment in the Oklahoma Territory. When it was

opened, the Cherokee Indians were given individual land allotments. My mother was born in Texas. Her name was Euphie.

Westover: And they are still--either one of them still alive?

Copple: My mother died about five months ago. My father, at ninety-four years of age, is still living and he's stronger and healthier than I am by far.

Westover: How long did they keep you in Holtville?

Copple: We left there when I was very young and moved to Yuma. And then from Yuma we moved to Los Angeles, where I went to kindergarten. Then we moved to Indio, California, where I went through the eighth grade and the first year of high school. And then we moved to Calipatria, California, which again, is in the Imperial Valley, not too far west of the Colorado River, opposite Yuma. I went through high school there, and I graduated in a class from a high school that had a total of less than ninety students in it.

Westover: And what year was that?

Copple: It was in 1932.

Westover: Had you siblings?

Copple: Pardon?

Westover: Did you have siblings?

Copple: I had a sister, and that was all.

Westover: And was your sister older or younger than you?

Copple: She was younger than I by about five years.

Westover: And your sister now?

Copple: She's still alive. Lives in Yuma next door to my father, but she's not in very good health at this time. She had a stroke.

Westover: Her name was. . . ?

Copple: Her name was Audine. It's an old family name, I found out, on my father's side.

Westover: Well, after you graduated from high school in 1932, what did you do then?

Copple: I went to Long Beach, California, and went to junior college there for two years. I laid out for a year and worked and then went to the University of California at Berkeley for one year and then dropped out in 1936 for lack of money and went to work for the Bureau of Reclamation at Boulder Dam in a clerical capacity. And got married in the same year to the girl that I'd been going with since our first year in junior college.

Westover: And that was Rowena?

Copple: Right.

Westover: Now, this was 1932, this was the depression, right?

Copple: It was in the depths of the depression. You bet.

Westover: How did that affect you going to school? In terms of the cost of it and things like that?

Copple: Well, for instance, during the year that I worked after I got out of junior college, I worked as a sales driver for Good Humor Ice Cream Company. I made twenty-five dollars a week, average. One of my college friends, who had gone to work for a bank, made fifteen dollars a week. At that time, for fifteen cents, you could get a three-course dinner at a lot of places in town. Hamburgers were, real big hamburgers, were a dime, and all the french fries you could eat for a nickel and all the coffee you could drink for a nickel. Doughnuts were two for a nickel.

Westover: What was the cost of school?

Copple: At the junior college, it was very, very nominal. And I was living with my aunt. But when I went to Berkeley, I worked at a restaurant for breakfast, for lunch and for dinner, and five dollars a week, waiting tables for breakfast and lunch and peeling potatoes, washing dishes and mopping out for dinner. And I lived in an apartment with four other friends who had come up from the junior college with me. It cost, the apartment, which was a two-bedroom apartment, cost us five dollars a month, apiece. I think it cost me twenty-five dollars to register each semester. So that out of the--by getting all my meals and five dollars a

week, I managed to save enough so that my girl friend and I, once a month, could go to San Francisco, where we could get mixed drinks for fifteen cents at the better places. Ten cents for the bad places. And I remember, in the Rose Room of the old Palace Hotel with Paul Pendarvis and his magic violin playing. For, I think it was a dollar and a half, we could stay there all evening and have a fruit salad or a sandwich and one drink. And then the ferry ride back across the bay, I think, was either ten or fifteen cents.

Westover: Did you have an automobile in those days?

Copple: Oh, of course not. I didn't have an automobile until years later.

Westover: How did you get to the ferry from Berkeley?

Copple: Streetcar.

Westover: All streetcars in those days?

Copple: Oh, yes. Streetcars all over Berkeley, and of course streetcars and cable cars in San Francisco.

Westover: Well, when you laid out a year between Long Beach College was it . . .

Copple: Junior college.

Westover: . . . junior college, and Berkeley, what did you do in that year?

Copple: That's when I worked for the Good Humor Ice Cream Company.

Westover: Oh, making more than the teller.

Copple: Making more than the bank teller was making.

Westover: (laughs) So when you dropped out of Berkeley, you did that because you didn't have enough money to continue?

Copple: That's right. And I had an opportunity for a very good civil service job.

Westover: What made it very good?

Copple: The salary and the security.

Westover: What was the salary?

Copple: I started at a hundred-thirty-five dollars a month, and later went to a hundred-fifty. And on that, Rowena and I lived in an apartment that cost us fifteen dollars a month. We ate quite well. We took a vacation every year. And we had a daughter born. Later on we were able to buy an automobile and we did very well.

Boulder City at that time was a closed community, in that everything there was owned by the government except a little bit of private land that was left over from the six companies that built the dam. You either worked in Boulder City or you couldn't live there. It was run by the government, a government-employed city manager, Park Service rangers for the police force. There were no alcohol sales on the reservation. You had



to go just outside of the city, where you would find a bar and a dance-hall and a place to buy liquor, called Railroad Pass. It was an isolated, unreal community because the depression did not touch Boulder City. Everybody there had a good job, a living wage, and security of employment, and you couldn't see in the town any signs of the depression that you saw everywhere else.

Westover: What year was that, now?

Copple: That was--went there in the summer of 1936 and left there in March of 1941.

Westover: When was the dam finished?

Copple: They were still--when I was there the dam structure had been finished for some time. And they were installing the power-plant equipment, the turbines and generators and stuff like that when I was there.

Westover: What kind of clerking job did you do there?

Copple: I started out as a time keeper and then I went to assistant city clerk, and then the last three years I was there I was what they labeled a personnel clerk, which were all basic clerical jobs.

Westover: And you left there in 1941?

Copple: I left there in 1941 and transferred to the Panama Canal, where they were at that time building a third set of locks, larger locks so that bigger

ships could go through the Panama Canal. Which project was abandoned the minute the atomic bomb became a reality. Because then they were totally useless. But when I went there they were building the third locks. I had gone there at the request of a friend of mine who had worked at Boulder City, who was the office engineer on what was called the Atlantic Area Division, which was building the set of locks on the Atlantic half of the Isthmus. I went there as chief clerk and stayed for a year. And then I had to leave there because the doctor recommended that we get my daughter out of there because she could not stand the climate or the insects down there. So we had to leave after a year.

Westover: Were you employed by the government at that time?

Copple: Yes. It was government employment. Yes. I transferred from the Bureau of Reclamation to the Panama Canal which was a government corporation.

Westover: Well then when you left, what did you do?

Copple: I left there and went back to Berkeley where I had a friend who was chief timekeeper, was a timekeeper at one of the Kaiser shipyards in Richmond. And I worked there until the end of the war, just before the end of the war when I moved to Yuma the first time.

Westover: So you were working for a shipbuilding company?

Copple: Yes. I became chief timekeeper for, I think it was Shipyard Number Two. One of the three Kaiser shipyards in Richmond.

Westover: Now you had two sons along the way here someplace. Where were they born?

Copple: The older boy was born in Panama and the younger one was born in Berkeley while I was working at the shipyard.

Westover: And their names are?

Copple: Leonard and Steven. And they are both lawyers here. Leonard is an individual practitioner in Tempe, who primarily specializes in plaintiff's personal injury tort cases. And my son Steven is with the small firm of--what is it now?--Rake, Copple, something and Black, which specializes, strangely enough, in insurance defense work.

Westover: You left the shipbuilding business, then, at the end of the war?

Copple: Yes. And moved to Yuma and went into residential construction business with my father who was a contractor there.

Westover: Now your father, Perry, was then living in Yuma.

Copple: Right.

Westover: How long had he been living in Yuma?

Copple: They had moved back to Yuma while I was in junior college, which would have been either 1933 or 1934.

Westover: And had been there continuously since?

Copple: They'd been there continuously, my father up until now.

Westover: And was he in home building all that time?

Copple: Home building and light commercial. Well, he had been--during the war, he was a superintendent for Del Webb in charge of construction of the air base at Yuma, the military air base. Then when that was finished, then he went into construction on his own.

Westover: So you went into the business of residential construction at that time?

Copple: Right.

Westover: And how long did you continue doing that?

Copple: Two years. Then I went back to law school. In the meantime, when I was in the shipyard I had gone to Boalt Hall at Berkeley for one year, so that I could go back and enter as a returning student.

Westover: While you were working at the shipyard you had gone to school at Boalt Hall?

Copple: Yes. When I first started there, I was working night shift and I'd go to school in the daytime.

Westover: Well, had you finished a year of law school doing that?

Copple: I finished one semester.

Westover: And so then you were able to go back . . .

Copple: As a returning student, and without having to fight the long list of applicants, at that time, of new students trying to get into law schools.

Westover: Well, did you ever get an undergraduate degree?

Copple: Yes. At that time, because of the push of the war I suppose, they were running a three and three-year program so that you could get your B.A. degree at the end of your first year of law school. And then you would have the LL.B., which later became a Doctor of Laws, of course, at the end of your third year. So that when you got through with law school, you had both the undergraduate and the graduate degree.

Westover: What on earth motivated you to go to law school in the first place?

Copple: Because ever since I was in grammar school I wanted to be a lawyer. And I'd never given up that idea. I had an opportunity to do it at that time and I grabbed it.

Westover: What in grammar school had oriented you toward being a lawyer?

Copple: I don't know. I don't know. Some kids want to be firemen, some want to be lawyers and some want to be doctors.

Westover: You didn't have any lawyers in your family?

Copple: No.

Westover: So your family lawyers all began with you then.  
You've got how many lawyers in your family now?

Copple: Well, my two sons are lawyers and I have a grandson who plans on being a lawyer. And I have another grandson who has been practicing law with the Gibson, Krutcher, Dunn firm, whatever it's called, in Los Angeles, stationed in their Newport office for the last two or three years.

Westover: So you've done your share to over-populate the profession, right?

Copple: Well, at least I think that I've put experts out there.

Westover: (laughs) So you returned to law school in 1946, then, after two years of . . .

Copple: No. It was 1948.

Westover: After two years with your father.

Copple: Yes.

Westover: I presume that you had saved up enough money to send yourself to school.

Copple: Well, between that and some help from my parents and working part time, all three combined.

Westover: How old were you at this point?

Copple: Well, I was thirty-two years old when I went back.

Westover: Did you do poorly scholastically then, as a result of laying out that length of time?

Copple: No, I think I was in the upper fifteen percent of the class, academically.

Westover: And then after you got out of law school what did you do?

Copple: Well, I came back to Yuma, because at that time you had to, I had to re-establish one year as residence in Arizona before I could take the Arizona bar. Of course, that's no longer true. So I worked again with my father building and selling houses, and took the bar exam with you in January 1952. And then I think we were admitted in February or March of that year.

Westover: And you were number one on the bar.

Copple: Well, that's what you told me. I never did see it anywhere.

Westover: Then did you practice by yourself?

Copple: I practiced by myself for about six months and then you guys, out of the kindness of your heart, invited me to join the firm. At that time it was Westover, Mansfield and Westover, and then it became Westover, Mansfield, Westover and Copple.

Westover: And then you remained with that firm until the next name change, which occurred in about 1962, right.

Copple: Let me tell them about your father a little bit. Bill [William H.] Westover, who founded the firm, John's father, moved to Yuma when he was thirteen years old, in 1909. In 1919 he and his twin brother Harry [C. Westover] were graduates, I believe, in the first graduating class from the University of Arizona College of Law. Harry went to Los Angeles, where he ultimately became, until he died, a U.S. District Judge, in Los Angeles.

Bill started practicing in Yuma in 1919. He had, by the way, gone to high school inside the old Yuma Prison in the very early years of there being that high school there. Bill practiced by himself until the mid-forties when he hired Joe [Joseph D.] Mansfield, a young man right out of the University of Arizona Law School. And ultimately became Westover and Mansfield. And then, of course John, when we passed the bar, John immediately joined the firm and it became Westover, Mansfield and Westover. Then six months later, when I came along, it was Westover, Mansfield, Westover and Copple.

We rocked along like that for a while, and then we hired a young man by the name of Allemann, Dick [Richard S.] Allemann, just out of law school. He stayed with us about six months and then decided



to move back to Phoenix, where he became the head of the Criminal Division in the [Maricopa] County Attorney's office. And then later on transferred to the United States Department of the Interior in the Solicitor's Office there. Ultimately, in 1965, when I became United States Attorney, almost simultaneously, he arrived in Phoenix as the Assistant U.S. Attorney in charge of the Lands Division.

After he left we hired a girl by the name of Edith Lazovitch, who as far as I know was the first female lawyer to practice in Yuma County. Then later on we needed more lawyers, and we hired Doug [Douglas W.] Keddie and Tom [G. Thomas] Choules, who had both been law clerks for [Arizona] Supreme Court Justice Jesse Udall. About that time . . .

Westover: Levi Udall.

Copple: Levi Udall. And about that time Edith left us and married another attorney in Yuma and started practicing with him. And then about 1962, I believe it was, John left and became a senior partner in the then-fledgling law firm of O'Connor, Cavanagh and Anderson, which I think at that time, with John's addition, was four or five lawyers, and is now over a hundred lawyers and one of the larger firms in Phoenix.

In 1963, I believe it was, Joe Mansfield was killed in an airplane accident--and I will say here that I think, and I believe John agrees, that he was probably the finest and most competent lawyer that I ever knew, and it's too bad that he was killed at such an early age. Anyway, then after that, we needed someone to help us and we employed Steve [Stephen P.] Shadle from the Valley National Bank. He was a trust officer and an expert in the field of probate, wills and trusts. And then later, Tom [C.] Cole. Then not too long after we hired Tommy Cole, I left to become U.S. Attorney, in the spring of 1965.

At that time the partners in the firm were Bill Westover, Keddie, Choules, Shadle and Tom Cole. Tom Cole later left the firm, after I was up here, and Doug Keddie became a Superior Court judge in Yuma to fill a new vacancy there, a newly created position. Ultimately Bill Westover resigned and I believe the firm name now, even though they've had some people come and go that I didn't even know, Choules and Shadle are the senior partners and I think they have about eight or nine attorneys there at the present time.

One thing I remember about Bill Westover, he was probably the fastest two-finger typist that I

ever saw. His only problem was, about forty or fifty percent of the time he'd hit the wrong key. And the only one who could interpret his draft was his long-time secretary, Mrs. Ingalls, whose husband had been raised, his father was a warden at the state prison there. She had been Bill Westover's secretary for many, many years and she was the only one that could translate his so-called typing. I think that about covers the history of the firm unless you've got something to add.

Westover: No. We'll go back in a few moments, but let's carry on where you left off. You left there to take the office of the U.S. Attorney for the District of Arizona when?

Copple: April the 1st, 1965.

Westover: And how long did you hold that position?

Copple: I was sworn in as a District Judge in November of 1966, a year and a half or so later.

Westover: So it was about a year and a half that you were U.S. Attorney?

Copple: Right.

Westover: And have been a U.S. District Judge since. But you've taken senior status, right?

Copple: Yes, and I'm working now with a reduced case load.

Westover: And when did you take senior status?

Copple: Let's see. When I was sixty-seven years old.  
That's about six years ago, five or six years ago.

Westover: Let's go back to when you started practicing law.  
Who were the older attorneys in town at that time?

Copple: Probably outside of your father, who was younger  
than him, the oldest attorney was Mr. Eddy, A.J.  
Eddy, who had been practicing since 1918. He was  
an interesting character, as you well remember. He  
was born in 1879 and he had all kinds of jobs, a  
lot of mechanical background, automobile mechanics.  
In 1913 he moved to Yuma and opened a garage there.

One of the stories that I had heard about that  
from Bill Westover was that when he was running the  
garage he had a great big barrel of oil, new oil,  
in the back of the garage, and when anybody would  
come in and ask for Pennsylvania grade oil he would  
take the can and go back and fill it up and sell  
them Pennsylvania grade oil. If they wanted Quaker  
State oil he would go back and fill up the can from  
the same container and sell them Quaker State oil.  
He justified it by saying that the oil that he had  
was finer than any of the rest of them anyway, so  
what difference did it make. (laughter)

Westover: Sounds like a good beginning for a lawyer.

Copple: A.J. was a very gifted mechanic. When he was  
running the garage in 1913 he decided that he

wanted to become a lawyer. He became interested in it and made arrangements with one of the local lawyers to read in his library. He also took a LaSalle Correspondence course, and in 1918 he passed the bar and started practicing in Yuma.

One of the most interesting things, I think, about him is, shortly after that there was a murder case in Yuma County and an attorney by the name of Malloy, who was then the county attorney, got Mr. Eddy interested in the facts of the case. And the facts were that a couple, driving north of Yuma, had picked up a hitchhiker who, it turned out, shot both of them. Killed the wife immediately. The guy took off and the husband was able to get the car into Yuma before he died. The man by the name of Hadley was arrested and he swore that he had not shot the couple but that a drunk cowboy had come by and shot them. So the question was what gun did it come from? Hadley had a gun when they found him but he swore up and down that he hadn't fired the shot.

Well Mr. Eddy, as a mechanic, had observed over the years, as I understand it, the different markings on bearings, no two of which coming out of a different car or a different piece of equipment would have the same markings. And he reasoned that

there was a possibility that same thing would be true to identify bullets coming out of a particular gun. So he interested the local sheriff in assisting him and the two of them took a number of guns and ammunition and started firing into a bale of hay. Then they would take the bullets out and compare them. And he became convinced that you could identify a particular gun by the bullet that came from it by firing a test bullet. They went over it and over it and over it again until he finally satisfied himself that he had enough proof to get it qualified in court.

In the trial of Mr. Hadley, the defense lawyers managed to find a gun very similar to, same type, same size, same age, as Hadley's gun. They fired a bullet from it and gave it to Mr. Eddy, and after considering it for a long time, he said, "This did not come from Hadley's gun, but it came from one very, very similar to it." Then he proceeded to identify the bullet from the Hadley gun. The judge had allowed him to be qualified as an expert in the field and he testified to that. And the man was convicted. The appeal was affirmed. And so far as anyone knows, that is the first time in history that ballistics had been used

in a court trial to identify a particular gun in a criminal case.

Mr. Eddy also built the first evaporative cooler in Yuma, and became a consultant to other people as to how to size pads, what size fans and so forth to use. And also, supposedly, he had invented, long before they appeared commercially, a device on his radio that would boost the bass. However, as Bill Westover said in his book, he did not patent it, and therefore even though every radio sold commercially for years and years has had such a device, he didn't make any money out of it.

When I knew him he was in his eighties and his wife, of a similar age, was his secretary. And while he was still practicing law, he was pretty much limited to his old clients and took on no new ones.

The one experience that I had with him in a court trial involved Judge Renz Jennings, who at that time was a Superior Court judge who was frequently invited by Judge [Henry C.] Kelly to sit on cases in Yuma. And Renz later became a [Arizona] Supreme Court Justice. I remember one of the things--I tried a number of divorce cases in front of Renz, and you never had a problem if you represented the wife. And as he granted the

divorce, he always had a stock saying, "Better luck next time, Honey." (laughter)

But anyway, in this particular case, A.J. Eddy was representing a man who lived in one of the very, very small towns in northern Yuma County, that consisted mainly of a service station, a bar and a restaurant. The man lived across the railroad tracks, and had for years and years, from the bar. One night he was going home and he slipped and fell in a hole, on his way home late at night from the bar, and suffered a broken leg and a few injuries. Eddy, on behalf of his client, sued the railroad, a cattle company that had a cattle chute located there, and one other party, and I don't remember what the third party's arrangement was.

So we showed up in trial before Judge Kelly, with three defendants and the plaintiff, and in spite of our impassioned arguments on behalf of the defendants, the jury granted a verdict of \$25,000 to the plaintiff, which in those days was a very large verdict in Yuma County. We filed a motion for a new trial on a question of law.

Judge Kelly granted the motion for a new trial and asked Renz Jennings to preside over the retrial. Mr. Eddy made his opening statement at



the retrial. The other two lawyers made opening statements for the defendant, and then one of the other ones of them--it wasn't my idea--got the idea that I should get up, inasmuch as I was the only one who had not had an opportunity to speak before the trial started, and move for dismissal or a judgment based on the facts set forth in Mr. Eddy's opening statement, which to us, at least, clearly showed that this was a known hazard, that the man had gone over it hundreds and hundreds of times, knew it was there, and just simply was negligent in not remembering it.

But anyway, when we made the motion, Renz Jennings thought about it for a moment, and then he said, "I want to see the defense counsel only, in chambers." So we go in chambers, and he says, "Now look, many, many years ago when I was going to law school, Mr. Eddy was a state senator, and he gave me a job when I needed it very badly, and I've never had an opportunity to pay him back." So he says, "You three each represent wealthy clients," and he said, "I want you and you and you to pay five hundred dollars apiece and I'll tell Mr. Eddy he has to take it or I'll dismiss the case."

(laughter) Well, naturally, we immediately agreed.

And that was my memory of Renz Jennings, and A.J. Eddy.

Westover: Well, that's one way of conducting a settlement conference. Have you tried any of those on the federal bench?

Copple: No, I haven't really had the opportunity or I would. (laughter)

Westover: Who else were old-time lawyers when you started practicing?

Copple: Well, actually, outside of Bill and Eddy there were no really old-time lawyers there, as I recall. There was about a twenty-year age difference between them and Ralph Brandt or Jim [J.B.] Rolle.

Westover: Judge Kelly was on the bench.

Copple: But Judge Kelly was on the bench, and I had a great admiration and learned a lot from Judge Kelly. He was--well, a little bit about his background. He grew up in the San Francisco Bay area and then developed a respiratory disease that required him to go to a dry climate. He went to Tucson and didn't like it there. And in 1914 he moved to Phoenix where he was, I understand, a very popular member of the Bar, except he was practically the only Republican in the Bar and one of the few Republicans at that time in Yuma County.

At that time Judge Ingraham was the Superior Court judge. And some years after Judge Kelly started practicing there he decided that Ingraham had to go. He tried to convince one of the Democratic lawyers to run and none of them would. So he filed himself, even though he was a Republican in an overwhelmingly Democratic county, and ran for judge. And the campaign was knocking along until the lawyers made a common mistake, and all of the lawyers in Yuma except Kelly and one other one--and this was before Bill Westover was active, I believe. Well I'm not sure whether it was or not. But, anyway, all the lawyers but Kelly and one, and I think that one was Bill Westover, signed an ad that was published endorsing Ingraham. Judge Kelly ran a responsive ad in which, among other things, referred to the lawyers as "lickspittle lawyers" and as a result the voters were incensed that the lawyers, as usual, would try tell them what to do. I guess they didn't like lawyers any better then than they do now. Anyway, Judge Kelly was elected on a narrow count and thereafter he was re-elected every four years until he voluntarily retired on account of age.

Judge Kelly was a very imposing man. He was well over six feet, I'd say six feet, four or five.

Tall. He was very broad of shoulder, straight back, white hair, very reserved. There was a--the Valley Cafe, at that time, was the center of activity in the downtown Yuma, old downtown Yuma area, and in the dining room of the Valley Cafe there was a large round table that seated ten or twelve people, which was reserved at lunch time for lawyers, and there was one specific chair that was reserved solely and always for Judge Kelly. I don't know that Judge Kelly had any friends or any social life. The only time, in all of the years that I lived in Yuma, that I ever saw him outside of the courtroom, day, night, weekends or what, was when he would appear on the same day that I might be there for lunch at the Valley Cafe.

He spoke and wrote the English language beautifully whenever he did write an opinion. It was interesting--in those days, even though there was air conditioning in the courtroom, in the spring the lawyers would all wait until Judge Kelly showed up on the bench in shirtsleeves, and then the coats would be off for the summer until Judge Kelly would show up in the fall in a jacket, and then it was coats from thereon through the winter.

He was a very individualistic person. When the Superior Court judges, in the 1950's, decided

to wear robes for the first time, he, so far as I know, alone, of all of the Superior Court judges in the state of Arizona, refused, and never did wear a robe on the bench or anywhere else, I guess. Also, when the new rules of practice, of civil procedure, were enacted in the 1950's, I remember one requirement, for the first time, was that there be a pre-trial conference. Judge Kelly never held a pre-trial conference in his life. He would read the file and you'd show up for trial and away you'd go.

And speaking of his ability with the English language. I remember one young attorney was appearing before him in a court case involving insurance, and made the mistake of mentioning the word "insurance". Without batting an eye or waiting or waiting for a motion, Judge Kelly said, "Young man, I think you have just fouled your nest." (laughter) Anyway, he was a great jurist.

Another one I remember that used to come to Yuma frequently because, I think, Judge Kelly liked him, and I know he liked Judge Kelly, was Judge Henry Stevens. I think I learned more that came in handy after 1966 for me, about the job of judging and courtroom appearance and courtroom discipline and so forth, from Judges Kelly and Stevens than

from any other judge that I observed at any time while I was practicing.

Westover: You didn't mention Judge Kelly's live-in librarian, though.

Copple: Oh, that. Yes. He had a secretary--I don't know about your phrase "live-in"--a secretary by the name of Fama Townsend, whose late husband had been a riverboat captain when the flat-bottomed boats plied up and down the Colorado River before the Boulder Dam was built. Judge Kelly had his office on the second floor of the courthouse. It was a two-story building with a basement. And the justice of the peace had his chambers and courtroom in the basement.

At that time in the fifties, California had a blood test and waiting law for marriages and Arizona did not have either. So one of the biggest businesses in Yuma at that time, was the influx of people from Southern California, movie stars and people of all walks of life, who would come to Yuma to get married. And of course they all had to show up at the courthouse, the clerk's office in the courthouse, to get a marriage license. As new people would come into the courthouse to get a marriage license there was always a race between the justice of the peace's bailiff and Fama

Townsend for Judge Kelly as to who would grab them and take them to their particular employer. If Fama could get them to Judge Kelly, he would make the fee and if the justice of the peace's bailiff could get to them first, then he would make the fee. But it was quite a race whenever anybody showed up to get married. Of course that law was changed years and years ago and it no longer holds true.

Westover: How about Glen Copple? He was an old lawyer down there. Do you remember anything about Glen?

Copple: Well, I remember when I first passed the bar, I received a call from Glen Copple, who by the way, was quite a genealogist. He knew my father real well and had told him that way back somewhere we were related. But it was a far distant relationship. I know that he had his office next door to ours and frequently my mail would go to him and his mail would come to me.

But I remember he was rather--he would answer the phone, you would pick up the phone if you called him and there would be a long silence and then there would be, "Yeaaaah?" And that was it. His universal phone answering.

I remember when I first started to practice and he called me one day and said that he wanted to

give me some good advice and warning. He says, "Now you know the whole jail, and particularly the interview room with prisoners, you know all that is bugged. So you be very, very careful when you're representing a defendant, don't talk to him in the jail. Get him into the courtroom or somewhere because otherwise they'll record your conversation." Well, I never saw any proof of that being true.

Westover: While we were down there, another lawyer also went on the bench, that was on the bench for quite a while, and that was Bill [William W.] Nabours.

Copple: Yes. He and Bryant [W.] Jones came from one of the mining towns in Eastern Arizona.

Westover: Douglas or Bisbee?

Copple: No. It was one of the others, north of there.

Westover: Morenci?

Copple: Morenci. Up in that area. Anyway, Bryant Jones had been out of law school for a while and was practicing there. And I think Bill, at that time, had been out only a few years. I never did know why, but they both decided--they both married and had families--they both decided to move to Yuma. And they first officed across the street from us. Bill kind of acted more as the secretary and legal



assistant and Bryant was the attorney until they built up enough practice to hire a secretary.

Speaking of secretary, I'm going to mention something else in a minute. Your dad told me.

Anyway, Bill always wanted to be a Superior Court judge. And I know not too many years after we'd started practicing, a number of the lawyers got together with Harold Giss, who was then a very influential state senator. In an attempt to get a second judge for Yuma County, Harold Giss introduced a bill--and I don't know what the basis was or what was wrong with it--but anyway, it authorized a second Superior Court judge for Yuma County. And Judge Kelly did not like the idea. He got somebody, I've forgotten who, but someone that he knew, to act as a pro per plaintiff on pleadings that I'm sure were prepared by Judge Kelly and memoranda that were prepared by Judge Kelly, questioning the constitutionality of the authorization. In the meantime, Bill was sworn in to fill the position. And not too long after he started serving, the Supreme Court overturned it and declared the position was provided for unconstitutionally. The statute was wrong in some--I don't remember what the reason was.

Westover: What was the speculation as to why Judge Kelly did that? He just wanted to be the only judge?

Copple: He just wanted to be the only judge there. He didn't want another judge at the time. He wanted to run it by himself like he had--this is my opinion--like he had for years and years and years. He didn't want to divide the authority that he had. So anyway, poor old Bill was out and went back to private practice. This time I think with Pete [Peter C.] Byrne, as I recall. I know that he decided then, and said, that he was through with being a judge. Well the next time that, based on the population, a truly valid vacancy came up, Bill was right back there and received the appointment and has been--and was re-elected every year. Turned out to be a very fine judge. He was re-elected every year until he finally retired on account of age a few years ago. And I think he still sits once in a while.

Westover: What kind of law were you practicing mostly in the years that you were in Yuma?

Copple: Well, it was mostly administrative law, practicing before the various commissions and boards. And then of course after Joe Mansfield died, then it involved representing irrigation districts before the Bureau of Reclamation and other various

agencies that were concerned with the problems that were developed in that area and with Washington agencies. But I did not have extensive trial experience after the first few years. I got more into administrative law and that area, which I really liked better.

Westover: You were on the Highway Commission for a while.

Copple: Yes. I served four years. I was appointed in 1955 by Governor [Ernest W.] McFarland to serve on the Highway Commission. I served there for four years until my term expired, and then the appointment automatically went to Maricopa County from Yuma County for my successor.

Westover: Well, how did you practice administrative law while you were holding an administrative position? Isn't that a kind of conflict of interest these days?

Copple: Well at that time I was not practicing administrative law because I was doing other kinds of work. Some corporate work, contracts, wills and a minor amount of courtroom practice.

Westover: Did you enjoy that term on the Highway Commission?

Copple: Yes, I did very much. I learned a lot and it was a period of a lot of innovations. We went to a lot of, oh, for instance, photogrammetry, which was a new field then, whereby surveys, cuts and fills, the entire design of a highway construction project

could be made from aerial photographs and the use of a special three-dimensional viewing machine that you could make very accurate measurements with and which saved thousands of man-hours of hiking across the ground and using the traditional method. We went to computers for engineering problems--and these were pretty elementary computers in those days--and accounting and payroll and all that sort of thing.

Tape 1, Side 2

Copple: . . . only the second state to go into a full-blown photogrammetry program for engineering work of that type. The first state was Louisiana, and we were the second state. As a result of that, the man who we had trained and was in charge of that particular department was in great demand to go around to other states and sell the program and teach the program to them. Then of course it has been improved upon tremendously with new computers, laser surveys and all of the advances that have come in the last twenty or thirty years. But it was an interesting time. It was a field that I didn't know very much about, didn't know anything about.

I learned a lot about politics. I learned a lot about budgeting and dealing with the legislature and the highways and bridges committee and how things get done in state government. And then also I made an awful lot of contacts that, many of whom, the ones that are still alive, have stayed with me until today.

Westover: Tell us about the McCulloch Corporation and Lake Havasu.

Copple: Not too long before Joe Mansfield died, the McCulloch Corporation came into Arizona, Lake Havasu, and proposed to the State Land Department that they transfer and sell to them on an open bid purchase a large block of a combination of state land and the railroad staggered townships across that area. And ultimately the, I think the committee was the Attorney General, the governor and the State Land Commissioner . . .

Westover: Didn't you represent them in connection with this?

Copple: Well, in a minute. . . . approved it. And while that was going on, Joe Mansfield was representing the McCulloch people and they were trying to figure out a way in which to have one entity that could finance, on a bond basis, or borrowed basis, the money to develop this proposed town and planned community. Joe suggested the use of an irrigation

district because there was a lot of irrigable land there and they had the water available. And that was done, even though there was some question. It had never been done before in that particular way.

Then about that time Joe was killed and I went forward then with it and we formed the irrigation district and went through all the formalities and got the consent of the board of supervisors and the local county attorney and the local judge and got all the approvals and everything like that. Then it was a time while they were doing the borrowing and the financing and so forth through the vehicle of the irrigation district which would be a tax-free type of corporation, public corporation. The law provided that after one year such a determination, the validity of the irrigation district would be incontestable. So nobody, during the one year period, nobody contested it.

Then that vehicle was used to build a very successful development which I think now is the third or fourth largest city in the state of Arizona. I know at one time it was the third, but maybe Tempe and Mesa have surpassed it, and Chandler, with their rapid growth.

But anyway, they did a first-class job. They put in all of the drainage, all underground

utilities, paving to state standards, and subdivided it, everything that needed to be done, before they sold anything. Then they provided a small fleet of airplanes that would fly people in from Canada and all over the United States to look at the land. They would not sell a lot to anybody that was not on the ground, signed an affidavit that they were there and saw the land and selected it and bought it. And then they had a three to five day grace period after that within which to void the contract without any questions asked.

As a result it has been a very successful development and is a huge, now that they have the London Bridge there, is a huge tourist attraction, second or third only, I think, to the Grand Canyon. And it's a going gussy of a town. The people there are very happy with it and within the last few years they changed from the irrigation district to an incorporated city. And it's been going along fine ever since.

Westover: This idea of yours of using an irrigation district . . .

Copple: That was Joe Mansfield's idea. I just carried it out.

Westover: (laughs) Okay. You're pushing it off on him, then. (laughter)

Copple: At least it worked until the . . .

Westover: They tried to use that idea . . .

Copple: They tried it in Fountain Hills and the court said it was not a proper use. But by that time the year had passed and there was no problem with Havasu City. (laughter)

Westover: After you took the bench up here, tell me about some of the interesting cases you've had. I know, for example, you had one case that had to do with the Bolles murder.

Copple: Yes. It was a trial of an attorney by the name of Roberts who was implicated only peripherally in the Bolles murder, but who was tried for, in effect, arson for burning down a building that he had on Central Avenue that was rented to the Indian Health Service, for the insurance. I tried it the first time in San Diego and it ended up with a hung jury. I waited a couple of days after the trial was over and the jury had not reached a verdict, so I imposed upon one of the local judges to take the verdict when they came in and I came home. And a couple of days later they hung up.

I went back to re-try it some time later and my wife became ill in the middle of the trial and I had to return to Phoenix and Judge [Walter E.] Craig took over and this time he was found guilty.



However, the assistant U.S. attorney had made a great mistake in his closing argument by pointing to the back of the room and telling the jurors that "that man back there is from the Phoenix Police Department and he has been here to make sure that none of the witnesses perjure themselves." Well, as I recall, Judge Craig let it go with cautionary instructions to the jury, but the Court of Appeals reversed on that basis of that error. And then it was tried and the next time he was acquitted.

Westover: Did [John Harvey] Adamson, Bolles murderer, testify in the cases you tried?

Copple: Adamson testified in the Roberts trial. And as I recall, Robinson did too. The only thing I remember now about their testimony--this has been over ten years ago--was the testimony of a witness for impeachment purposes as to Adamson, who testified that Adamson had been at a cocktail party and for fun of it and for the amusement of everybody else, I suppose, he took a kitten and threw it in the microwave oven and turned the microwave on. And this was pointed out as to what kind of a man he was. And there were a whole lot of other testimony like that. He was just a real animal.

Westover: Well, did you ultimately think justice was done in that case, or do you make those kind of judgments?

Copple: That's up to the jury. I don't make them.

Westover: Okay.

Copple: The evidence was not overwhelming. It could go either way.

Westover: What other kinds of cases have you had now, since you've taken the bench, that you find particularly interesting?

Copple: Oh, I had a--one of the last cases that I tried before I took senior status and reduced my case load, was one involving gas-permeable contact lenses. I've forgotten the name of the party. The plaintiff was a subsidiary of a big British outfit that had a patent on gas-permeable contact lenses, the material to make them and the process for making them out of the material. They solved a problem that, before, the contact lenses in use would not permit oxygen to go through them, so as a result they could only be worn for a short time continuously. Whereas with oxygen permeability and the oxygen could continue to get to the eyeball, you could wear them for days and days. I think they finally were approved for up to one week of continuous wear. The two defendants were charged with infringing the patents. The one

infringer--let's see. One infringer was represented by a lawyer from Chicago and one infringer was represented by a lawyer from either Utah or Denver, Colorado, I've forgotten which.

Anyway, it was an eight-week trial and we went into molecular structures and we went into the history of patents and we went into all of the similar devices and similar patents and the defendants trying to prove that theirs were entirely different. As a result, there was no question in my mind--it was a non-jury trial--and I found that there had been infringement and established a substantial damages and plus, I didn't triple the damages, but I made them, as I recall, one-and-a-half or two times.

One of the defendants immediately settled with the plaintiff, sold out lock, stock and barrel and got out fine. The other one, I don't know whether it was the lawyer who was stubborn or the clients, decided to appeal. And of course they were offered the same deal as the other defendant, but turned it down. They went to the Court of Patent Appeals--no, I guess it's called now the U.S. Court or something like that. It's new. It used to be the Court of Patent Appeals. But anyway, they upheld the verdict for all of the facts that I had

found. And pointed out that it was a pretty frivolous appeal.

As a result, I found out, the lawyer who had represented that particular defendant had not been paid, because the little outfit ran out of money--it was a pretty small outfit--and he had cost his firm--no, he was from New York--he had cost his firm in New York so much money that they kicked him out of the firm. Going on and on and on with that case when it was obviously not there to win.

Then I had, when we were just the three of us here, we had lots of drug cases. And even after we got the other judge. In fact the last drug case I tried involved a seventy-nine count indictment with thirty-nine defendants. The first trial with four defendants took eight weeks to try, and the second trial took about seven weeks with three defendants, and then all the rest of them plead guilty.

The thing I remember learning about in that one is that--this was an international smuggling ring. A complete distribution system from top to bottom that imported planeloads of cocaine and marijuana from the Medellin District in Colombia into the South. I remember that they bought up a ranch in Georgia that had a barn on it, a farm, and

then they built another huge tin barn. And they had semi-trucks. The planes would fly into little strips in Georgia where they had the local sheriff paid off. I remember one time they had to delay a shipment because there was an election on and they had to wait until they could pay off the new sheriff, whoever he was going to be, before they could come in.

But anyway, they would fly these planeloads in, the truck would be there to meet them. They would strip the plane of radio gear and everything that was expensive that they could take out, load the truck, abandon the airplane, and haul the stuff to Georgia and put in these barns, store it. Then when they got enough they would load up a truck and go to Chicago or go to New York or go to Los Angeles where they had a distribution system set up that would take it and then go wholesale to retail to consumer.

They had so much money that they had to get counting machines for the paper and their biggest problem was how to dispose of the money. Because any deposits had to be under ten thousand dollars or they would be reported to the government. So they had three women who did nothing but take the money and go from bank to bank to bank to buy

cashier's checks of nine thousand, nine hundred and some dollars. Then they would use that money one way or another. The problem was they had suitcases full of money stashed in clothes closets.

The head honcho, who had just gotten out of prison--in fact he was planning this with his number two man before they left prison--ultimately moved to Paradise Valley. He had a big home in Paradise Valley with a secret room off the hallway where he had surveillance equipment monitoring the whole outside of the place. Strangely enough, my nephew is a policeman in Paradise Valley and some of the neighbors had complained about this place. About that time they had arrested everybody on the federal charge. But then he went in to go through the house and was telling us about all of this equipment, later on, when he found out about the trial.

But anyway, the trial took about eight weeks. One of the things that I remember about it most was the barn in Georgia. They brought in a deputy sheriff from there who had had a call from some of the local people about this unusual activity of semi-trucks pulling in and out of this little ranch. So he and one of his partners went out there to check on it. They knocked on the door and

some guy came to the door and they said, "We'd like to see what's in the barn." The guy said, "Just a minute. I have to make a phone call and then I'll go with you." So they followed him into the room and he picked up the phone and started to call. He hung up the telephone and the guy said, "Well, come on. Let's go see in the barn." And he said, "Oh,"--expletive deleted--laid down on the floor, put his hands behind the back and they cuffed him and they went out to look in the barn. The deputy said, "We opened that door," in his strong southern accent--the jury was cracking up--and he says, "Oh," blank. He said the place was stacked from floor to ceiling.

It took them all night to inventory it with two state chemists that they called to sample the stuff. They got all of the moving equipment that they could find in this little town and hauled the marijuana, bales of it, into the sheriff's parking lot and put spotlights on it and guarded it all night. So then they took out the samples and saved an exhibit room full of the samples to be used at the ultimate trial and then they were going to destroy the rest. Then the guy says, "Then we had a problem. How are we going to destroy it?" So they found an abandoned quarry, dumped it all in

the quarry and then put it on fire. And of course then marijuana smoke just laid over this town. And he said, "The stuff doesn't burn very well so we had to get a bulldozer to keep turning it over and over until it burned." Well, anyway, they finally got rid of it.

But the upshot of it was--developed later in the trial--that a year later when they got ready to go to trial down there, there wasn't any marijuana in the exhibit room. So the sheriff is sitting in jail now for having sold the evidence from this trial. (laughter)

Westover: What kind of marijuana high did all the citizens in town get?

Copple: Well, he didn't explain that very much. But he said radio stations were there and there were photographers and people from all over came to see this.

Westover: During your early years you became acquainted with the congressional delegation from Arizona, didn't you?

Copple: Pretty well with most of them. At that time it wasn't nearly as big as it is now. Of course, the ones I knew best were Mo [Morris K.] Udall and Senator [Carl T.] Hayden, because I had participated in their campaigns in Yuma every time



they ran for re-election. And I knew Stewart [L.] Udall very, very well when he was a congressman, and then also when he was in the Interior Department and we had to deal a lot with him on reclamation problems. He was always accessible and very friendly and very helpful, as was Mo and as particularly was Senator Hayden and his staff, who were most helpful to us. John [J.] Rhodes was helpful, but not to the same degree. And I knew [Barry M.] Goldwater then, but he wasn't too much interested in the problems that we had down there. Not nearly as much so as Senator Hayden was.

But there were--my observation was that they were darned hard-working guys. I know that Mo Udall was there at all hours. He knew everything that was going on in the way of legislation. He had a hard-working and very efficient staff. Senator Hayden had an equally competent and efficient staff. I don't think either one of them ever took a--I know Hayden never took a dollar honorarium, a public ride at somebody else's expense or a darned thing like that. Nor would he. And I don't believe that Mo Udall ever did. In fact I think that just recently, in a listing of money donated by Charles Keating to all of the various members of the Arizona delegation, as I

recall Mo Udall was the only one that did not get a dime from Keating.

Westover: After having worked with Stew Udall on Interior affairs, you ultimately had him in front of you as a lawyer, didn't you?

Copple: Yes. He and Bill [William P.] Mahoney represented a group of Indians on the Navajo Reservation--I think they were all Navajos--who shortly after the war, when the battle was on to mine as much uranium for the government program as possible, worked in the uranium mines up there. And apparently the mining company had very little in the way of safety. There was very little known at that time about what are called radon daughters. Now everybody's afraid of radon and they're inspecting houses in suspected areas for radon levels all the time, but during the time these miners were there very little was known about it and the danger was not appreciated, even by the federal government. And now those Indians are developing cancer at a much, much higher than the rate for Indians who did not work there or the general population regardless of what its color or background is.

Bill and Stew filed suit on behalf of the Indians to recover damages against the government under the federal tort and claims act. It's a sad

situation, but we tried a typical group out of the hundreds and hundreds involved, we tried a group of about twenty that were all different things, single men, men with families who have died, men with families with children who have died, and so on. And after a lengthy trial--because it was against the government. It was a trial in the court without a jury. And under very, at that time, recent Supreme Court case law, I held that they could not recover because of the discretionary act exclusion in the tort claims act.

They took it to the Ninth Circuit [Court of Appeals] and the Ninth Circuit affirmed it on that same basis. The did not go to the Supreme Court because, they told me, they just simply had no basis on which to go any further.

Then they came in to try another group of them on slightly different grounds, but which did not change, in my view, the underlying facts that they had established at the first one as to the discretionary function and the fact that it was a discretionary decision made at the highest levels of government, executive, congressional and on down through the administrative level of the Indian Health Service. And again that was affirmed. And I think now--and we had discussed this before--I

think they're trying to get relief through Congress like years and years ago they got for the black lung situation in the coal mines. But I don't know what's happened on that.

Westover: How about McFarland? You haven't mentioned McFarland. Wasn't he back in Congress when you were active down in Yuma?

Copple: No. I think Goldwater, I think Goldwater was elected either while I was in Yuma the first time, not very active in politics, or while I was in law school. But when I came back McFarland--let's see--I started practicing in 1952 and in 1954 McFarland ran for governor. And then in 1955 when he took office, he appointed me to the commission. So he had already been out of the Senate when I was there.

Westover: Who nominated you for the bench?

Copple: Senator Hayden.

Westover: What kind of things did you and Senator Hayden do? In other words, what kind of projects did you have that involved your working with the congressional delegation?

Copple: Well, two things. You know, I have to back up and tell you. When I first was appointed, we had an orientation class for new judges, which they have every year or two. One of the older judges that

was there lecturing said, "Now let me tell you something." He said, "You were not appointed because you're the best lawyer in Arizona or California or wherever you're from. You weren't appointed even because you might have been a good lawyer or a bad lawyer. You were appointed because you were good friends with a senator, and don't forget it." (laughter) And that's true. Because it's senatorial patronage and it still is. Even though the Court of Appeals are not so much as they used to be. The district court still is.

Anyway, between Joe and I, we had run Senator Hayden's campaign every time he ran down there. And then of course after Joe died I ran it the last time.

And then Joe had worked with him all through the organization and development and the authorization for the Wellton-Mohawk Project. When I got in there, the big problem was the fight between the United States and Mexico over the discharge of high-saline content water to Mexico under the Colorado River Compact, which provided that, I think it was 150,000 acre-feet a year should go to Mexico out of the end of the Colorado River. And one of the biggest causes, allegedly, for that salinity, was the pumping of high salt

content ground water out of the Wellton-Mohawk Project. And the Wellton-Mohawk Project could not be sustained unless that water was pumped out, because down in the valley the water level was that high that if you didn't keep pumping it the land would flood. From irrigation. Literally, water would come up and stand on top. And then of course, up on the mesa, in the sandy area, that water would come down through the sand and down to the clay aquifer and then into the valley and then down and again raising the ground water level. And so the question was whether to abandon the district, which some people advocated, or to increase the pumping.

So we worked with Senator Hayden and with the U.S.-Mexico Border Commission, which was supposed to negotiate and handle problems like that between the two countries arising along the border. And we managed through Senator Hayden's office and his pressure, influence, to get money for the government out of State Department funds for international relations, to get money to pay for the installation of a bank of wells sufficient to continue taking the water out from under there, but to divert it through a canal, divert the salt water--the brine, almost--through a canal around

Morales Dam, which would take it beyond the point of delivery to Mexico, and dump it in the Gulf. Which is what ultimately settled the problem.

Hayden was helpful in that, and generally any problems we had with the Bureau of Reclamation--which was also, however, very, very helpful to us--but where we needed money for a project that would be recommended by the Bureau of Reclamation to solve any of our problems on the Yuma Project, his office was always very, very helpful. Because I think he sat on the Appropriations Committee.

Westover: Ultimately a desalinization plant was built down there. Did that have anything to do with the work that you . . .

Copple: No, that came along later as--well, it's just part of the overall attempt to settle the problem without losing too much water. And I don't know, I understand they're about to, arguing about enlarging the plant, or whether it's financially feasible to do it. But that was built after I left there, even though it was in the works when I left, and I don't know how it's worked out or what it's done to solve the problem.

Westover: Any other projects come to mind that you worked with Hayden on or the other members of the congressional delegation?

Copple: No. Other than getting their re-election every two years and giving them such advice as we could from the atmosphere in Yuma County.

Westover: You mentioned Joe Mansfield was the best lawyer you ever knew. Why don't you tell us about the Wellton-Mohawk Project and Joe Mansfield.

Copple: Well many, many years ago the land along the Gila River, going into the Colorado River at Yuma, was being farmed. But it was being farmed by well water plus a little bit of surface runoff. And the salt kept building up in the soil and the ground water kept dropping. It finally became uneconomical to farm it, and all these farmers were down there unable to farm their land that they owned. So for years there was a movement to get a reclamation project to bring Colorado River water into the Wellton-Mohawk area, which was, oh I think the west end of it is about thirty miles east of Yuma and then it goes to Texas Hill, which is another thirty miles long, forty miles long, something like that. And Joe worked on that. I think that was the primary job that he had when he



first started, because Bill Westover turned that representation over to Joe.

He worked for years, once they got the appropriation through to build the project after years of lobbying for it--I mean, it was a tremendous job, because they had to work with the title company to identify every parcel of land in there because the owner of each parcel of land had to sign a contract with the Bureau of Reclamation for repayment through the purchase of water. And the legal process through the Board of Supervisors and public hearings and approval of the court of the orders and so forth.

Finally got it finished and then he was given the job of hiring the first manager for the project after it was formed. He brought in Roger Ernst as the first manager. Roger later became, after he left there, he became the State Land Commissioner and then assistant Secretary of the Interior in the Eisenhower administration he went to Washington, D.C., as Assistant Secretary of Interior with supervision over Indian Affairs, Bureau of Reclamation and two or three other similar sections. And all of this time Joe was working with the Washington delegation on continuing the work and getting it organized and water to it and

the canals built and everything that had to be done.

Then of course about the time that it got operating fairly well, then the Mexican salinity problem raised its head and he started in on that. And that took about, oh I'd say, fifty to seventy-five percent of his time, just on that account, which involved the representation not only of the Wellton-Mohawk Irrigation District, but to two other small districts that kind of rode along, Unit B in the Gila Valley and, no, Unit B on the mesa and South Gila Valley. No, North Gila Valley, that's what it was. North Gila Valley.

Then the rest of his practice was primarily business. He was a very sharp businessman. I know that Glen Curtis at that time was developing citrus land sale, land development and crop maintenance program for citrus on the mesa, which at that time gave very substantial tax breaks which have since been lost. I know that Joe guided them through the kind of contracts to make, the kind of leases to make, the kind of this to do and the kind of that to do. And it became one of Yuma's very successful businesses. Glen Curtis now, I guess, is probably one of the wealthiest men in Yuma County.

Westover: Joe was also active as a part of the team in Arizona vs. California.

Copple: That's right. I'd forgotten that. Yes, he was up there representing the interests of the Wellton-Mohawk Project on that and as such he really had more in common with California, the defendant, than he did with the position of Arizona, because those lawyers were solely concerned with water for Maricopa and Pima County and they couldn't care less about what Yuma County got out of it. So Joe was there working sub rosa mostly with California, in order to protect the interests of Wellton-Mohawk which were not the same interests, in many, many instances, as the rest of the state of Arizona.

Westover: He had a great sense of humor, too. Maybe you remember some of the things that he did or said that . . .

Copple: Would you like to recite one of them that I remember very well? (laughter)

Westover: No, this is your interview.

Copple: Well anyway. My office and John's were right side by side with the doors right in the corner going in, one to the right and one to the left. At the time that I was on the Highway Commission, John had a Mercedes sports car at the time, and we suspected that he might be a scofflaw. So anyway, one noon

hour while John was gone, Joe came in and got some of my Highway Department stationary and wrote a letter to John saying that he would have a hearing on his suspension of his driver's license for failure to pay tickets, at the Highway Department on such and such a date. Well, we were watching and John came back from lunch and he went into his office and then pretty soon he came back and closed the door. And as he told us later, he called the name that had signed the letter, who was the head of the particular department involved, and the guy said, "Well I don't remember anything like that, but let me see." So he punched the computer, and John said he could hear his tickets going plunk, plunk, plunk. He wasn't very happy the rest of the day. I don't know how many tickets he finally ended up with. (laughter)

Westover: What other things about the old-timers do you have to add here? Of the old times in Yuma County.

Copple: Well, the only thing I could think to add, John, is that for the thirteen years or so that we practiced together there, first four of us and then on up, I'd have to say that we never had a cross word. We never had an unpleasant word. And all in all it was a most rewarding and, I think, enjoyable

experience for all of us for the association we had.

(Tape turned off for a moment then turned back on.)

Westover: Are there any things that stand out in your mind that occurred during the time that you were U.S. Attorney here?

Copple: No, it was a very quiet time. There was nothing, no high publicity cases or anything at that time. It was very quiet.

Westover: One of the things that people might want to know is whether or not you had any involvement in the Central Arizona Project effort. That is either supporting it or opposing it.

Copple: The only thing that we worked at, and Joe was doing this first, and then I took it over, of course, when he died, and that is to make--California was stronger than Arizona, overall, politically. We wanted to get into the bill, whatever authorized the Central Arizona Project, the same protection for priority in the case of shortages on the Colorado River, which there are going to be. Everybody agrees, that testified at that time, that there will be times when there is not enough water to give everybody their share. So that we were interested, working through Hayden's office, to make sure that we got the same protection that

California did as to the priority of use in case of times of shortage. And that the Central Arizona Project, being the last user on the river, would be the end of the line in case of shortages. And of course we had to catch a fine line because one of Senator Hayden's great projects, and one that he prided himself on ultimately getting, was the Central Arizona Project for Arizona. Fortunately it finally got down to the point that unless he gave California the priority that they wanted, as prior users on the water, that they were not going to get the Central Arizona Project. At least that was my view of the situation at the time. And so when they finally gave in to California, they had no reason not to give us, as another prior user, the same priority in case of shortages that California had.

Westover: So you were able to protect the interests of Yuma County as against the interests of the Central Arizona Project.

Copple: I don't think it was necessarily against their interests, it was just all in fairness. It was equity.

Westover: How do you feel about the advent, the burgeoning advent of women in the profession?

Copple: My experience has been this. The first--let me see now. I'm trying to count up the years. About the first twelve or thirteen years that I was here, I very seldom got an application from a woman. The minimum standards that I had and have are to be in the top ten percent of the class scholastically and responsible research experience on the Law Review. In those days when I would get an application from a woman she might meet the academic qualifications but never the Law Review experience. Then I began to get applications from women with Law Review experience. After two or three more years it turned around completely, and for the last six or seven years when I have had a succession of women law clerks, the top female applicants have been far superior in their resume and qualifications on paper and in interviews, to the men that have been applying since then.

Westover: For clerkships?

Copple: For clerkships. Most of the women that I've had have either been editor-in-chief, articles editor, one of those two, for the Law Review. And they have been excellent.

Westover: But have you managed to avoid your chauvinistic tendencies and hire one?

Copple: As I told you, my last seven, including Karen, my present [clerk], have been female law clerks.

Westover: And how have they performed?

Copple: Excellent. Excellent.

Westover: Do you think they're better than . . .

Copple: I've had one, no, I've had two male law clerks that did not turn out and that I wasn't happy with. I've not had a single female law clerk that I haven't been happy with the quality of their work. Whether it means working long hours from time to time--because, see, all of the other lawyers have two law clerks, even Judge [Carl A.] Muecke. I have always only had one law clerk. Because my philosophy is, in the first place, it's a waste of time after two or three times to have a law clerk sitting week after week in the courtroom acting as the bailiff. Also, when they get out of law school, the first thing, I mean into private practice, the first thing they learn, particularly if they go with a big firm, there ain't no such thing as a forty hour week. And I want them to get the same experience here. That when there's work to be done, I want them to work ten hours a day, six days a week, whatever. And when the work is slacked off and we've got a small calendar of something coming up, take your time off. And I



think, and when I've explained this--you know, some of them feel like they're going to be put upon.

"Everybody else has got two law clerks, how come I have to do everything?" I think when they understand it, I think they appreciate it more.

Westover: Have you had many women practitioners in front of you in open court, trying cases and that kind of thing?

Copple: Yes. And I've had good experiences and bad experiences. I've had some women lawyers who were very excellent. The one thing that you see once in a while in a woman--and you see it in men too--is that I can be tougher than you are. They won't give an inch. They take ridiculous positions just to keep from having to give a little bit or compromise.

Westover: If that's true, don't you think that will pass?

Copple: Oh, I think so. I think so. I think it's probably when women first started practicing law and men kind of looked down their noses at them as second-class or something, and the women knew that they were new in the field, that they probably felt it more than they do now. Now you've got lots--in fact I think the law school's about fifty percent women.

Westover: And you see men with that same obstreperous attitude.

Copple: Oh, absolutely. I've seen some that have been practicing for years and years and years and just absolutely drive you up the wall by coming in on a motion for every little thing and arguing about it. Uselessly. And I think that's--do you remember Chief Justice [Warren] Burger was complaining about that very sort of thing. The length of litigation and abuse of discovery and abuse of motion practice. And just a few years ago they adopted our present form of Rule Eleven of the Federal Rules of Civil Procedure, which gives the District Court broad authority to assess sanctions, costs, attorney's fees for lawyers who file frivolous law suits, frivolous motions, and needlessly extend and complicate litigation.

Westover: There has been a great deal of controversy and a lot of national comment on the effects of Rule Eleven.

Copple: Absolutely. I've got two or three studies here now that, some are violently opposed to it and some go the other way. Frankly, I've used it very little and then only in extreme cases.

Westover: I heard somebody say recently, "A good judge doesn't need it and a bad judge shouldn't have it."  
(laughter) How do you feel about that?

Copple: I don't think that's true. (laughter) No matter how good the judge is, some lawyers have to have something, have to be punished one way or another for getting out of line. Otherwise they won't stop it.

Tape 2, Side 1

Westover: You talk about frivolous motions and frivolous lawsuits. Do you think that our society has become continuously more litigious?

Copple: Oh, I think we've become more litigious. That does not necessarily mean there are more frivolous lawsuits. It's just that more people are prone to sue if they have any kind of a claim that a lawyer will take that might get them some money.

Westover: Do you think our society can afford this continuous increase of the cost of judicial administration?

Copple: No. And that's why there are movements for alternative solutions. Administrative panels like employment compensation panels that will hear claims without the formal rules of evidence and try to arrive at a solution quickly and easily; the

increased emphasis on settlement conferences by judges, some of whom are good at that and some of whom aren't--and I don't consider myself very good at settlement conferences. But, you know, all over the country in legislative and judicial circles, legal circles, people are searching for ways to cut down the cost and the time of litigation by the court method. I mean, you're talking about generally, in a civil case, at least a year from the time the complaint is filed until there's a decision or a trial in the case. Most of them more than that.

And the extreme cost. I was reading, this morning I think it was, that some New York lawyers are charging as much as five hundred dollars an hour now. Law clerks in New York, their average entrance salary right out of law school, is seventy-one thousand dollars a year. My grandson Brian started with Gibson, Krutcher right out of law school at sixty-seven thousand dollars a year plus every kind of a perk that you can think of, including a company yacht that can be used on weekends if he wants to.

Westover: What happened to that ten-cent breakfast?

Copple: Well, that was when I was making twenty-five dollars a week, too.

Westover: How do you feel--the Supreme Court, when it said advertising was okay, gave a lot of justification as to why there should be advertising in the profession. Presumably that was going to lead to greater competition, lower fees for people, the public, awareness as to the better practitioners, where they could go to get the best services and that kind of stuff. Do you think all that's come to pass from advertising?

Copple: No. I don't think any of it's come to pass. I'll have to admit, John, before I say this, that I have had very few of the advertising lawyers in this court. In the first place, for whatever reason you want to ascribe, most of them do their damndest to stay out of federal court. They don't like the formality, they don't like to be made to adhere tightly to the rules as we generally do here and some of the other courts don't, lower courts. So I have had a very limited exposure to them. But I can say, without exception, the ones that I have had in court have not been competent lawyers. That advertising has certainly not raised the skill of the lawyers that advertise.

Westover: It may have raised their income.

Copple: I don't know that it's raised their income. I know that most of them are advertising extremely--and I

don't know, when you get into their office, I don't know what happens--but extremely low prices, compared to the rest of the profession, for simple divorces, probate matters, bankruptcy filing and so on. Then, of course, they're all advertising for automobile injury claims with "you pay us nothing until the claim is settled." And of course, I think the urge there is to quickly settle the claim.

Westover: Most of us who think about advertising immediately think about ethics because advertising was formerly thought to be unethical.

Copple: That's why most of the larger firms and the old-time practitioners don't advertise. I remember, when advertising first started--I mentioned that my son Leonard is a sole practitioner in Tempe who does not advertise. He gets his clients by word of mouth and an awful lot by referral from other attorneys who have a client that needs a trial lawyer and they're not trial lawyers, so they will ask Leonard to come in and try the case. He's represented the City of Tempe on a lot of cases and he's represented the State Bar on cases and he's represented a lot of lawyers in malpractice defense. But he was telling me that in the very early days when he was practicing and advertising

was going on, a woman walked in off of the street who had been in an accident and wanted to be represented. He asked her, "How come you came to me? Did someone recommend me or anything?" She said, "No. I see that you don't advertise. And I figure if you don't advertise, you're good enough you don't have to." (laughter)

Westover: Do you think generally that our profession is improving its ethics or the ethics or. . . .

Copple: I think there's a much greater emphasis upon self-policing now than there ever has been. I really believe that.

Westover: Do you think it's needed?

Copple: Oh, absolutely.

Westover: I mean, more so now than . . .

Copple: I don't know that it's needed any more so than before, but I know that it's needed. I've had a number of instances where I've filed complaints with the Bar and where I've been called for hearings on lawyers that ultimately resulted in suspension or disbarment. And I know there's a need for it. I can't say whether there's more of it now or just more enforcement or what it is.

Westover: Years ago, I guess when we were in law school, we were taught that our occupation was a profession rather than a business.

Copple: And you owed the public pro bono work.

Westover: And other obligations to the public generally, because we were a profession. Do you think those philosophies are still present in our practice?

Copple: I think they're still present to a large degree. I know we run into it in trying to get lawyers to represent indigent clients and prisoner cases where there appears to be a likelihood of a real basic issue that needs to be resolved by trial, which is maybe ten percent of them. In the employment discrimination cases, where Congress has provided that if you can't afford to hire a lawyer, apply to the District Court and they'll appoint one for you. And in trying to find lawyers for a panel to represent indigent prisoners or a panel to represent employment discrimination cases, we found two things: if you get to the one or two man law firm, it's a tremendous burden on them to take all of that time, because we have no way of paying them for lawyer's fees. In some types of cases, if they're successful, the court will award lawyer's fees against the defendant. But without success, we have no way of paying them. And except by using the library funds, which we have, to pay for costs in prisoner cases, the cost of depositions, the cost of expert testimony and so on--well we can pay



out of the Criminal Justice Act, but not in the prisoner civil cases unless its habeas corpus. So it's a real hardship for this single practitioner or two-man firm to take those cases unless they're going to be very short and perfunctory. But we have found that the larger firms will lean over backwards to provide people from their firm at whatever level of skill is necessary--if it's a capital case or if it's a very simple case--to provide a lawyer of the required skill for whatever the problem is on a pro bono basis. And we have no problem if you're going to the larger firms that can afford it. Can afford that loss of income.

Westover: You know, speaking of that business about required skill, the federal court system at one time was contemplating enacting minimum requirements to be admitted to try lawsuits in the federal courts. Have those ever been enacted?

Copple: No. There's still conversation about it. But I don't know of any. There may be some district courts somewhere that I don't know about that have any requirements like that. For either a written exam on rules of civil procedure, which was what the main proposal was. Just procedural aspects of it rather than substantive law.

Westover: No minimum requirements as to numbers of trials or anything like that?

Copple: Yes. For criminal cases, we don't have any stated exact rules. We have a Criminal Justice Act panel, and those attorneys are paid Criminal Justice Act fees. And this is for defendants going to trial starting from the very first court appearance. Or habeas corpus cases. And every six months we go over the panel and the record shows how many times they've been called as opposed to how many times they've accepted a case. And we may drop some that through the whole six months and are never available for a case. We try to get as many Spanish-speaking lawyers as possible on it. And then we go through--and one of the questions on their applications is, "The number of trials you've had. What was the charge and what was the outcome?" We go through those on just kind of a, I suppose an ad hoc basis and evaluate depending on the kind trials they've had, the kind of results they've had, the number of trials they've had, the experience they've had, to show some minimum qualifications to adequately represent the defendant in the case.

Westover: Do you think the entire Bar before the federal court ought to be able to pass such minimum

requirements? Ought to be required to pass such minimum requirements?

Copple: I don't know. I'd like to see something like that, but more of an internship to prepare them when they first get out of law school. To sit with a lawyer and observe or be assisted in something. But I don't know that at this point we could necessarily require it.

Westover: Do you mean for everybody or just the district court, I mean just in the federal court system? Are you talking about an internship for everybody?

Copple: I'm talking about some kind of an internship for federal court. You see, we have, for new lawyers, every six months we have an orientation course here at the courthouse. And then they have a three-day sort of general orientation course for all courts. I know a couple of times I've gone to discuss various things. One night is a panel of federal people: a judge, somebody from the clerk's office--two or three judges usually--somebody from the clerk's office, maybe somebody from the U.S. Attorney's office talking on various subjects peculiar to the federal district court. Generally going over rules of civil procedure that are generally missed or generally not used or generally not understood by new lawyers.

For instance, one thing that I constantly have coming up with new lawyers is the difference between personal jurisdiction and subject matter jurisdiction. If there's diversity of citizenship, that's all we need. That gives us jurisdiction in federal court, for the guy that lives in New York. And half of them don't know the difference until they get caught in it, between personal and subject matter jurisdiction. I mean, it's little things like that that apparently pass over their heads in law school, if they're even hit upon.

Westover: You weren't acquainted with Justice [Sandra Day] O'Connor or Chief Justice [William R.] Rehnquist, were you?

Copple: I was acquainted with Rehnquist but not O'Connor. I'd had Rehnquist in court a few times and I've seen him. We had breakfast with him not long after he went on the bench. And I've talked to him on the phone. He called me once about a law clerk that I had that he then hired. And a couple of other times.

Westover: You don't have any anecdotes to tell?

Copple: No. Not with him.

Westover: Well, you know, there have been some--Arizona has two justices on the Supreme Court . . .

Copple: Wonderful. You'd never think it would happen.

Westover: We've had the Miranda case and In Re: Gault, and . . . Does Arizona have, do you think, an out-of-proportion impact upon the course of judicial events countrywide?

Copple: No. I think both O'Connor and Rehnquist were just in a fortuitous position. If you'll recall, Rehnquist was in the White House staff and after Nixon had lost two nominees in the Senate, remember he--I can't remember what the newspaper said--he turned to somebody--not Rehnquist, but Zipquist or whatever his name is--"Why don't you send his name up?" Because he was a very conservative lawyer, known to the administration in the White House, and I think just in sheer desperation they sent his name up. Which doesn't go to say that he hasn't been an excellent chief justice, or a regular justice.

And O'Connor, I think, that the time had come for a woman and she was probably the best qualified, with private experience, legislative experience and judicial experience, in the country for the job. And I think that's why she was appointed.

Westover: Well, okay. I think we've probably covered you as well as we can, Bill.

Copple: Thank you, John.

Westover: Thank you very much for the interview, and thank  
you on behalf of the Historical Society.

Copple: But don't call me a historic character. (laughter)

End of interview.

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