

Arizona Bar Foundation
Oral History Project:
Arizona Legal History

Interview with Clarence J. Duncan
Read Carlock, interviewer

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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.

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 achieve 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 from 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.



Clarence J. Duncan

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Introductory Note

Clarence J. Duncan granted this interview to the Arizona Bar Foundation Oral History Project on January 15, 1991. George Read Carlock, a member of the Ninth Judicial Circuit Historical Society was the interviewer.

All Arizona Bar Foundation Oral History Project interviews are tape recorded and transcribed. Researchers wishing to listen to the interview may do so at the Arizona Historical Society Library, Tucson. Please ask for interview *AV 0412-20*. Copies of this transcript are sent to the narrator, the interviewer, the Arizona State University School of Law, the University of Arizona School of Law, the Arizona Bar Center and the Ninth Judicial Historical Society, Oregon. All original materials are housed at the Arizona Historical Society Archives, Tucson.

Clarence J. Duncan Interview

Carlock: Clarence, you have the honor of being born in Gila County, I believe.

Duncan: Yes, along with you. And I was thinking of some of the other people that distinguished themselves that were from Gila County. G.W.P. Hunt, remember, came in there. They said he was punching a burro. I don't know whether that was an exaggeration or not, but it wasn't very much if it was. He was the first governor of Arizona. Frank [L.] Snell, Charlie [Charles L.] Rawlins and his son George Rawlins came from there. George Hill first and then Rouland Hill came out of there. So we've had quite a number of lawyers that came from Globe.

Carlock: When were you born?

Duncan: In 1915, January 29th, in Globe.

Carlock: Was it in a hospital there or at home?

Duncan: No, someone said to me I was, at the time over near Globe High School, and they said, "Were you born here?" And I said, "No, I was born about two blocks over, on Fagan Street." Very few people, I suppose, were born in a hospital back in those days. Dr. Kennedy, whose partner was Clarence Gunter was the

attending physician. I was not named after Dr. Gunter. My father had a brother named Clarence and my mother had a brother named Clarence. That did it.

Carlock: How long had your family been in Globe then?

Duncan: Granddad came to Arizona in about 1895. He was in the retail business. He was also a United States Marshall. At one time he had a trading post, that was about the turn of the century, down at San Carlos. Then he ran for Gila County Assessor in 1912 when Arizona became a state and he was the only assessor Gila County had until 1941 when he died.

He was a great granddaddy, too, I'll tell you. He ran under the name of "W.G. (Dad) Duncan." He was a very amiable, friendly, and an extrovert; a tall Texan, about six-four. You didn't have many six-foot, four people in those days.

Carlock: What brought him from Texas to Arizona in the nineties?

Duncan: He had been a county clerk in Hillsboro County. About three years ago my brother and I took a nostalgic trip back to Texas to see—it was sort of a "roots" type of trip—and we dropped in to Hillsboro, to the county seat there and talked to the county clerk because Granddad had been the one that was the County Clerk when that historic courthouse was being built. It was one of these big, beautiful, ornate architecturally memorable courthouses. So we stopped in there and got acquainted because our granddad had been there.

There he had known a man, a very prominent retailer and banker by the name of G.N. Porter who had left there and come out to Arizona and sent for him, because he thought a great deal of him, and wanted him to work for him and head up some stores, which he did, in Globe. Later he and a fellow by the name of Brookner, who was later to become county treasurer during the time my granddad was county assessor, went into partnership and had an Indian trading post down in San Carlos.

Carlock: Was that W.W. Brookner?

Duncan: W.W. Brookner, that's right. Since the treasurer could only run for two terms, he would exchange it with his daughter, Laura Brookner, and then when she had served two terms would again run for two terms. They did that all the time my granddad was also county assessor. That office had no limitation on the number of terms.

Carlock: What did your father do in Globe?

Duncan: Dad first started out, down in San Carlos, as a young boy that learned telegraphy. He signed on a contract to go down, when Southern Pacific was building a

railroad down around Mazatlán, and he made two different trips down there for many months each time, and was a train dispatcher and telegrapher. He was about seventeen or eighteen years old. Then he came back and was train dispatcher in Fort Thomas, where he met my mother, whose family had moved from Texas, actually around the San Antonio area down in Southern Texas.

Carlock: What was your mother's family name?

Duncan: Cook. Originally it had an "e" on it and our forefather was actually born on board a ship from, I think, Surrey, England, to someplace in Virginia. One of my cousins looked up all the family history.

Carlock: That was your . . .

Duncan: That was my maternal grandparent, my mother's father, yes.

Carlock: From England to Fort Thomas was quite a jump.

Duncan: They actually landed in Virginia, then they were into Texas at some point. I don't know whether they were anywhere in between. From Texas, then into Arizona, where my father married. My brother was born in Fort Thomas. Then they moved to Globe. My father was assistant county assessor back in the days before the nepotism bill prevented relatives from working for office holders.

Carlock: How much older is your brother than you are?

Duncan: Two years.

Carlock: So you were born in Globe in 1915 and went to school there?

Duncan: Actually our family separated and I went with my mother into Texas to some oil-boom towns where the Cooks had also gone. She was living with them and we were with her. We were in a place called Desdemona and then a place called Rising Star, then we were in Colorado City. Then to the boom town to end all boom towns, a place called Borger, north of Amarillo in the Panhandle of Texas. That took me all the way into my senior year in high school when I came back out and lived with my father and went to Globe High School. Although I was with him each vacation for three months during that interval. Then I went to Tempe my first year, and then the University of Arizona the rest of my education, including the College of Law there.

Carlock: Did you get a Bachelor's degree before you went into law school?

Duncan: No, I didn't. No. Just ended up with an LLB. Then the dean, later on, gave you an opportunity to become a Juris Doctor.

Carlock: You had to pay something for it.

Duncan: Oh, I think it was twenty-five dollars, yes, but I suppose the price was right, so I had that changed.

Carlock: You went two years to liberal arts and then went into law school?

Duncan: Yes.

Carlock: When did you graduate from law school?

Duncan: Actually, there's a hiatus in there. My class was of 1937 and in about Christmas of 1936, Senator Carl Hayden asked for a recommendation from Dean [J. Byron] McCormick for someone to be one of his administrative assistants back there. He then had Paul Roca and Jack Gavin. They recommended me and I went back there and finished my last year of law school at George Washington. But I needed to come out to take the bar examination early, so I dropped those classes, came out to take the bar examination, I passed and started practicing law. So I didn't really get my graduation until I came back from the war in 1946. I took Chet [Chester H.] Smith's bar review course that summer and also two classes which I needed to finish out. So I finished that summer, in 1946, but my degree reads 1947. So my class was 1937 and my degree reads 1947.

Carlock: When were you admitted to the Bar?

Duncan: In 1937. In October in 1937.

Carlock: You didn't have to have a law degree at that time . . .

Duncan: No.

Carlock: . . . to take the bar exam?

Duncan: No. You just had to be in residence in an accredited school for three years. That's the way that happened.

Carlock: Do you remember who the bar examiners were when you took the bar exam?

Duncan: Yes, I remember John [C.] Gust was one. Then there was one very highly regarded lawyer in Tucson. Do you remember his name? Would you. . . .

Carlock: Gerald Jones, maybe?

Duncan: Yes. I think it could have been Gerald Jones, Judge Jones. And maybe it could have been Westover? Could he have been the third?

Carlock: I don't remember.

Duncan: From Yuma.

Carlock: It might have been, I don't know.

Duncan: When did you?

Carlock: I took the bar in January of 1948. I was somewhat after you.

Duncan: Yes.

Carlock: What prompted you to go to law school and become a lawyer?

- Duncan: That's a good question. We lived across the street from Judge Faires, Clifford C. Faires, a marvelous judge and a wonderful Virginia gentleman, and I admired him a great deal. I used to go up and sit in the courtroom when he was trying cases when I was going through, well, at different times and vacations in high school, certainly my senior year. I remember that, by coincidence, one of the cases that was being tried was Reyes versus Trevilian. Reyes versus Trevilian went to the Supreme Court and became a landmark case in adverse possession: what the evidence needs to be in order to establish where the property line is between two houses, for example, and that's what this was about, two houses in Globe, Arizona. That got me interested in it. I talked to the judge a lot about it and I guess that was the deciding factor. He was my mentor all during the years and when I practiced up there he wanted me to succeed him. I thought about a political career and I just decided against it. And about that time I got an offer to come down here and become a partner in Jennings, Strouss, Salmon and Trask.
- Carlock: Do you remember what lawyers you saw try cases when you visited the courtroom while you were still in college?
- Duncan: You mean in Globe?
- Carlock: Yes, sir.
- Duncan: Just some local lawyers up there. George Rawlins was coming up. D.E. Rienhardt was there. Rouland Hill, George Hill was there.
- Carlock: Did you ever see Clifton Mathews in court?
- Duncan: Oh, yes, yes. An unforgettable man. And Ed [W.] Rice too. Ed was probably on an equal footing with Judge Faires as my mentor. I used to see him a great deal and thought so highly of him. If you go into my office at the firm now, which they allow me to use, you'll see on my back bar a picture of Ed Rice. Did you know him?
- Carlock: I knew him well, yes. I knew him all my life.
- Duncan: Yes. And Clifton Mathews.
- Carlock: Right.
- Duncan: He went early in the thirties to the Ninth Circuit Court of Appeals.
- Carlock: They were both old friends of my father's.
- Duncan: Yes.
- Carlock: Well when you went to law school was there the same problem of getting admitted to law school that they have now?
- Duncan: No. None at all then.

Carlock: What were the requirements?

Duncan: I don't even know. Just a certain number of hours of L.A.S. [liberal arts school] and there you were.

Carlock: And Dean McCormick was the dean then?

Duncan: Fegtly was the dean when I first went there. Dean [Samuel W.] Fegtly.

Carlock: Who was on the faculty?

Duncan: Was it Collier, in constitutional law? Chet [Chester H.] Smith, Dean McCormick. Let me come back to those names.

Carlock: All right. How large was the law school then?

Duncan: We had, I think, a hundred and twenty. Yes. And you know where it was? Right across the, it faced the library, the old main library.

Carlock: The same building I went to.

Duncan: Oh, was it?

Carlock: Yes.

Duncan: Floyd [E.] Thomas.

Carlock: Floyd Thomas was there then?

Duncan: Yes.

Carlock: It was quite an opportunity when you got to go to be on Senator Hayden's staff, wasn't it?

Duncan: Yes. It was a bitter winter back there at the time. I was only with him, you see, from January until I came out to take the bar in 1937. Less than six months. And it seemed like it snowed all the time. But, yes, it was a nice opportunity, a rare opportunity. He was the chairman of the appropriations committee and a dean of the senate back there and highly respected. We were in 131 Senate Office Building. I can still remember the address.

Carlock: Did you have any thoughts about staying there instead of going back to Globe?

Duncan: No, I really never did. It wasn't the type of thing that I wanted to get into. Once I got into law school, I knew that that's what I wanted to do, practice law.

Carlock: And were you pretty sure you wanted to go to Globe to practice? Did you look around?

Duncan: Yes. I thought perhaps I would. I didn't have any—I guess I hadn't thought a lot about it. But I thought that would be, maybe, the normal thing to do. So I did go back there. And in 1937, when I was admitted to the Bar there weren't a lot of jobs open, as you remember, in those days. I got an opportunity to go with Rouland Hill as assistant county attorney, so I grabbed that. That was good experience, trial and otherwise. You not only had a lot of trial action, but we

gave a lot of opinions to all the county officers. It was a good way to introduce you easily into the practice of law, and all the, as you know, the assistant clerks and the legal secretaries are the ones that have to educate you after you get out and start practicing, and tell you which. . . .

Carlock: How many lawyers were there in the county attorney's office?

Duncan: Well, there was Rouland Hill and there was me. (laughs)

Carlock: Just two of you.

Duncan: There was just two, and we had one secretary.

Carlock: You did the criminal work and the civil work and everything?

Duncan: Yes, I did both.

Carlock: A lot of trial work involved in that?

Duncan: We had a fair amount, yes. We had a few sessions on criminal cases, mainly.

Carlock: Judge Faires was still the judge then at that time, was he not?

Duncan: Yes, all during those years he was the judge. I was thinking back at the old county courthouse. They had spittoons in those days, located at appropriate places, in all the hallways and in the offices in the courthouse and for every juror there was a spittoon on a round rubber mat right alongside the juror's chair, and at the attorney's tables there were spittoons. There was an old janitor named Dave Glen who had been there for years and years and his job was to arrive at five o'clock and clean the spittoons, which he did in a cubby hole under the stairway that led between the second and the third floor at the courthouse, and then sweep out. He'd put on this sweeping compound. All the floors had what they called this thick three-quarter inch battleship linoleum on there, that had been on there since the courthouse was built and is probably still on there now. It just lasted forever. And they'd put sweeping compound on there and these big pushbrooms about three feet wide, and they'd sweep out the entire courthouse every night, every night at five. And that was Dave's job.

Carlock: Who was the clerk of the court then?

Duncan: John Wentworth. He was there forever.

Carlock: He was a historic character.

Duncan: All the public officeholders, except the sheriffs who changed by death or otherwise every now and then. Alf Edwards would have been sheriff, then Charlie Byrne.

Carlock: Was John Wentworth clerk of the court or clerk of the board of supervisors?

Duncan: No, he was clerk of the court.

Carlock: Clerk of the court.

Duncan: Yes.

Carlock: Who was clerk of the board of supervisors?

Duncan: I recall John Armour was a member of the board. He was a prominent rancher there by, had a place up toward Cherry Creek and had several sons, two of whom were near my age, Ben and Alvin. When I first was aware of the courthouse they had a horse-watering trough out there on the sidewalk near the jail, and it was kept in filled. It was kept many years after the horses were no longer brought in there except on rare occasions. And for a good many years along the, on sidewalk, right at the very edge of the curb but on the top, on the sidewalk they had tethering rings. They had drilled holes and put in a bolt and put a ring in it and you could tie up your horse and wagon. All along Main Street there for several blocks each way they had tethering rings. But back in those days, when the automobiles started having bumpers and bumperettes—the bumperette was the vertical piece on each side that was a little bit taller than the bumper—the cars would go up on the curb and the damned bumperette would hook in the ring and about once a day some car would get hooked on a tethering ring. That got to be such a nuisance they finally took them all out. So history, progress, went on very well in Globe. We got rid of the tethering rings and the horse trough.

The railroad out to McMillanville, you may—your folks were out at Copper Hill, though, weren't they?

Carlock: No. We were in Globe, but I remember the railroad to Copper Hill. I used to see the trains going.

Duncan: You had a railroad to Copper Hill, but you don't remember the one to McMillanville. Now here's a piece of history. The original railroad that came into Globe was the Gila Valley, Globe and Northern. Nobody but you and I and now Pablo will know what Northern meant. Northern meant that there was a spur of that that was a good deal longer than the one that went up to Copper Hills. It took off behind the Gila County Hospital, which your house would have faced, that cliff over there. And do you remember those hills that were about a hundred feet high and about two blocks behind the hospital where your house was over in there? Okay. You'll notice that there was an abandoned railroad spur that went up there and went up across the highway and through the box canyon. That went to McMillanville, and I'm told that at one time there were several thousand people, I've heard estimates as high as five thousand people, up

at a copper mine up at McMillanville. There probably isn't even anything but the headframe and the hole there right now.

Carlock: It's pretty hard to find anything there now.

Duncan: But think about it, a civilization that's that big that nobody except just a few people even know was there. Now the Gila Valley, Globe and Northern then became the Arizona Eastern, which became the Southern Pacific spur that goes in there. But that's what the Northern referred to. I only came across that information in recent years. I was aware that that railroad spur was over behind there but I didn't know quite where it went. But that was six or seven miles up to McMillanville. And think of the work that it took to construct that when you had fresnoes and stone boats and mules and dynamite and guys with shovels and picks, and that's the way they made it in those days.

Carlock: But they did it and they did it pretty fast too.

Duncan: They did it, yes.

Carlock: You mentioned one secretary in the county attorney's office.

Duncan: And that was my wife.

Carlock: That's where you met Mrs. Duncan, isn't it?

Duncan: That's right. Katherine was the secretary.

Carlock: When were you married?

Duncan: In 1939, about a year or so later.

Carlock: Was she still working there when you got married?

Duncan: Yes.

Carlock: Did she keep on?

Duncan: No, she quit.

Carlock: How long were you deputy county attorney?

Duncan: For just a year. And at the end of that year, Rouland Hill had moved to Phoenix to practice with George Hill over here, so I didn't run for the office, I just opened my own office in the Michelson Building, just a block down from the courthouse. Everybody was within a block of the courthouse, and the judge was very accommodating. We didn't have law and motion day. We may have had an unofficial law and motion day, but no one ever showed up then because you just called up the attorney and the judge and you arranged a time when you went over to see him. You saw him in chambers and you handled it that way. It was a very relaxed form of practice, not at all like Phoenix and certainly not like Phoenix is now.

- Carlock: You opened your own office when you left then after a year in the county attorney's office?
- Duncan: Yes, I was alone.
- Carlock: When was that?
- Duncan: That was in 1939.
- Carlock: What sort of work did you do mainly?
- Duncan: A little bit of everything, just a little bit of everything. I collected bills, I got divorces, I defended criminal cases, I probated estates, I drew agreements. Very little of any great importance. That's the way practice was in those days, and certainly that's the way my practice was.
- Carlock: Who became county attorney succeeding Rouland?
- Duncan: Frank [E.] Tippett, I think.
- Carlock: Did you defend Indian cases too?
- Duncan: Yes, I wrote up a story about defending an Indian case and sent it to the State Bar Journal . . .
- Carlock: They published it.
- Duncan: They published it, yes.
- Carlock: I remember reading about that, I remember when they published it. Did you have some other Indian clients?
- Duncan: Yes. The way you had an Indian client was, about twice a year Judge [Albert M.] Sames would show up from Tucson at the U.S. District Court. He would summons all the lawyers in Gila County to appear over there and take Indian cases, and it was gratis. I don't mean just low pay, I mean it was gratis. And this was your obligation, to be over there and take, on an indigent basis, these Indian cases. They would be charged with all different sorts of things, one of which I'll digress and tell you about now.

I was called over there with the rest of the Bar one day, and a fellow by the name of Richard Nosie, was summoned up to plead guilty or not guilty on murdering his wife. They appointed me to represent him. Well, heavens, that was a pretty big assignment for me, just a few months out of law school. But it turned out that he was willing to plead guilty. So we plead him guilty to, I guess, second degree murder. And he was in the penitentiary for years and years. This would have been in about the mid forties, I suppose. Then I moved to Phoenix. In about 1960 I was working with Abby [A.Y.] Holesapple in a case involving Tucson Gas and Electric and we went into the U.S. District Court in Tucson and Judge [James A.] Walsh was on the bench. They brought in a

prisoner. There weren't any other lawyers there and the U.S. Attorney said, "We need to arraign this man." They read the indictment against this man who had just murdered his mother and father. They read the indictment and the judge said, "Would you mind representing this defendant? We'll get somebody else later but you're present for the purposes of arraigning him, to plead." It was known at that time he was going to plead not guilty. So he plead not guilty. When they read the indictment and his name was Richard Nosie. I said to myself, "Isn't that a familiar name?" And I checked with the Dougherty girl in the Clerk's office—remember, she was Pat Scruggs' . . .

Carlock: Catherine Dougherty?

Duncan: Catherine Dougherty. And it was the same Richard Nosie. Now, here I am having been summoned before the bench to represent him on an arraignment in the forties and fifteen or twenty years later, I just happen to be in Tucson, a Phoenix lawyer in Tucson before the bench down there and I get asked by the judge to represent a man and it's the same Richard Nosie with the same crime, murdered his mother and father, with an axe this time.

Carlock: Did he remember you?

Duncan: I guess I never knew. There was never any conversation about it. It guess I was so stunned and the thing was so brief and I wasn't anxious to make a permanent connection with Richard Nosie.

Carlock: What happened in his second case?

Duncan: I never knew, but I would presume that he pleaded guilty to second degree murder and is in and out again by now. I hope someone hid the axe.

Carlock: Where was the crime committed?

Duncan: San Carlos, in both cases.

Carlock: On the reservation.

Duncan: On the reservation. But you could get hooked on a case like that and have to spend a month on it and you didn't get paid for it at all. Then, worse than that, the judge expected you to appeal it if it was appealable. D.E. Rienhardt and Cullen [A.] Little were appointed on such a case as that and they did not see specific enough grounds for an appeal on one of those federal cases that Judge Sames appointed them on. He disagreed with them and because they didn't appeal it, he disbarred them for a year. At the end of the year he expected them to come racing back in and move for readmission and they didn't do it. They would have been readmitted immediately but they had had enough pleasure in the U.S. District Court up there.

- Carlock: They didn't see any need to be in District Court.
- Duncan: No.
- Carlock: Well those judges knew quite a bit about the lawyers that appeared before them, didn't they? And Judge Sames was certainly familiar . . .
- Duncan: Yes, they did. Do you remember him?
- Carlock: Yes.
- Duncan: A rosy-faced little guy. He was described as the only judge who could strut while sitting down.
- Carlock: They knew what kind of job that you were doing for your clients that they wanted you to represent that they wanted you to represent, didn't they?
- Duncan: Yes, I'm sure they did.
- Carlock: And they expected you to do a pretty good job.
- Duncan: Yes, they did.
- Carlock: Judge [Dave W.] Ling was that way.
- Duncan: Yes, wasn't he.
- Carlock: He knew whether you were doing a good job and he didn't want you to pull any punches about it.
- Duncan: I enjoyed practicing in his court.
- Carlock: How long did you practice in Globe?
- Duncan: Until 1950. And you are about to ask how I happened to come to Phoenix.
- Carlock: With time out for the war?
- Duncan: Yes.
- Carlock: We're not to Phoenix yet.
- Duncan: We're not to Phoenix yet? The war came along and I joined the enlisted reserve. I had built up—I was a private pilot, working toward a private license, since about 1933. I soloed out at Sky Harbor [Airport, Phoenix] and I had built up some time over the years. It was expensive, you know, back in those days and you couldn't afford to fly very much but I did when I could. When the war came along I wanted to be a pilot. So I joined the enlisted reserve and went into civilian pilot training, which became known later as W.T.S., War Training Service. From there I became an instructor out at Sky Harbor in instrument flight and night landings, night flight.
- Carlock: Still as a civilian?
- Duncan: Still as a civilian in the early part of the war. Then when that program wound down, they needed pilots in the ferrying division out in Long Beach [California], which was the best job in the whole war, if there has to be a war. Most of us

who were instructors went on active duty basis at that time. We went through twin-engine transition and instrument training at Deming [New Mexico] and then went to Nashville [Tennessee] for officer's training and we came out as Flight Officers. We were later made Second Lieutenants while we were overseas.

I was stationed in Long Beach. At that time I ferrying everything that was manufactured, all the way from UC 45s to DC-3s to P-38s to A-20s to B-25s to B-17s to B-24s. I was delivering them from the factory all over the United States. Then you would fly back dead head on the airlines. The only drawback it had was that you were expected to come back immediately on the first flight when you delivered an airplane, because you had a high priority to fly back, and you didn't have any excuses for not getting back.

Carlock: But you would come back as a passenger on a civilian airliner rather than on a military craft?

Duncan: Yes, that's right. They wanted you back right away. So I delivered planes to everywhere, Portland to Dallas to Wichita, Kansas, to Cheyenne to Birmingham to Savannah to Reading, Pennsylvania. Just a dozen places where they were crewing up crews to go overseas and they needed the airplanes to be delivered to those fields. Either for that or for modification. In Romulus, Michigan, I'd go up and pick up a B-24 there and deliver it someplace.

Carlock: When was it that you started as an instrument instructor at Sky Harbor?

Duncan: It must have been about 1943. Then things happened fast after that. To Long Beach in the Ferrying Division, to Nashville for officer's training, back to Long Beach ferrying aircraft. Then in the last part of 1944 I was sent overseas to fly the Hump. By that time I had a lot of flying time including two planes I took to Australia for the Australian Air Force. One was a C-47, that's a DC-3, the original airliner, and then the next was a B-24. You would fly back dead head on army airlines, in that case. By that time I had lots of flying time built up so they sent me overseas to fly the Hump, between India and China. That would have been out of Assam in northeastern India into several bases in China. We flew occasionally into Yunan-yi, the home of the Flying Tigers—that's why I mentioned that name—but mostly Kunming and Chengtu, those were the principal places we flew. Chengtu was a twelve hundred mile trip. It took about six hours. We would leave bombs and gasoline for them for the air force up there to fight the war and take the war into Japan with.

Carlock: Were you over there when the war ended?

Duncan: Yes I was, and for a while after it ended too. There were only ten airplanes that left India after the one that I brought home. I became an army airlines pilot over there after the war and we flew a regular route between Karachi through Agra or Delhi and into Calcutta.

Carlock: This was still on active duty?

Duncan: This was still on active duty, yes.

Carlock: How long were you there in that capacity?

Duncan: I didn't leave there until April of 1946. The war had been over for some time. But we had a lot of evacuation of troops to do, materiel, and one of the things I remember that I did was fly a lot of lend-lease records from Calcutta into Delhi and Agra for processing, because most of the things that we had over there were supplied by the British on a lend-lease basis. They were, as you know, in India and they had supplies there and they were in the war, so all of our tents and much of our food and gasoline and everything was on a lend-lease basis to the Americans who were over there flying the Hump.

Carlock: Sort of a reverse lend-lease.

Duncan: Yes. I was flying B-24s and then—at the first part, they called them C-109s and C-87s. The 109 was the tanker version of the B-24 and the 87 was the cargo version. Then about six months later we got into C-54s, which is the DC-4 version. It's a Douglas four-engine tricycle gear airplane. We had an expression that we thought we had died and gone to heaven when we got into that airplane, it was so much better in every respect than the B-24s that we had been flying.

Carlock: Did you consider staying in the service after the war?

Duncan: No, I didn't. I wanted to get back home and back to the law practice and I had no desire to stay in. I had hoped that flying would be part of my life when I came back. It turned out that it wasn't because it really hasn't been very practical to own a plane for very many people, and it's terribly expensive. And unless it's a hobby that you haven't had your fill of, you just won't follow it any longer. I had done everything and been everywhere, I felt.

Carlock: When you started flying did you have to come down to Phoenix and rent a plane or take lessons in Phoenix?

Duncan: Yes. Well, I went my first year to Tempe, then after that to the University of Arizona. And I flew while I was here out of Sky Harbor. Ruthie, she was then Chalmers, became Reinhold later, one of Arizona pioneer girl flyers, women flyers, Carl Knier was out there, Loyal Penn . . .

Carlock: Was there an airport at Globe at all then?

Duncan: Yes. There was a landing strip out at Midland City, Kaiser Crossing. Do you know where that is?

Carlock: Yes.

Duncan: Okay. Some of the time it would be open and some of the time it wouldn't be. But this was before they graded off that strip out at Cutter between Globe and the San Carlos Reservation, it's on the reservation between Globe and San Carlos.

Then I flew a little bit while I was going to the University of Arizona. I would go out to the field and pick up a little time there. And right about the time the war broke, I started flying Civil Air Patrol. I would fly, I had a Luscombe airplane that I was a club member of and it was available and they needed all kinds of airplanes so the club made it available to me. So I flew Civil Air Patrol between Blythe [California] and Phoenix and [Davis-]Monthan Field in Tucson, flying parts that didn't weigh too much, airplane parts and mail and cargo and things like that. I flew that for a little while, and then went into the war training service.

Carlock: Well, you got out of the service in 1946 then?

Duncan: Yes.

Carlock: What did you do then?

Duncan: I went immediately to Tucson to take a bar review course from Chet Smith down there.

Carlock: Why did you do that? You were already admitted to the Bar?

Duncan: Well I'm out of law business for about four years and I wanted to refresh my knowledge of it.

Carlock: Taking that bar review course was a grind, wasn't it?

Duncan: Yes, it was, but it was something I felt that I needed to go through again.

Carlock: And you took some courses at the law college too?

Duncan: Yes. I did. And that gave me the—I only needed, oh my, I only needed five units. I wrote a research paper for one unit, mining law for a couple of units and insurance for a couple of units and that qualified me to graduate.

Carlock: Lester [W.] Feezer taught the insurance course?

Duncan: No, he didn't. It was someone else was teaching it at that time.

Carlock: Who taught mining law then?

Duncan: Chet Smith.

Carlock: What was your subject on the research paper?