Evo DeConcini
Oral History Project:
Arizona Legal History

Interview with James M. Murphy
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THE EVO DECONCINI ORAL HISTORY PROJECT: ARIZONA LEGAL HISTORY

HISTORICAL NOTE

In 1985, James F. McNulty, Jr., former U.S. Congressman from Arizona and currently an attorney with Bilby and Shoenhair in Tucson, proposed that the Arizona Historical Society develop an oral history project to collect the reminiscences of senior judges and lawyers in Southern Arizona. As a former partner in one of the oldest law firms in the state, in Bisbee, he had long been aware of the wealth of information and experience expressed in many of his colleague's lives and careers, some of whom had been practicing law for over fifty years. In an effort to preserve and disseminate their stories and observations about the profession, the Archives Department of the Arizona Historical Society/Tucson developed a pilot program focused on Southern Arizona, with the goal of collecting the reminiscences of fifteen to twenty individuals associated with the legal profession over the last fifty years.

The project was funded through a challenge grant made by Roy Drachman and money subsequently donated by members of the Pima County Bar Association and the DeConcini family. At Mr. Drachman's request, the project was named for the late Judge Evo DeConcini, a highly-respected member of the Arizona Bar and a long-time friend.

Most of the interviews were conducted between 1986 and 1988, by Mr. McNulty. Interviews were also conducted by Robert

Palmquist, Jack August, and Adelaide Elm. Additional interviews with judges and attorneys conducted previously for other oral history projects were included with the DeConcini Project, to expand the scope of the project. The narrators, representing both rural and urban practices, were identified for inclusion by Mr. McNulty and other members of the State Bar. They included three judges, sixteen attorneys, the wife of a former state Supreme Court justice, and the legal secretary of one of the oldest law firms in the state. All transcripts and tapes are available to the public at both the Arizona Historical Society and the University of Arizona College of Law.

In addition to preserving the recollections of legal practitioners in Southern Arizona, the Evo DeConcini Legal History Project has spurred the collection and preservation of primary documents relating to legal history, such as day books, client ledgers, correspondence and photographs from law firms and individuals connected with the profession. It is hoped that the DeConcini Project will serve as a model for the collection of such memoirs and historic materials on a state-wide basis.

THE EVO DECONCINI ORAL HISTORY PROJECT: ARIZONA LEGAL HISTORY

SCOPE AND CONTENT NOTE

This collection consists of 43 cassette tapes (60 to 90 minutes in length), thirty-two 1/4-inch audio tapes, and twenty-one transcripts produced for the "Evo DeConcini Oral History Project: Arizona Legal History" by the Archives Department of the Arizona Historical Society between 1986 and 1988.

The collection is arranged in two series: (1) Oral interviews conducted for the project; and (2) Oral interviews gathered from other projects.

Series One consists of fifteen interviews: (1) Charles Ares; (2) Ralph W. Bilby; (3) Thomas Chandler; (4) Elizabeth Daume; (5) Ora DeConcini; (6) Gordon Farley; (7) Martin Gentry; (8) Thomas L. Hall; (9) Virginia Hash; (10) Norman Hull; (11) Ashby I. Lohse; (12) James F. McNulty, Jr.; (13) James Murphy; (14) Alton C. Netherlin; (15) Joseph C. Padilla; and (16) Wesley Polley. Interviews 1, 2, 3, 5, 6, 7, 8, 10, and 13 were conducted by Mr. McNulty. Interviews 11, 14, 15 and 16 were done by Robert Palmquist. Adelaide Elm conducted interviews 4, and 9, and Jack August conducted interview 12.

Series Two consists of five interviews: (17) Harry Gin; (18) Don Hummel; (19) Hayzel B. Daniels; (20) Rubin Salter; (21) Rose Silver. The Gin interview was conducted by Bonita Lam for the "Chinese in Tucson" project; Don Bufkin, Acting

Executive Director of the Arizona Historical Society, conducted the Kummel interview; Richard Harris and Carol Jensen conducted the Daniels interviews; Baiza Muhammad interviewed Salter for the African-American History Internship Project; and Rose Silver was interviewed by Mary Melcher for the "Women and Work: An Aural History," a joint project of the Arizona Humanities Council and the University of Arizona.

The bulk of the collection deals with the experiences and observations of these individuals relating to the legal profession in Southern Arizona over the last sixty years. The interviews document the following topics: education preparatory to the profession (law school, reading law, the bar exam); legal practice during the Depression, and the influence of the New Deal; relationships between the legal profession and politics; the role of judges vis a vis the Bar; the increasingly litigious nature of society; the effect of social changes on the practice of law; the experiences of women and minorities in the profession; and post- World War II changes in the legal system. Of particular interest are anecdotes about particular cases and clients; histories of several old law firms in Southern Arizona; University of Arizona Law School professors and courses of study; opportunities some had to practice law without a law degree; and remembrances of the colorful individuals who influenced the profession in Territorial days and early statehood.

The collection is valuable for its comprehensive look at

the law profession in Southern Arizona over the first half of this century, and its emphasis on the changes which have occurred within the profession during that period.

James Martin Murphy Interview

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James Martin Murphy Interview

James Martin Murphy was born in Tucson, Arizona, May 26, 1917. His mother, also born in Tucson, was a member of the Duffy family of teachers, after whom Duffy School was named. Murphy attended St. Joseph's Academy, Safford Junior High and Tucson High School, graduating in 1934. He then attended Notre Dame University from which he received a degree in business in 1938. Returning to Tucson, Murphy entered the University of Arizona Law school, receiving his law degree in June 1941. He then entered private practice with Carlos G. Robles for nine months until he received an appointment to the FBI. He served in the FBI until 1944, when he resigned and joined the navy. In 1946 Murphy was discharged from the navy and returned to Tucson, where he worked in the County Attorney's Office for J. Mercer Johnson. A year later Murphy joined the law firm of Conner and Jones. He stayed with them until 1960, at which time he formed his own firm. After a year of solo practice, he took John U. Vinson as a partner, and through the years other lawyers have joined the firm, which now numbers ten lawyers.

Murphy has been actively interested in Arizona history, especially the history of law and lawyers, and has written two books on the subject: The Spanish Legal Heritage in Arizona and Laws, Courts and Lawyers Through the Years in Arizona. He has also written several articles for various journals.

His interest in history also lead him to be active in the Arizona Historical Society, where he served as president of the

society for several years. He has also been active in national and local bar associations and has held several offices, including president of the State Bar of Arizona.

This interview deals primarily with Murphy's education and activities as a lawyer in Tucson. He imparts a feeling of what is was like to live in Tucson in the first half of the twentieth century.

During Murphy's many years in the law he has met many lawyers and judges and in this interview he reminisces about several of them, including E.T. Cusick, Jesse Udall, and James A. Walsh. He also tells several anecdotes about cases with which he is familiar.

Murphy reflects on changes in the practice of law over the years, including the increase in the number of women in the law. He discusses the litigiousness of society today and changes in the moral attitudes of society. The interview ends with his reflections on the law as a career.

JAMES MARTIN MURPHY INTERVIEW

Good afternoon, May 18, 1988. We are in the studios of KUAT, continuing the Evo DeConcini oral history of laws, lawyers and judges in Southern Arizona in the Twentieth Century. And it is our great privilege to have one Arizona's outstanding lawyers and a good friend of mine, Jim Murphy, for an interview this afternoon. Note: While reviewing the transcript the narrator supplied additional information, which has been placed in brackets.

McNulty: Jim, I'm glad you're here.

Murphy: Thank you. Good afternoon, Jim.

McNulty: You are one of the few guys that I've interviewed that began life here in Tucson. Had your parents been born here too, or had they arrived here from somewhere else?

Murphy: My grandparents came from Ireland, all four of them. Two of them came to Tucson [Martin James Duffy and Bridget Egan Duffy]; and two of them came to Dixon, Illinois [James Murphy and Bridget Lynch Murphy]. My father was born in Dixon, Illinois, so he was first generation. My mother [Alice Duffy] was born in Tucson. And I, too, was born in Tucson. My mother, her four sisters [Mary, Harriet, Myrtle, Catherine], and two brothers were born in Tucson.

McNulty: Where did a guy from Dixon, Illinois, meet a woman from Tucson, Arizona?

Murphy: Well, the guy from Dixon, Illinois, followed a brother, who was a kind of a wild rake, I'm told, in

the family, out to Tucson. His name was Charles Michael Murphy. He was very popular and very, in my family's words, kind of wild. My father came out there to get away from a little dead town of Dixon, Illinois, with nothing to do but work on the farms or factories. So he came out here, and from friends of his who I've met over the years--of course they're all gone now--they said he was very straight-laced, he was a very moral guy. And he didn't follow in the footsteps of his brother. Although he liked his brother very well. He got along with all the family. But he didn't like the way his brother operated. So that's where he met my mother and they were married here in All Saints Church.

McNulty: What line of work did your dad follow?

Murphy: He was on the railroad. He came out here and went to work for the railroad. And he was a brakeman. He had been doing some passenger work, but he mainly took freight so he could be with his family. He was quite a family man. So we lived up and down the line. We lived in Red Rock. We lived in Bowie. I think we lived in Deming, New Mexico, I'm not sure. And we lived in Benson. Now all of this was in a short five years. All I remember--see, my father died when I was five--all I remember are the times--see, I spent most of my time at my grandparents' house in Tucson. See,

I was born in their house at 505 South Fourth Avenue.

McNulty: Is that building still in existence?

Murphy: The building is still there. Still there.

McNulty: When you talk about your grandparents are you talking of your mother's parents?

Murphy: My mother's parents. My mother's parents came from County Mayo and Sligo. And my grandfather's name was Martin James Duffy. And his girlfriend's name, and later wife, was. . . . What is her name now? Oh Lord, I can't even think of it.

McNulty: We'll get it.

Murphy: All right. Both grandmothers. It will come back to me.

McNulty: And we are going to edit this.

Murphy: All right

McNulty: So we'll have a chance to . . .

Murphy: All right. Her name was Egan, and they were married here in Tucson in the Cathedral. My grandfather was a hot head in Ireland, and a revolutionary. And he had to get out of the country, so when he got to Cork [probably circa 1877 or 1878], the only ship available--and he had to be on a ship, I'm told he had to be getting his fanny out of there--was going to Australia. That meant three months on a sailboat, sailing ship going to Australia--Bridget! Bridget. How could I ever forget that name? Both grandmothers

were Bridget--was heading for Australia. Well he went there--at first I he had gone there maybe as a convict, but he was too young for that, because that convicts business went out in 1830. So he worked there. I have no idea what he did, but it obviously must have been some flunky hard labor job. Got enough money to get to San Francisco and then went to work on the [Southern Pacific] railroad and worked his way down to Los Angeles on the railroad. And, as you know, the railroad, when it came to Tucson, was building east and was not building to the west. He worked his way to Tucson and got off there. And then he got enough money to get his girlfriend to New York. She worked as a servant in some rich family's home in Long Island. In fact I've been in the home and met the family and everything. And then when they had enough money they got her out here to Tucson and they were married.

McNulty: These railroads. Which ones were they?

Murphy: Southern Pacific.

McNulty: And did either your father or your Grandfather Duffy work for the El Paso and Southwest Railroad?

Murphy: It didn't exist then.

McNulty: I see.

Murphy: The EP&SW did exist, but my father never worked for it. See, the SP took over the EP. The Southern

Pacific took over the EP&SW in 1924. And my father had died about 1922.

McNulty: I see.

Murphy: So he never worked for them. He worked strictly Southern Pacific.

McNulty: Were those two the only railroaders in the family?

Murphy: No. I had an uncle, Tom Collins, born in Ireland, who was a locomotive engineer. My Uncle Charles Murphy, I mentioned, turned out to be a superintendent both in Ogden [Utah] and Los Angeles. General superintendent. That's a way up. In those days it was a way up. Now, for example, a superintendent is now sort of a flunky job. I had another uncle, John [Murphy], who worked on the railroad, was a baggage man in the East. My Grandfather [James] Murphy was a clerk in the yards. Now clerk on the railroad is a little bit better than a flunky.

McNulty: Yes.

Murphy: But it's still a blue-collar job. He worked for the Illinois Central. I had--I worked on the railroad [as a machinist helper on the Southern Pacific].

McNulty: The Tom Collins you speak of was later an Arizona State Senator from Pima County, was he not?

Murphy: That's correct. And he was on the Board of Supervisors.

McNulty: Was he a brother of your mother?

Murphy: No, he was married into the family. [He married Mary Duffy]

McNulty: I see.

Murphy: His mother's name was Murphy. And he came from Cork. Now the Murphys--then another, one of my mother's sisters [Harriet] married a Patrick Joseph Murphy who was born in Ireland. He was no relation to us at all. So he became an uncle. They were just like blood relatives as far as I was concerned.

McNulty: (laughs) The Duffy name is kind of institutionalized in Tucson, Arizona, in relation to the public schools.

Murphy: That's correct.

McNulty: Can you tell us why?

Murphy: Well, the five Duffy sisters all taught at one time or the other in the public schools.

McNulty: Does this include your mother?

Murphy: Including my mother. And my mother was the principal of the Duffy School. That was her last job she had before she retired. Now two of them, by the time the school was named, were named Murphy. One was named Collins; one was Duffy [Myrtle], didn't marry; and one was Foy [Catherine]. But it was still called the Duffy School for the five of them. And it was a great honor for the family and everything like that. Because, see, my grandparents came over here, they were poor, uneducated. They had nothing. And my

grandfather went to work on the Southern Pacific. And you can imagine working out on the road in the middle of the summer. I worked three months in the roundhouse one summer when I was going to Notre Dame, and I made up my mind then that I was going to work with my head and not my back. (laughter) That was rough work, but I stuck it out.

McNulty: Where did the Duffy girls get the education credentials?

Murphy: All right. They went to St. Joseph's Academy, the same school I went to, two blocks from their house. When the three older ones finished--Mary, the oldest, Hattie, number two, and my mother, number three--finished the St. Joseph's Academy, the eighth grade, there were no high schools in Tucson. So they went to the prep school at the University of Arizona, and they went there for four years. And after four years of prep school, which would be equal to our high school now, the oldest one had a certificate and was out teaching. Which surprised me. I've got the certificate. I couldn't believe it. The other two went up to the normal school at Flagstaff. It was called Flagstaff Normal School, I think it was. Teacher's School.

McNulty: Yes.

Murphy: And they went there for one year and came out working.

The two younger ones went to high school in Tucson. They were in the first graduating class, as far as I know. And then one of them [Catherine]--I guess she had been sick and was out for a while--one of them went to the university and got a degree. She was the first one in the family with a degree. And her older sister [Myrtle] went to Flagstaff Normal again and, went there for two years, and was out teaching. Now the oldest one [Mary] that I told you got out of high school that started teaching, then she went to Tempe Normal. And in her class for that one year was a friend of two of us, Frank E. Thomas, from Globe. He was there. He was going to teacher's college to become a teacher. He told me later he did teach for a while before he became a judge.

McNulty: You are talking about my good friend, Frank E. Thomas who was later the presiding judge of the Cochise County Superior Court in Bisbee, Arizona?

Murphy: Correct.

McNulty: A man before whom I practiced for twenty years.

Murphy: Correct. I practiced a lot before him, too.

McNulty: Indeed. So, your elementary school, then, was St. Joseph's Academy?

Murphy: Eight years. It was basically a girls' school. I can see now, looking back, my mother had to teach when my father died. My two grandparents both had serious

strokes, paralyzed one side of their body, each one of them. One of them couldn't talk, and we had a horrible time trying to move everything, so the grandparents couldn't take care of the little kid. I was the only one in my generation. One little girl was born, and also died about two weeks after she was born. So I went to St. Joseph's Academy and I took in--there were about twenty-five boys there and the rest were all girls. And I'd get ribbed in the neighborhood, you know, about going to a girls' school. Well, that didn't particularly bother me. I enjoyed it. And I imagine part of it was babysitting, because the Catholic schools got out at three o'clock and the sisters kept me there until four until my mother got out of school and was able to get back. So I went there eight years. [Some of my teachers at St. Joseph's were Sister Roberta, first grade, Sister Rosella, second grade and Sister Mildred, third grade. The first two just died about two years ago. They were in their 90's. Sister Mildred is still alive. Other teachers were Sister Valina, Sister St. John, Sister Eulalia.

McNulty: Were you living at the house on Fourth Avenue?

Murphy: Yes. In my grandparents' house.

McNulty: And this school, then, was?

Murphy: Two blocks.

McNulty: Two blocks away.

Murphy: Two blocks away.

McNulty: Did you graduate from St. Joseph's?

Murphy: Yes.

McNulty: In what year?

Murphy: In 1930.

McNulty: And where were you off to then?

Murphy: I was off to--that was the first year that the freshman class did not go to Tucson Senior High School. They went to three junior highs for our freshman year. So I left--yes, three--so when I finished St. Joseph's Academy I went to Safford Junior High, which was one block from my house.

McNulty: Right over here on Sixth Avenue?

Murphy: No. It was on Fifth Avenue and Fourteenth Street.

McNulty: The school that is still here now.

Murphy: The school's still there. My mother taught in the grammar school right next to it which was then called Mansfeld School. Mansfeld Junior High did not exist then, on east Sixth Street.

McNulty: The current school on . . .

Murphy: The current school.

McNulty: . . . right by the University of Arizona stadium.

Murphy: Correct. And that was named after the Mansfeld family. The grandfather of Peter Johnson, who practices law here. Was an old-timer here in Tucson.

And the school now next to Safford Junior High is Safford Elementary. The name was changed. That's where my mother taught.

McNulty: How long were you at Safford?

Murphy: One year. [Teachers at Safford: Eva Cully, Evabelle Cully.]

McNulty: And then?

Murphy: Tucson High School. Across the tracks. Same place it's at today.

Murphy: Same place.

McNulty: And you graduated there?

Murphy: In 1934.

McNulty: Were you a good student?

Murphy: No.

McNulty: (laughs) Is that true? You really were not a good student?

Murphy: I wasn't way down, but I wasn't way up. Occasionally I got--in the yearbook some of the teachers wrote, "If you would study and not try to rely on your native ability, you would go a lot farther." (laughter) So I get it from that. I had a difficult time, even in the law school, trying to work out at something that was academic. I just couldn't do it. My attitude was, "Well, so what?" When I got into law school I had the same problem. Although I whipped it somewhat. When I started practicing law and it was a live

situation I had no problem. I could work it out, I could analyze it, and it was easy. [Teachers at Tucson High: Ida Ceylia, Alice Vail, W. Arthur Sewell, Andy Tolson, Alice Butts, Ann E. Rogers.]

McNulty: All right. You're out of Tucson Senior High now. It's 1934, the height if the Depression. Nobody's got any money. The family was really kind of an extended family. Were you and your mother still living with her parents?

McNulty: Yes. By that time both grandparents had died. And my mother was living there. Looking back, my mother and the maiden sister [Myrtle Duffy] were the two that, frankly, were stuck to take care of the other grandparents. I didn't know that then, I know it now. They didn't have money to hire someone. Now we had--there was one lady, Sebastian Maldenado, that I thought for years was part of the family. I didn't know she worked for us. (laughs) I did. I honestly thought she was part of the family.

McNulty: She gave you orders and you . . .

Murphy: Oh, yes! Oh, she was nice.

McNulty: . . . were expected to follow them?

Murphy: Oh, yes. And she couldn't speak English. Our family, then, was bilingual. The whole family. The grandparents also spoke Gaelic, which became their private language, which as a father with a bunch of

kids, you understand that. So Sebastian worked there. And I didn't know she--I mean she'd work like my grandmother, taking care and all this stuff. My grandfather went first, my grandmother second. And they had these strokes, one down one side, and my grandmother lost her voice. My grandfather down the other side. So they had the heart problems and heart difficulties.

McNulty: But at this time you were all living together?

Murphy: All living together.

McNulty: All right. You're out of high school now. And the family starts talking about, "What's James Martin Murphy going to do next."

Murphy: The family did not discuss anything. My mother--I can look back and I can see her point--she wrote to five Catholic universities and she said, "Well, we'll throw in Notre Dame, but we know that's out. It's too far away." The other four, one was St. Mary's, the Christian Brothers' school over on the coast; and there was Loyola, Jesuit; and Santa Clara; and St. Ignatius, which is now called the University of San Francisco. She wanted me--and I can see her point. I was reared by that time by about six women, and I was going, had been going to a girls' school, which didn't cause me any problems. I had moved right into Tucson High School and I had no problems on that at all. I

spoke Spanish and I played with a lot of Mexican kids, and when I got to the north side I discovered there was another group of people that I didn't know very much. And many of them were anti-Mexican, much to my surprise, and anti-Blacks. Now we never saw Blacks--we called them Colored then. They lived out in the Twenty-second Street area, way out, way out East Twenty-second Street, and were bussed to a school called Dunbar, which is now Spring School, on Main Street down there near the Holy Family Church. They didn't live in our neighborhood. Some lived around the tracks on the northern part of the Southern Pacific, but way to the west. So we never saw any of them. Now we saw Indians. Indians lived in our neighborhood. Chinese. So growing up, all of those latter ones I mentioned, they were just another kid. We played with them. We talked with them. Ran around with the kids. And enjoyed our time with them very much. So I hit Tucson--it didn't dawn on me at first, it was later on as I was getting out, I didn't know what discrimination was. As I look back now, boy, it was there, meaner than hell. Most of our teachers there came from the midwest. They were white. They were certainly not Catholic. And they weren't Mexican. And they weren't the--now when I went to St. Joseph's Academy some of the teachers, some of the

sisters were Mexican, and a bunch were Irish. Now this was a French order, and a bunch were Irish. So we never got any of that. And there were some Mexican kids from Sonora came to school there. And a lot of American kids, or girls around, would come there as boarders. So I never ran across this discrimination. And I always went to All Saints and I hung around the Cathedral like that with the. . . .

McNulty: You started to say, I asked if there was some kind of a family decision about going to school, and you began answering the question . . .

Murphy: Oh, all right.

McNulty: . . . by saying that your mother decided . . .

Murphy: She decided. She wanted to put me in the school that had the strongest and the stiffest discipline, ever. I mean to get me out of the house, a full female house, and get me with the strongest discipline possible. And when I hit Notre Dame, I never had so much freedom in my life, as when I got there. At that time Notre Dame was strict. They were behind West Point and Annapolis in discipline. And they did have discipline. A lot of kids bitched and carried on about it. That never bothered me any but what I'd had at home. See, when I was about seven years old, I got away from my family one night and went out an hopped on the side of a streetcar and fell under it. So that

made my family watch me every step, you know, the rest of that time.

McNulty: Is that when you hurt your foot?

Murphy: Yes, and I lost my toes. Three toes on my left foot. So, that is the reason. And then it turned out Notre Dame was cheaper than the rest of the schools on the coast.

McNulty: Even so, that had to be a terrible financial burden on your mother.

Murphy: Oh, you betcha! We had railroad passes, so we didn't have to worry about that. And the people in the Southern Pacific--you see after my father died, my mother was entitled to two trip passes a year. And the SP told her, the office there told her, "For your son, he gets the two round trips every year. If he has to come back sick"--one time they sent me back sick--"he gets it. Don't worry. No problem." And they would--of course along the line my father was known, and it was just, everything was made nice and easy for me to go travel back to Notre Dame.

McNulty: Did you enjoy your stay in South Bend [Indiana]?

Murphy: Oh, yes. Well I wasn't in South Bend I was in Notre Dame. South Bend is a crappy town.

McNulty: Okay.

Murphy: I enjoyed my stay at Notre Dame. The only time I ever got despondent in my life was--you see, the sun would

go away--well you know this, you lived in New England. The sun would go away in November and it wouldn't come back. And then I'd go home at Christmas time and back in the sunlight and everything, then I'd go back to that place and there was the snow, and the snow was dirty. It's cold. And I was thinking of Tucson and the heat and everything, and then usually February we'd be off, the only time I got despondent. Real despondent. And then pretty soon this beautiful spring would come, and it would be, I think, forty degrees and we'd be out in our shirtsleeves running around. (laughs)

McNulty: What did you do in the summers?

Murphy: Summers. Depression time. Couldn't get jobs. The only time you could--you see, the jobs the kids normally would get would be handled by men with families. I worked with the Southern Pacific as a machinist's helper, fifty cents an hour, and then they raised me to fifty-five. And at one point I had seniority over all the new guys they hired and I was the only kid, and the rest were some Blacks and some Mexicans. And I liked them all. In fact I'd rather work with the Blacks and the Mexicans and the Indians than the Whites. I didn't like the Whites, the class that were working on the railroad at that time. They were a bunch of huniaks. But the others I liked to

work. So I get into a job where they were bringing about thirty steam locomotives, dead, from the Baldwin Locomotive Works in Philadelphia. They were bringing them out in one solid train at thirty miles an hour to Los Angeles for the Southern Pacific. So after every, let's say fifty miles the train stopped and a machinist's helper would be on, say have five engines. So I was looking forward to that. It was going to take several days to get to Yuma. But I'd have those five engines I could take care of, and nobody to bother me. And I thought that was great. So, a black fellow whom I knew--he had six kids--he said, "Jimmy, would you please back off that job and let me have it." He says, "I need the money." "I need the money." And I did. I didn't do it graciously. I was teed off. (laughter) And I think I'm still teed off, but I just--the guy needed the money.

McNulty: Did you--then you did work some summers while you . . .

Murphy: One summer.

McNulty: Oh, just the one summer.

Murphy: It was the only time I could get a job. One summer I spent--Tom Collins, you mentioned him, my uncle, ran for Congress. At that time Congress was the entire state. And I drove for him. I'd drive all night and get gas in service stations, keep up with the time,

and stuff like that. And then he'd visit people. And I'd get on radio programs. It was--he'd go to Safford, I'd get on the radio program, they'd talk to me. Or Phoenix--and this was the Depression time. There wasn't a lot going on. So we got a lot of publicity that way. But I didn't get any money for that. But I enjoyed it.

McNulty: What did you major in at Notre Dame?

Murphy: I majored in commerce, business.

McNulty: What did you think your likely career was going to be after graduation?

Murphy: At that point, I did it for business because one of my aunts said that probably was the best thing to do. Because I had talked about being a priest; I'd talked about being a musician [I played piano, violin and French horn, high school band and orchestra, Notre Dame band and glee club]; I'd talked about being a lawyer. And I didn't make a final decision until my junior year at Notre Dame.

McNulty: That decision was?

Murphy: Law. And I've always wished that I had taken a liberal arts course. Because that's a much better preparation for law than business. Business you can pick up.

McNulty: Did you contemplate going to the law school at Notre Dame?

Murphy: No. I planned to come back here.

McNulty: You always planned . . .

Murphy: Oh, yes. Because I was going to practice here. And I felt, and my family felt, it was . . . (coughs)

McNulty: You did graduate then from Notre Dame in 1938.

Murphy: In 1938.

McNulty: Was Notre Dame still, or even in those days, a great athletic power, and was that something . . .

Murphy: It was, but that wasn't a big deal there.

McNulty: I see.

Murphy: They weren't giving kids many rides. And the kids who did play football were--well, two of them in my class had come there on their own. Two of them were all Americans. Good guys. One was a doctor, Lundgren I think was his name, and he was doctor for [President Richard M.] Nixon when Nixon was having all those problems over on the coast. Another guy [Chuck Sweeny] was an Irishman from South Bend that came out there.

McNulty: Knute Rockne, was he at Notre Dame or had he died by that time?

Murphy: He had died and I was there the first year Elmer Leyden was there [as football coach].

McNulty: All right, so we've got you back in Tucson, Arizona, in 1938. You want to go to law school. What were the requirements?

Murphy: Well, in those days to go to law school, you were not required to have a degree, undergraduate degree. But I did have one. So I went up to the law school, and the first one I met--and in those days at the law school you went into the dean's office to register. None of these long stupid lines they have here [at the University of Arizona]. I say stupid because I've taught here before and I know what the kids have to go through. I never had to do that. So I went in to see [James Byron] McCormick. So he began looking at my stuff, and he said, "Well now, here," he said, "I think maybe you better go to liberal arts maybe for a year or two and take this and this and this." I said, "Dean, I already have a degree." And he looked at me, as I've told him later, as though I'd done something bad to him. (laughing) Maybe kicked him in the rear or something. He said, "You have a degree?" He said, "Oh, my god. Well I guess I have to let you in." He was the new dean. We had a class of fifty-two people. The law school had been pretty slack up to that time under Dean [Samuel M.] Fegtly, who was old and he was the one that had started it and all that. But he wasn't, to my mind, he wasn't that great a guy. And McCormick took it over and at the end of that--fifty-two kids started--at the end of that three-year term nine of those fifty-two graduated on time. Now our

graduation class was twenty-one, but there were kids there that maybe were out a year, or had to work, or at that time they let them go part time. A lot of kids had to work and they were having--as you said, depression years. They were having a hard time doing it.

McNulty: Who were some of your classmates, especially among the nine, that you remember?

Murphy: Eddie [E.F.] Rucker, who's practicing here now. Manny [Manuel] Avalos, who has been disbarred, which I don't think he should have been. He never should have probably gone into practice. If you put me into a medical school or an engineering school I would flunk out. But Manny got picked up by the war. Harry [W.] Piper was one of those. Barry D. Rose. Those three were all that were left in law school at one point. I think if there hadn't been a war they wouldn't have gone out. And I don't mean this in a derogatory way. I liked them all.

McNulty: Did you graduate . . .

Murphy: I finished.

McNulty: . . . in June of 1941?

Murphy: Yes. Then we had Charlie [Charles D.] McCarty, Frank [H.] Watkins, [Hamilton R. Catlin]--let me see who else I had there. I wanted to get them all. Rucker, Avalos, McCarty, Watkins, Harry Piper, and Barry D.

Rose. They're the ones that are practicing now. And most of those guys were in high school with me, Tucson High School. [Also Mary Stella Cota-Robles, one of the first women to graduate from law school.]

McNulty: With respect to the members of the faculty at the law school in these three years, 1938 to 1941, who are some of those that made an impression, a lasting impression, on you?

Murphy: J. Byron McCormick taught also. In my mature years, reflecting back, he was the best teacher I ever had. When I finished three years of law school he called me up and he says, "Now, Jim, you can call me Mac." And I said, "Well, Dean, if you don't mind, I'm not going to call you Mac." We became close friends. I liked him very much. An intelligent guy. Just smarter than could be. Then, we had Chester [H.] Smith who was a firebrand and was all over the place, and I liked him because we could just sit there and listen to him. We didn't have to have many cases. Floyd [E.] Thomas, who later became a colonel in the army. In fact, I met him in Washington one time when I was in uniform, and I said, "Mr. Thomas, how are you?" And all the people in the military were looking at me kind of funny and we were shaking hands and--he was a good teacher but he was a cold person. There was a fellow there named Bill [William S.] Barnes who had made the

highest grade at that time in the law school and he was also a scientist and he was, during the war he had gone into the science building courses or something here. He was a tremendous guy. I liked him but he couldn't put his stuff over. Then we had a guy, a professor named [Alfred Leroy] Gausewitz, who later became the first dean of the University of New Mexico Law School, who was very good. And we had a fellow, [Lester W.] Feezer, who came out here--these are during my three years--came out here from the university in Kansas, Topeka, University of Topeka. Came out here. That was our faculty. It was very small. The faculty was very reserved and aloof from the student body and that was the dean's--because I remember Feezer, when he first came, he would go down with the boys for coffee and then all of a sudden he wasn't going down with the boys for coffee. (laughs) They were very reserved. Everybody was mister; we weren't required to dress particularly, but if you were out of line in your dress--we were far removed from the student body. We were just a little group out to ourselves. You see, my class from Tucson High School had come up from the University here and got out in the class of 1938, so I really didn't know anybody. They were all new that were coming through.

McNulty: Did you take the bar examination shortly after you graduated?

Murphy: Yes, sir. And I passed.

McNulty: Did you take a bar review too?

Murphy: Yes. Under Chester Smith. Which was excellent. [Mr. Smith held the class in his home on Treat Avenue.] About that time, when we were taking our classes, Evo DeConcini had just been appointed judge. And Evo hadn't been practicing very much because he was mainly involved in real estate. So he came and took our class. So he was getting some criticism from the lawyers, "Oh, that's a sign you don't know anything like that." And I thought it was pretty smart, for Evo to come take this class with this bunch of guys. We'd go from seven to ten (o'clock) in the morning and seven to ten at night. Then McCormick opened up the law school and we could go in there and we could study. And they had some type of air-conditioning, which was unusual in those days, and then Zaner, C. Zaner Lesher, made arrangements for me that I could go in the swimming pool and swim. I mean, they were nice. Just one hundred percent.

McNulty: Did you live at the home back on Fourth Avenue while you went to law school?

Murphy: Yes. Yes I did. You see, when I came back to school here, I'd gone to school with some of the McKale

girls, J.F. "Pop" McKale's family, and I knew him. When I hit here, I was in front of the law school, and he says, "Hey. I want to talk to you." He comes by. So--I always liked him--he says, "Don't think you're a big shot now because you've been to Notre Dame. Remember you're back here just with us common people," and everything like that. Some guy stood next to me and said, "You don't have to take that crap from him." I said, "I liked it." I said, "I like the guy. He's nice." He knew the kids on the campus whether you were an athlete or not. That was the point. And he kept track of the kids. He knew what they were doing. And if you ever get to talk to Dick [Richard] Chambers and you get him to talk to you, it might be kind of tough because I refuse to tape him, but you can ask his connection with McKale, which is funny.

McNulty: Well, that interests me, because of course I got a job in Bisbee, Arizona, in 1951 because I had been freshman track coach the spring of 1951. Needing a job very badly I asked McKale if he could find me a job. He picked up a telephone, called up Jim and Martin Gentry and I had a job two hours later. So I had the same experience.

Murphy: Yes. He was a great guy. Well, let me just tell you. Dick Chambers, as you know, was a retired chief judge of the Ninth Circuit Court of Appeals. So, Dick

wanted a car in his junior year here [at the University of Arizona]. So his father, who was a judge in Safford, said, "No." But he said, "Well, maybe. Let me see. I'll think about it." So he calls McKale. He says, "Should my son have a car?" And McKale says, "Hell, no!" He didn't get the car. (laughter)

McNulty: No. Did you go into practice as soon as you had passed the bar?

Murphy: I rented a room from Carlos [G.] Robles. I paid him thirty dollars a month and that was use of the phone, use of the secretary--a girl named Bernice Robles with whom I'd gone to high school and no relation to him--and clients, electric lights, everything. I mean, the room. And sometimes I'd come down there and the reception room would be full of people, and Carlos would come in and say, "I'm sorry, I can't see you today. You'll all have to go home." I'd say, "Carlos, don't do that. They might not come back." He said, "Oh, yes, they'll come back. No problem." And they came back the next day. Sometimes he'd say, "You see Mr. Murphy," or, "You go see Jimmy. You go in there and see him." So, like for example, he sent a guy into me who wanted a deed drawn. I didn't know how to draw a deed. I'd never seen a form. I didn't learn anything about it in law school. That sounds

silly, but I didn't have anything like that. So I went out, I said, "Bernice," I said, "How do I draw a deed?" She said, "You push the buzzer and ask me to come." So I pushed the buzzer and she came in, "Mr. Murphy, can I help you?" I said, "Well, I have to prepare the deed for Mr. McNulty or whoever it is." "Oh, fine." And she said, "Well, we'll need the information. Why don't I just ask for it and I'll get it. And she did the whole thing. (laughs) She came in with the deed. So once Carlos said, "Now go file this." And I got out out on the street--a complaint. I got out on the street with a check for ten dollars--that was the filing fee then--and I didn't know where I was supposed to go. Well, that sounds silly, but we'd never been to the clerk's office. We may have heard of the clerk's office, and I knew where the sheriff's office was and stuff like that. So I went up there to Grace Gibson O'Neill, who was a deputy clerk, and I said, "Grace, where do I go to file this thing?" She said, very quietly, she said, "You go over to that window and I'll meet you. And when I get there you say you want to file a complaint." So I went over there. So I wasn't embarrassed. I mean, all these people went out of their way to be nice to you. Instead of, you know, "Haw, haw, haw. The kid doesn't know."

McNulty: How long did you stay in practice there?

Murphy: I stayed in practice--I was admitted to the [Arizona] Supreme Court, in the Supreme Court I think September 21st, I think somewhere. And I left here November 8th. I got my appointment at the FBI and was sworn in November 10th back in Washington.

McNulty: When had you first applied for the FBI?

Murphy: I had applied for the FBI when I was a junior in law school. And a bunch of us drove up to Phoenix and we were interviewed. I always remembered the interview because I drove the car and the first thing I did was make a big U-turn that wasn't allowed to get in front of the FBI office. So the kids, the guys were--like John [M.] Williams was with me at that time. You knew him. You used to practice with him when he was down in Douglas. And there were some others with me. (laughs) One fellow that was with me was in our class, the FBI was looking for him. Wanted to pick him up. He was a carnival guy and he'd come back to school occasionally. I don't know what running with carnival, gambling or something. So we were interviewed and then later on, we had our interviews and they seemed to go well. And the FBI--I'd known an FBI agent and he'd told me some guys to look at and talk to, which I did.

McNulty: So, in any event, a letter comes through from the

FBI . . .

Murphy: Offering me. No, no. First offer me while I'm a junior. When I'm a junior in law school. My second year. Offered me a job. And I turned it down, because I wanted to finish law school.

McNulty: They wanted you to take the job right then.

Murphy: Right then, they'd give me the job. And I didn't know war was coming. I didn't know a war was coming until got into the FBI. I had no idea of a war coming.

McNulty: So you arrive. Did you train at Quantico [Virginia]?

Murphy: Quantico, yes. Three months.

McNulty: What, just weeks before Pearl Harbor?

Murphy: Pearl Harbor happened while I was in Quantico.

McNulty: Yes. (pause) Was the pay good?

Murphy: Yes. Thirty-two hundred dollars a year. In those days that was a lot of money.

McNulty: Did you know when you rented the room from Carlos Robles that you might be going to the FBI?

Murphy: No.

McNulty: You thought that was . . .

Murphy: I thought that was . . .

McNulty: . . . a dead letter?

Murphy: Yes.

McNulty: Yes.

Murphy: No, I didn't. I was ready to practice law. J. Mercer Johnson, Carlos also worked for him as a deputy, and

J. Mercer got some cases for me. In those days if a widow was entitled to a tax exemption and she hadn't claimed it or hadn't paid the taxes then she had to file to get them back. Well, Mercer got several of those cases for me. I mean--there wasn't much to it. There was a form to fill out and you go into court, the court signs the order. I had a couple of probates. And I know Evo was on the bench for some of my probates. I mean brand new. I went in one day and I had some Mexicanos with me. I use the term Mexicanos because I don't like the word. . . . What do they call them now?

McNulty: The current word, Chicano?

Murphy: No, no. No, no, that--Chicano doesn't bother me. This--what do they call them now? It loops in the people in Puerto Rico, the people in. . . .

McNulty: Hispanic?

Murphy: Hispanic! I don't like that word. I go down to Mexico and I ask my friends, "Are you Hispanic?" and they say "Hell, no!" I hate to see them do that. I mean an American of Mexican descent or a Mexican-American or something like that. But Hispanic. They're not Hispanic. They're not black.

McNulty: No.

Murphy: There's nothing wrong with the Black, they're all human beings. But anyway, I don't like the name.

(pause) You got me off.

McNulty: Yes. How long did you train at Quantico?

Murphy: Three months.

McNulty: Then what happened?

Murphy: We were, we could make our selection of where we wanted to be, and my first office of preference was San Francisco, which most of them, I think, had. And my second was Los Angeles. Now most of the guys from the west wound up in Boston, in New York, in Baltimore, in Philadelphia, in Washington [D.C.], and I was the only guy that sailed out to Los Angeles. And I was happy as a bedbug.

McNulty: What kind of work did you do then?

Murphy: When I was first in there I was on, I was on several Japanese raids. Went out to these people, and oh, I felt sorry for them. They lost their property. They lost everything. I don't know if you've read about it in the paper recently, but what, everything they say is true. They just ripped them, families there, leaving high school kids there in the house. And just out they went with these people. So we did that. And from our point of view it was done carefully and gently and no excitement. The people--we watched them carefully. We didn't want a guy to try to commit suicide or something like that. And then I was on Selective Service squad of the FBI. And then I was on

General Criminal squad of the FBI. And then I was on, oh, I was doing odds and ends of what you might call Internal Security squad and things like that.

McNulty: Did the FBI have first claim on your services as against the army, the navy, the defense forces?

Murphy: Once you are in, yes. Oh, absolutely.

McNulty: So did you stay in the FBI until the end of the war?

Murphy: No, I left at the end of three years.

McNulty: Why?

Murphy: Because, as I mentioned earlier, they weren't doing anything. They had done their job. [The FBI - i.e., draft dodgers; sabatours in war factories; foreign spies within the United States; general criminal work.] A magnificent job. [We kept getting more new agents and soon had more agents than we had work.] And we were, in effect, told to go out and get in our cars and spend the day [with nothing to do]. Then come back. I mean, if we sit in the office and do it they wouldn't allow that. And I couldn't see any point in that. And, frankly, having come from--I was only the second generation born in this country and this country had been very good to my family and to all of us, I felt I owed a duty to do more.

McNulty: So did you wind up in the . . .

Murphy: So I wound up in the navy.

McNulty: . . . navy.

Murphy: I wound up as a legal officer in Guam. And then I was back in the JAG's office [Judge Advocate General].

McNulty: How long were you in the navy?

Murphy: Two years.

McNulty: What year did you retire and what did you do?

Murphy: I never retired, I quit.

McNulty: Well, I mean, you were discharged.

Murphy: I was discharged in 1946.

McNulty: And what did you do?

Murphy: I came back to Tucson and started practicing law.

McNulty: Where?

Murphy: Well, when I hit Tucson, I had planned to open an office. You see, I had my retirement funds which I withdrew from the FBI. I had my navy pay for at least four months still coming in and all the perks you have and they were giving bonuses and that kind of stuff to navy people. So I had enough money, I knew I could live for about four or five months. And initially we had talked about going to Phoenix, so we went up there to see about it. And we spent one day there and we didn't like it so we came back home. I planned to find a place and open an office. You couldn't get an office in Tucson. There were no buildings here. The Valley Bank was the only office building and it was filled with doctors and insurance people and people like that. It used to be all kinds of doctors. Then

there were these little adobe buildings around the courthouse on Church, in that area there. And some of the old firms--now an old firm would be like [Herbert F.] Krucker and [Samuel H.] Fowler. That was the firm, two. Or the firm you are in now had, it's name before had three people, old man [Ralph W.] Bilby and Ted [Theodore K. Shoenhair], and then Harold [C.] Warnock was, as he called himself, the flunky. He wasn't a partner. So it was very difficult to get in. So Jack Johnson, [the Pima County Attorney]--I was over at the courthouse one day--he said, "I'll give you a place. I'll give you a job. I can't pay you very much." He said, "I'll give you, I'll pay you two hundred dollars." I said, "I'll take it." Because, in those days the county attorney could have a private practice.

McNulty: Now Jack Johnson and J. Mercer Johnson?

Murphy: The same man.

McNulty: Very well.

Murphy: J. Mercer Johnson. His father was J., John Mercer Johnson and that's the way Jack went by J. Mercer. I always called him Jack because, there again, his father and my father worked together on the railroad.

McNulty: Right.

Murphy: So we knew the family well. So Jack said, "I'll give you a place. Now I can't give you an office, but my

secretary, our secretary is going to leave and you're going to be the secretary. And you've got a place there." Well, I had a place where I could type, I had a room. I was delighted. So we could have private practice in those days. And I tried not to do it, well I didn't do it during the office hours, because I was too busy working.

Tape 1, Side 2

Murphy: And there were four of us in there. There was Odin [B.] Dodd, J. Mercer--it was after the war, J. Mercer was running for judge, superior court judge, and Odin had never been on a vacation all during the war. The other guy in the office was Bryce [H.] Wilson, and Bryce would go on drunks and tears, and when he was sober he had a good, he had, he was a mean, vicious little guy. And--I still liked him--and I was there. So finally they got rid of Bryce. I remember one time--you see, we used to, the youngest guy got all the crap. If there was a drunk-driving case, or a speeding, we had to take that and occasionally I'd go in and say, "Bryce, would you take this for me? I've got so and so and so." So he came in one day and

said, "I've got a case here that doesn't amount to much. A speeding case, and the guy drunk in a bar ditched or something, and would you mind taking this?" So I said, "Sure." So I go down to the courtroom with the day set. No preparation. You don't have time to prepare. You just get the highway patrolman and down we go. And I walk in the courtroom and the first one I meet is Monsignor [Arthur F.] Gramer, my pastor. Then I meet Paddy [Patrick J.] Walsh, one of the leaders of the Catholic church at that time--an Irishman from Ireland. He was the one that was supposed to have been drunk in the barrow ditch. There was Louis Felix [a leading Catholic and President of the Southern Arizona Bank and Trust Company!] You know, the whole Catholic regime was there. Well, all I could think of was, "Wilson, you son of a bitch!" (laughs) "You didn't have enough guts to go down and face those guys." So I decided, I'm there, I'm going to go. Jack [Chester W.] Gardner was the Justice of the Peace and Jack Gardner was not the brightest guy in the world but he really thought he was. And he was--he was the kind of guy, you know, you go in there and try a preliminary hearing for four hours and when you were all through he pulls out a piece of typed paper and he reads his decision. (laughs) That's the guy he was. So, no way Jack was

going to rule against this guy with all those Irish Roman Catholics behind him. So I tried the case. And when it was all over, it was against me. And it should have been. (laughing) And Monsignor Gramer, he said, "Well, you did pretty good with what you had to work with." But I was working there all the time. I liked it. I made a couple of bad mistakes that embarrassed Jack [Johnson, the County Attorney] and he said, "Well, at least you're working. Don't worry about it." Like one time, the assessor asked me for an opinion on "A", so I give an opinion. And it comes in about four months later from another guy that will affect the same thing. (laughing) So then Jack gets the two cases together with his name signed at the bottom, you know four months apart, completely opposite. He says, "Did you do this?" And I said, "Yes." No question that I did it. And I was trying about one Superior Court case a week. And it was good practice for me, but we didn't get the preparation. We didn't have the investigations. So . . .

McNulty: This was before the current use of all the discovery mechanisms?

Murphy: Yes, but in criminal cases there's not too much of that because of the rights, so that you can't--you know, the criminal doesn't want to take the stand or doesn't have to testify about himself and that kind of

stuff.

McNulty: So how long did you stay there?

Murphy: I stayed there for nine months.

McNulty: Then what?

Murphy: Then Judge Jones offered me a job at Conner & Jones.

McNulty: Who was Judge Jones?

Murphy: Judge Gerald Jones was a member of the firm of Conner and Jones which was made up of Archie R. Conner, his nephew Charles [E.] Conner, and Gerald Jones. He was a former superior court judge in Tucson. And the two older men had a great reputation in the state. And at that time, there were three people, I went there, that was a big firm. Four people. So I've never applied for a job to practice law. Jack Johnson gave me my first one. But I'd worked for Jack when I was in law school as a law clerk--I forgot to mention that--two or three times. And he had me writing briefs for the Supreme Court and stuff like that that would come up at his place. Wesley [E.] Polley used to come in from the attorney general's office and I was always leery of Wesley Polley, your close friend down in Bisbee. And so Polley says, "Well, it's good experience for you to write these briefs." So the next thing I knew, I was writing the briefs, which I was glad to do. And they were going and filed in the court just the way I wrote them, except with Polley's name on them.

So I said something to Jack, and Jack says, "Oh, don't worry about it." He says, "You're getting experience." So I did, I enjoyed it.

McNulty: What year did you join Conner and Jones?

Murphy: Oh, 1947.

McNulty: What kind of legal work did you do from that time forward?

Murphy: From that time on I started doing insurance defense work, a great deal of probate, preparation of wills and trusts. If anything new came into the office Archie Conner would call Charlie and myself in to. Anything new he'd have us in there to go over it. And he was--I always thought Judge Jones, before I got there, was the brains of the firm. It wasn't. It was Archie Conner. Charlie Conner I didn't like too well before I got to the firm. Once I got in I found out he had the biggest inferiority complex of any guy I knew. He was a tremendous guy. Smart and nice to work with. Charlie and I never had a word. We would disagree about how things were done or stuff like that, which is good. But--and Charlie didn't like to try lawsuits. One day he was working away and he had a suit to go in two or three days and he had depositions to take and stuff like that. And he wanted some help, so I was helping him to get ready for trial. And finally, I said, "Charlie, let me try

this case." He says, "Oh, yes." And he got up and walked out. And I was on my own. From that time on I was trying cases. I didn't have to . . .

McNulty: Did the firm have a big insurance defense practice?

Murphy: Well, big for then, yes.

McNulty: Did they represent some well-known companies?

Murphy: Yes. We had Hartford and two or three others. I mean, there were--after I had left there and I had developed my own insurance I got a heck of a lot more. I'd gotten two or three while I was still there at Conner & Jones, and then they--you see, when I left Conner and Jones I walked out. I didn't take a file with me. I didn't take a thing.

McNulty: What year was that?

Murphy: That was 1960.

McNulty: What did you want to do then?

Murphy: I started my own office.

McNulty: Law office of James Murphy?

Murphy: Yes.

McNulty: All by yourself?

Murphy: All by myself.

McNulty: Where were your offices when you worked with Conner & Jones?

Murphy: Valley Bank Building downtown on Stone and Congress.

McNulty: And where was your own office when you went in by yourself?

Murphy: Same place, same building. In fact, next door.

McNulty: That took some courage to walk away . . .

Murphy: Yes, it did.

McNulty: . . . from a big firm.

Murphy: Yes, it did.

McNulty: Established firm.

Murphy: Yes, it did. I'd been with them quite a while. I learned an awful lot. Conner, Mr. Archie Conner died with a heart attack, just suddenly. And Judge Jones could not run the office the same way that Archie Conner could. And then, of course, he didn't like the younger guys trying to--I guess, well I can see his point. You worry about taking over. I'd taken over most of the trial work.

McNulty: So now by 1960 you've been out of law school almost twenty years. Here you are by yourself. How did your practice go from that time?

Murphy: Zoom! Up! I mentally said, "Well, I'm going to stay by myself a year." Thinking, "Well, I'll have no problem there." And I finally just proved to myself that I could last a year without help. I didn't get help for a year. And I needed it. It just zoomed.

McNulty: Did you get help after the year?

Murphy: Yes.

McNulty: Who did you hire?

Murphy: John U. Vinson. He was Bill [William] Spaid's son-

in-law. I had talked to--I wanted Charlie Conner to go with me and he wouldn't. He said, "Well," he said to me, "the bloodline." Why, I understood that. And not too many months ago Charlie said, "I wish I'd gone with you." I wish he had. He's a tremendous guy. He was no good in the courtroom, but he's tremendous with contracts and. . . . He represents now, Joe--what's his name that owns the big shopping center out there? The El Con.

McNulty: Kivel.

Murphy: Joe [Joseph] Kivel. And he can keep Kivel satisfied and happy. And boy, he's saved Kivel money. And Kivel's the kind of guy, you know he put a kid through law school. So then when the next big lease came up he had his son draw it, take care of the lease. So the kid copied Charlie's lease, but didn't know what he was copying and what he should have left out. So finally Kivel had to come back to Charlie. And Charlie says, "You do that to me again, it's your fanny." Charlie's tremendous. I asked him to come in. And I talked about Marshall Jones, and Marshall was a West Point graduate and was in the air force.

McNulty: This is Judge [Gerald] Jones' son?

Murphy: Judge Jones' son. And the family worked on him to come back here to go to law school. He shouldn't have gone to law school. He should have stayed in the air

force. That's what he wanted to be. He was a good lawyer, but that's not what he wanted to be. He'd been sent to--oh, one of the technical schools--Georgia Tech, for advanced training in the air force. And what he wanted to do was fly those jets. That's what he should be doing. Nice guy.

McNulty: Did the firm change its name to Murphy & Vinson ever?

Murphy: They changed--no, they changed. . . . Vinson wasn't in the picture when I was there. They changed their name to Conner, Jones & Murphy.

McNulty: No. I mean the firm that you created in 1960.

Murphy: Well, I was by myself. It was just Law Offices of James M. Murphy. That's all.

McNulty: Well, then you brought in Mr. Vinson in 1961.

Murphy: Brought in Vinson--no about 1962, really was the time.

McNulty: Yes.

Murphy: It became Murphy & Vinson.

McNulty: And did the two of you then practice together?

Murphy: Yes

McNulty: For some time?

Murphy: Yes. We were there in the Valley Bank Building and then we moved over to, to the Transamerica which used to be the Phoenix Title building, there on Church and Alameda. And we moved out of there because we needed more space. We had, by that time, two more lawyers working for us.

McNulty: Who were they?

Murphy: Gordon [G.] Waterfall and Carl [E.] Hazlett. So then, I was one of the first tenants, in 1963, into the Home Federal Tower downtown. And I had an office on the seventeenth floor. I planned to grow big, expand. I had options on most of the floor. And I dealt with Gordon [D.] Paris for my lease, and my lease was two pages on both sides of each sheet, some in handwriting, some in ink, some in pencil and some in typewriter. Because one of tenants, my clients, later called me, a year or so. "Look at your lease at page fourteen." I said, "There's no page fourteen." I had a wonderful lease with Gordon. You know he said, "I want so and so." I said, "No. I'm not going to do this." "All right." I wanted something, he wouldn't do it. But I'd say, "All right. Whatever." The lease worked out nicely. And then, B. [Byron] G. Thompson who was in the firm of one of your predecessors here, Knapp, Boyle & Thompson, started to work on me about not getting big. He said, "You make a big mistake." It worked on me. I was inclined that way anyway. And then Larry [Lawrence V.] Robertson, the senior Larry Robertson the big tall guy with the deep voice--both of those men were good lawyers. I had respect for them. Unfortunately young Larry Robertson doesn't have the wherewithal that his father

had. I think he would be happier not practicing law. And I don't mean that in a derogatory way. If I were out operating at TMC [Tucson Medical Canter] today, somebody would sure wind up dead. (laughs) So they talked to me at different times about it. And, about not getting big. I have needled Larry many times and he said, "Well, that's part of my problem. We got too big too fast." Because he suddenly brought a bunch together and said, "We're a law firm." Now the Knapp, Boyle, Bilby & Thompson firm grew slowly. They brought in eventually--well, you're in the successor of that firm now, and you understand that firm is still going slowly.

McNulty: Yes.

Murphy: So they don't have that problem. But Larry brought this whole bunch of people in. And you've got . . .

McNulty: He didn't bring that into your firm? You're speaking--what firm did Larry bring folks in?

Murphy: Into his firm.

McNulty: Yes.

Murphy: It was Robertson--it became Robertson, Fickett, Childers. . . . For a long time Jones' name wasn't in that title at all. And Molloy wasn't in there either in the firm. And Frank Drachman, Jr., was in there. He's the guy that stole all the money and. . . . And then there was a young guy [Richard K. Burke] that

used to teach in law school. He's now working for some politician to get elected up in Prescott now. He was in that firm. He used to be United States attorney.

McNulty: Jim [James P.] Boyle?

Murphy: No. Jim I don't think was ever United States attorney, unless he was later on. That's Mr. Boyle's son that, who is now living in Prescott. No, it wasn't Jim Boyle.

McNulty: All right. You have a law office today. It's 1988.

Murphy: Yes.

McNulty: What's it called?

Murphy: Murphy, Clausen, & Goering.

McNulty: And who are the members of the firm?

Murphy: The members of firm are Thomas M. Murphy, my son, who runs the office now. I don't do that. He does that. Howard T. Roberts, Scott Goering, Monte [C.] Clausen, David [L.] Berkman, Bill [William] Rubin, a young, eager Irishman named Michael [F.] McNamara, myself, and Doug [R. Douglas] Holt who's our, he's our in-house Mormon bishop. (laughs)

McNulty: So, but you're getting into the bigger firm.

Murphy: Well, we're ten now. We're ten now.

McNulty: Do you go to the office regularly?

Murphy: I don't do any more trial work. Now I'm taking a flock of depositions now, because we've got one guy

out for forty days right now. So I'm helping them out. They're in a bind. And they're dealing with law firms that have, that can supply guys for four depositions going on at the same time. And that's what's happening. Here and in Phoenix and different parts of the country. So I'm helping them out at that. I don't do any more trial work. I'll help them out if they get stuck. So I can run my clients and stuff like that if--I'm available when they need me, and if I have appointments I come in. Otherwise it depends upon where I am. Because I'm doing a lot of other things. I'm writing now, and I'm taping Bishop [Francis J.] Green, as I think I mentioned to you before.

McNulty: This career in the practice of law has also included a substantial amount of time and attention to the well-being of the State Bar of Arizona. You were president of the State Bar, were you not?

Murphy: Yes, sir.

McNulty: And have you been active with the Bar over the years?

Murphy: I have.

McNulty: What kinds of things have you done?

Murphy: (pause) Oh, that's kind of hard to say.

McNulty: Well, you've written a book.

Murphy: I've written two books.

McNulty: Two books. What are the titles of them?

Murphy: One of them is Laws, Courts, and Lawyers [Through the Years in Arizona], published by the University of Arizona Press. And the other one is Spanish Legal Heritage in Arizona, where I traced our laws that go back to old Spanish laws. That was published by the Arizona Historical Society. I've published several articles. Some on railroads, but mostly on. . . . Well, no. Some on history, like Franciscans and I've published in the Arizona Law Review, in the State Bar Journal, and the Journal of Arizona History. And there's a new Western History Journal starting out, I'm on the Board of Editors here--this is brand new from the Ninth Circuit Court of Appeals--and I'm on the Board of Editors of that.

McNulty: You've got a collection of books and things that you have caused to be bound, which represent, really, the foundation for anyone who ever cares to inquire about law in Arizona. When did you get interested in that?

Murphy: I got interested in that. . . . When I finished as president of the State Bar, the Arizona Law Journal asked me to write a little resume on the history of the Bar. So I started doing that and it was interesting. I got into it. So when I presented my paper to them, you know, to publish--they had a limitation on how many pages you could have and stuff like that--when I did that I had enough for, for

double what I had in there. So I had to cut it down. So I decided I'd write a book. Now I've only written two books and each time I've written a book, I've never had a publisher, I've never had an editor, and then when I finished the book and I would present it then I would have a--once I got a publisher then I got an editor. So I've only written two books and they both have been accepted and they both have been published. One is a rare book now and the Laws, Courts and Lawyers is pretty soon running out. They're not--there won't be many left in print.

McNulty: Jim, you've brought with you a bound volume as an example of other bound volumes you have. First of all, how many of these bound volumes have you caused to be put together. Or do you know?

Murphy: Well, this was, I didn't do it. Once the University of Arizona Press took this over they made the decisions. I had, I had a contract with them. I made no money out of it. I didn't expect to make money. They would have--Lord, I have no idea how many books they have.

McNulty: I'm talking about these green volumes that you brought.

Murphy: Oh, these green volumes. All right. I have almost a hundred, fifty of those.

McNulty: What's in those volumes?

Murphy: All right. Let me go back. When I was doing that research to write the history of the Bar for the Law Review article, I liked what I was doing--and of course I was a member of the Historical Society and I knew all the people there. So the next thing I knew I was their unofficial lawyer. That's a strange term, "unofficial". But the state furnishes a lawyer and they never used him. So I began doing the work, whatever they had to do, and I worked with Harold Steinfeld and some of the people like that. And I continued to do my research. And then I began going, well I went to people like you and your law firm, and I asked you for files that you were going to destroy or you didn't, or that might have any historical value, to give me like depositions. There's biographical matter in them, transcripts of testimony, abstracts, all those things. Now the pleadings [and court records] themselves would be boring to anybody other than a lawyer and probably to only the lawyers in the case. And the memorandums we write would be of no interest except maybe to another lawyer and to the judge who reads them. So, you were very helpful in giving them to me. I got them from all over the state. I got them from judges. Sometimes the clerks of the courts would give me this stuff and others, they would say, "No. You can't do it. You'd have to

go to the judge." Well, the judge would give them to me. Like Judge [Lee] Garrett here gave me a lot of stuff. He said, "It's on permanent loan." And I selected what I wanted to take out. And if ever they call for it I'll have to give it back. Bob [Robert E.] McGhee, when he was judge the first time--he's still judge up at Globe--gave me an awful lot. And one time he called for it and the stuff went back up to what it was. Now, the state has been taking these things, a lot of the stuff, out of the courts and the different records like that and putting them up in Phoenix, in the library up there. [Arizona Library and Archives in Phoenix] So I got a lot of material that way. I got a lot of it from judges, and a lot from lawyers. Now some lawyers said, "We have nothing historical." I said, "Don't make the decision. Give me the stuff. Let some historian make it later on." So, starting that I worked for about twenty years and I had tremendous collection in the Arizona Historical Society. And it's up there right now. I hired people from the University of Arizona to come in and assess, to sort, and to classify all this material. I hired other people and paid for it myself--I don't know how many thousand dollars I spent--and I paid for it myself over these years, to make three-by-five cards. And the Historical Society at that time went by three-

by-five cards. Suppose one wanted to get something on James F. McNulty, I'd find under the "M's" there a card for you and tell you where to go to find the stuff. And another card under "Lawyers" and then "McNulty". And then if you were a judge, there would be a card for "Judge" and "McNulty". So anytime you'd show up there. So all of that stuff I discovered was thrown out and right now all the material I did--the collection wasn't thrown out. [The index cards for my collection were destroyed.] There's a book up there written for the Historical Society about the different collections and this says, "This is a very large collection." Now they don't know what to do with it. There's no way to get into it. They can just start here and I--suppose this is here--and go page by page by page. The State Bar used to give me all the newspaper clippings. They have a clipping service, as you probably know. You were on the Board of Governors yourself at one time. And from that clipping--I'd take anything dealing with the lawyers or the judges, not the cases they tried. Not the victories or the losses, this kind of stuff. But anything dealing with them as individuals. And I had quite a collection of that indexed. So there again, you were written up in that. I mean, cards were on that about you and other members of your firm. And everything like that. And

that was all thrown out.

McNulty: Jim, what do you plan to do with this 150 or 160 volumes of bound material that's represented by the green book? That's not the first time that question has been asked of you.

Murphy: No. It's not.

McNulty: All right.

Murphy: I'll guarantee you it won't go to the Arizona Historical Society.

McNulty: All right.

Murphy: I have a problem, a family problem. Not a family problem, but some of the family wants it. They want to keep it. Now I have--personal stuff for the family runs about twenty volumes of these books. They're about this thick--that's what? Three inches?

McNulty: Yes.

Murphy: Four inches, some of them.

McNulty: Yes.

Murphy: They're not printed, now. This is not printed stuff. Unless I take newspaper clippings and stuff like that. And they're on 8-1/2 by 11 paper, regular standard paper. They're on good bond paper, the stuff that's written. And the family is determined who's going to get what. And I said, "Well, it should be all together." My leaning is right now to the University of Arizona Special Collections. And it would have

been a great thing--now I get letters from the Historical Society telling me that there's hardly anything on lawyers and the courts in Arizona. So somebody ought to get off their rear over there and go up and look. Now I've talked to Michael Weber, and I mean, he doesn't know what to do about it.

McNulty: Let me try another area here. In forty-seven years of practice, you've seen some pretty good lawyers in operation, have you not?

Murphy: Yes, sir.

McNulty: Who are some that particularly stand out in your mind and why do they do so?

Murphy: (pause) One you would never think of is Odin B. Dodd. Odin B. Dodd came in the Depression days. Hal [Harold] Warnock and I have talked about this and he agrees with me on it. In the Depression days the big firms that I was telling you about weren't hiring lawyers. Odin B. Dodd was cross-eyed, one eye was cross-eyed. I worked for him, oh, a year or so, and one time someone came in and I said, "Who did you talk to?" "I can't remember, but he was cross-eyed." I thought, "Well who the hell is cross-eyed?" Well it was Odin. I never thought about it. Odin could, he would read like this. He'd read it, one case, and he'd have it in his mind forever. And then when I got to know him better I would read to him out of the

cases. And no matter what point you had, he could tell you the case, where you should go, the page, what it covered. He could cover everything, anything. He became very bitter, he was very bitter against what is now your firm. I mean, the Knapp, Boyle firm. Very bitter. Because he thought they were taking all the work. Well, they were probably, they and Conner & Jones were about the best firms, and Judge [George R.] Darnell's firm, in the city. And they were getting some--but they still weren't getting an awful lot. There wasn't enough business. So these guys just didn't have jobs. Odin B. Dodd, I would say, would be outstanding.

Larry Robertson was a good lawyer. Tried cases. He had this big deep voice. He was sort of a dramatic guy with a deep voice and everything like that. But I thought he did well.

Another man who came up in the depression days, came from World War I was Timothy Cusick. E.T. Cusick. And some of the people criticized him, like, well he did criminal work and in those days they all did. A lot of those, you'd be surprised, they'd take whatever came in. Just like when you were down in Bisbee and you had to take what came in. And if you wanted to develop work later on, you didn't have to, no. But, I mean, to develop work up and to help

people when they needed help. He was an outstanding lawyer. Tremendous trial lawyer. One time I tried a case in Bisbee. It was filed by Mr. Cusick against the Phelps Dodge hospital in Douglas. Frank Thomas, the judge we mentioned before, in Bisbee, was the judge. Timothy, Tim Cusick and Frank [H.] Watkins, with whom I went to high school and grade school--I mean law school--were the plaintiff's lawyers. And I was the lawyer for the P.D. hospital. And of course, as you know, being lawyer for the P.D. hospital you don't stand much chance of anything down there. And A.V. Holesapple was the lawyer for the doctor involved, Dr. [Guy] Atona, in Douglas. A lady had been burned in the cervix because of some equipment. So I brought in the supplier from El Paso of this machine that was being used on a third-party defendant, which made a third layer in the lawsuit. Which you understand, but maybe the people listening to this don't understand. And Bill [W.E.] Kimble and Martin Gentry were defending him. Martin lasted one day in the trial and he got out. (laughs) I don't know where he went but he was "Adios, amigo." We tried it for about two weeks. I had Bill Kimble at the point of a nervous breakdown because we didn't have--remember in those days we didn't have roller chairs there. We had just an ordinary chair. And

when he'd start to ask a question, I'd start leaning back in the chair and pushing the chair back. And you could hear it scrape on the floor. (laughing) And I'd start standing up. And once he yelled, "Would you sit down," and "Please, you make me nervous." So Frank Thomas says, "Mr. Murphy, don't make Mr. Kimble nervous." And I said, "I wasn't, Your Honor, I was just trying to get up." So we tried the case--oh, Wesley. . . .

McNulty: Polley.

Murphy: Polley, whom some of your friends call "Polecat Polley" down there, was representing one other defendant. I can't think of who it was. Anyway we were all in that lawsuit. So we tried the case for two weeks. Tim Cusick didn't ask a question. Watkins tried the case. Or Tim did some. And Tim was right in front of me. His gray hair, you know, red-face, red neck and everything. So Frank Watkins got up and made his argument, and I leaned over to Abie when he was through and I said," Frank hasn't said anything we don't know already. Let's waive [argument to the jury]." So I said the same thing to Polley. He said, "Well, I'll go along with you." And then Kimble said, "All right." Kimble didn't want to, and we sort of forced him into it. Because he thought we were mistreating him. I just said, "No, we're just trying

a lawsuit, and if you get some flack you can't help it." So they all agreed. So I got up and said, "Your Honor, we waive." Tim Cusick had a stage whisper. I don't know if you ever heard him. When he would whisper in the courtroom you could hear him all over the place. He turned and the red started up the back of his neck, I could see it go in under that white hair. (laughing) He turned around to me and he says, "You son of a bitch," and you could hear him all over the courtroom, the courthouse, I guess. The jury was roaring and Frank Thomas, the judge, was in stitches laughing.

McNulty: By this maneuver you had effectively foreclosed Tim Cusick from giving his closing argument.

Murphy: Correct.

McNulty: Would he have been very good at it?

Murphy: He would have been good. He would have swayed that jury. We wound up with a verdict, the five of us, of either four or five thousand dollars. Then Cusick and Watkins and everybody else but myself and Kimble and Abie left for Tucson. We stayed for the verdict to come in. Now it was on a Saturday when there was a football game here [in Tucson] and these other guys said, "Oh, we haven't got to stay." So they went to the football game. When the jury came in, about eleven o'clock, he [Judge Thomas] was a little tipsy.

The verdict was only either four or five thousand dollars, and nobody did anything. Now if I had been the plaintiff I would have been all over there, because there was enough, there were injuries, there was damage. No question about it. If it wasn't me, it was Abie. If it wasn't Abie, it was Polley or Kimble, or whatever. So that foreclosed Tim. And Tim was a great speaker. Tremendous with a jury. Tremendous. I heard him in court one time when he was arguing a motion before Lee Garrett, who wasn't the swiftest judge in the world and didn't really know what was going on most of the time. He was arguing a motion against Rose Silver. She used to be County Attorney here, I guess the first woman. And her husband [James] also practiced law. He wasn't much of a lawyer. Rose was shrewd. She was sharp. At this time Tim was head of the State Democratic Party. So Rose was vicious in her arguments, and she started this argument, you know, "Mr. Cusick thinks he's a great guy, and I'll have you know he that thinks he's the head of the Democrats and he throws his weight around. I'll have you know that I'm bigger around the chest than he is." And then this whisper comes out, "And around the ass too." (laughs) I mean, that's the way Cusick was. Just tremendous.

Let me see. Some others I--let me look at my

notes that I have here. Some of the trial lawyers I worked against were very quiet guys and were very good with what they did. Bilby, old man Bilby, Ralph Bilby was a good trial lawyer.

Harold Warnock was outstanding. I tried a lot of cases against Warnock, and tried cases with him. He was honest. He was ethical. And I used to kid him, I said, "You know, you're the only man I know that can sneer and smile at the same time." And he was a tremendous guy to work with. I don't know if you ever had the opportunity of working with him or not, but just great to work with. Had no problem. In a hearing against him one time where, to make a long story short, this lady had said, "I want 'X' dollars to build a home for the aged in Tucson when I die, and if there's not enough money then the judge of the court can pick some charity in the community that can do this." So some way or other, Warnock induced him to pick the Arizona Children's Home. (laughing) I don't know how he did that. So the next thing we knew there were motions flying over it. So Judge Jack Marks, who was Superior Court Judge and incidentally a very good judge, had a good brain, he set the thing for a hearing and invited, oh, he had the Catholics, like Catholic Social Service, the Episcopalians, whatever their organization was, the Jewish Family

Service, the Mormons. They had them every--all of them. All kinds of religions were there. So Warnock was arguing the motion to keep it for the Arizona Children's Home. I mean, the guy, you could see him, he was like on an icicle. You know, you hang onto the icicle, it's just going to go down, slowly. (laughing) And he was going down. So I got behind him where nobody could hear me but him, and I said, "Well, you used to be anti-Catholic and now you're anti," and I listed all of them, the Mormons, the Jews, the whole list. He didn't say anything. So I left the courtroom, he didn't say anything to me. So I was waiting. So about two weeks later I was walking down the street and he says, "I resent what you said." I said, "I apologize." "I don't want your apology. I don't want your apology." He says, "I'm not anti-Catholic. I'm anti-Irish-Catholic." (laughter) He was a tremendous guy.

Judge Darnell used to be sort of a bulldog, a vicious bulldog in trying lawsuits. I didn't think he was that great, but he had a good reputation. He was smart. He was dogmatic. He thought if he said something that was the end of the world.

James P. Boyle was a tremendous lawyer. I don't know if you ever worked with him or saw him. He came in later years. He was a tremendous guy. Now that

firm came from Douglas.

McNulty: Yes.

Murphy: From your area. And B.G. Thompson was a good trial lawyer. Another sleeper was Ashby Lohse. Many people didn't give him much credit for it. He was sharp. Still is. He's very sharp. He's got a good practice. I'm trying to see if I'm not missing anybody here.

McNulty: Let's talk about some of the judges before whom you have practiced over forty-seven years. Who are some that stand out in your mind?

Murphy: Probably the one that stands out in my mind most of all is Jesse [A.] Udall. Jesse Udall. As you know, he's a half-brother of Levi [S.] Udall. And, I never considered Levi Udall a great judge. I thought he was--I mean he got there and that's about all. I was never impressed with him. He was kind of a cold guy. I was never impressed with him. I don't think I impressed him either. Now he, as you know, is the father of the three boys and three daughters, Morris [K.] and Stewart [L.] and Dave, whom we know as Burr Udall. Jesse has--in fact, I had one of Jesse's grandsons in the office last summer clerking, and he's a big heavyset fat kid, a big guy. And he walked in and I said, "You've got the smile of your grandfather, but you've got too much lard." "Oh, you knew my grandfather?" And I said, "Yes, I sure did." The

first dealings I had with Jesse I was trying a case up in Clifton, in Greenlee County, before Judge [T.E.] Allyn, and Judge Allyn was a real lulu. In those days, that would be let's say the 1950's maybe early 1960's, Clifton had three lawyers. That's all. One was the county attorney, one was the defense lawyer and one was the judge. And the two lawyers that were the county attorney and the defense lawyer didn't want the judgeship. There was nothing to do. And they could make more money as--the county attorney could have private practice and the defense guy could. . . . That's the way it worked. So we, it was kind of funny to watch us pussyfooting around to try this case. Now, Jesse came up to try it. He'd been gone [from Arizona on a Mormon Mission] and come back, and he was trying--he wasn't a judge then. He was a lawyer. And he wanted to have Judge Ben [Benjamin] Blake from Safford. And I said, "No way. I'm not having your Ben Blake come up from Safford." And we hit it off, I mean we distrusted each other, as we've mentioned many times before. I said, "I wanted J. Mercer." He said, "I'm not going to take your hand-picked judge." Well anyway, we picked [Gordon] Farley from Nogales. So Farley couldn't come up there for a day. So we all hung around there. There was no point in going home and driving all the way back and forth. Later in the

case--I don't know how it came out. Anyway, Jesse and I got to like each other. And then I tried other cases with him and I tried cases with him, several down in Bisbee, where he'd be the judge. And then I appeared before him on the Supreme Court. He was tremendous. I think he was the best judge.

Now of all the best judges of all, is James A. Walsh, the United States district court in Tucson.

McNulty: You are the third person who has said that.

Murphy: He was tremendous. He was prepared. He knew--he's one of the few men--and so was Jesse--he was a good lawyer and a good judge. Most of them are either a crappy lawyer or a crappy judge. But they're not both. For example, like Bob [Robert S.] Tullar, who in my opinion was a good judge. I thought he was a lousy lawyer, and a lot of people think that he's a great lawyer. James A. Walsh--I was thinking of Jesse as a Superior Court judge when I was talking. I didn't mean to bypass Walsh. Jim was prepared, you'd better be prepared before you went before him. As he told me several times, he said, "If I don't argue with you then you're dead." I said, "Well, there are two sides." He, "Well maybe both sides are dead as far as I'm concerned." And if you knew what you were doing he was fine. Now he also--there would be byplay. As you know, there's a lot of byplay between the judges

and the lawyers when they're on the bench where nobody else can hear them. Like one day Walsh called Charlie [Charles D.] McCarty, who's also an attorney--Charlie used to be a top-notch trial lawyer. He had a breakdown quite a while ago. I went to high school with him. I went to law school with him. Smarter than blazes. Just tremendously smart. Sharp mind. He [Walsh] called us over there, he said "I have two Black people here, two young men that are charged with some federal crime. And the sheriff's deputies conducted the investigation." And he says, "I think these kids are being had." He said, "I'd like you two men to represent them." Of course there was no money in those days for representing them. So we tried the case for two weeks. With the jury verdict we got them off. And when the trial started out, Walsh made his usual introduction. So he said, he introduced Mr. McCarty and Mr.--whoever the Black man was that was his client--and Mr. Murphy and, I had a big, good-looking, handsome young guy. Tremendous big. And he was there in a white shirt and neat pants and clean. So Walsh kept saying, "Now, the one with the coat is Mr. Murphy and the one without the coat is the defendant." (laughing) Oh, he'd keep that up. Every time I'd get anywhere near the Bench he'd say, "You take your coat off and you're dead." So he had this

byplay going. So, anyway, we got the guys off and Walsh was very appreciative of it and so on. But he was tremendous. He was the best of all. As I mentioned before, he knew his cases. He was prepared. [This was in the 1970's. My notes and file on this case are in my collection at the Arizona Historical Society.]

McNulty: Didn't he come to the job here in Tucson with some clouds over his head because of the opposition of the Arizona Daily Star against the choice of a Phoenician for a Tucson job?

Murphy: He came here as a cloud with everybody. And I was one of them that was against him. Walsh had worked for [Ernest W.] McFarland when McFarland was U.S. Senator for Arizona in Washington. Walsh worked in McFarland's Washington office. When McFarland appointed Walsh, a Phoenix lawyer, as judge, instead of a Tucson lawyer, there was a big uproar in Tucson. I was leading the charge for the [Pima] County Bar at the time. I may even have been president at the time. I was leading the charge. [This was in the mid-1950's] Walsh came in quietly and after all, yes, we had a good judge.

Tape 2, Side 1

McNulty: You've participated in hundreds of cases, literally, over the years. Are there some that stand out in your mind?

Murphy: (pause) There's one you and I were in.

McNulty: Yes indeed, there is.

Murphy: For about fifteen years. The Greene family down in Cananaea. Which was an interesting thing. We were in the lawsuits and courts in California and [Arizona and Mexico].

McNulty: This is the probate of the estate of the widow of Colonel William C. Greene.

Murphy: That's correct. Mary Proctor, as she was known by my family. She went to school with my mother [at St. Joseph's Academy in Tucson]. Because my mother would check how that case was getting along and tell me, "I hope you lose." (laughs) [I tried to tell her Mary was dead.] I said, "Well Mary's not being affected." And she always--she knew Mary Proctor and then she knew Bill Greene's daughters by his first marriage. You remember one youngster was killed and drowned when a dam was broken. And he [Colonel Greene] killed the fellow that was supposed to have broken the dam. And then the other . . .

McNulty: Eva Greene Day.

Murphy: Eva Greene Day also went to school with my mother. So my mother wanted to see Eva Greene Day get everything.

She says, "I don't know anything about what you're doing there, but as far as I'm concerned, you're on the wrong side." That was enjoyable. I represented Kirk Greene. You represented the estate. And then we had Jim [James V.] Robins from Nogales was there. Keith [F.] Quail from. . . .

McNulty: Prescott.

Murphy: Prescott.

McNulty: Representing Charles Harrison Greene.

Murphy: Charles Harrison. And there was some guy from California representing one of Colonel Greene's daughters.

McNulty: Ed Viney . . .

Murphy: Ed Viney, yes.

McNulty: . . . representing Florence Sharp.

Murphy: Florence Sharp. So, my client was Curt Greene. I quit once, and then he got me back. And then he canned me. (laughs) Then he got me to come back again. But, it got, well you know. You went through the thing yourself. It got kind of tiresome.

McNulty: Is the practice of law a different creature in 1988 than it was in 1941?

Murphy: Yes. It's a business now. It's no longer a profession.

McNulty: Is that regrettable?

Murphy: Yes. For example, we used to do this with you, we'd

be in your office batting the breeze. We'd have lunch or maybe we'd have a beer after work, or maybe we'd be sitting around the courthouse waiting our turn to be heard. This would be lawyers generally. We'd talk about various legal points, and discuss the law, and the best way to follow, to help people. Now the first things that are discussed are the fees. And the fees now are tremendous. I spoke to a high school group from Canyon, Canada del Oro High School, and they were a nice bunch of youngsters, both boys and girls, but their questions flabbergasted me. "Now we understand that lawyers start out at twenty-five thousand a year." And I said, "Well, maybe they do some places, but not everywhere." And the young girl said, "Well," she said, "I wanted to be a lawyer." I began to ask, "Why do you want to be a lawyer? Why do you want to go to law school?" And I answered all their questions. And she said, "Well, I want to get married, but in case the marriage fails I want law to fall back on." So I said, "Well I'm going to give you some marriage advice: Don't go into marriage under that basis." Her teacher said, "Oh, thank you very much. Thank you." I said, "That's a heck of a way to go into a marriage." I said, "Look at your families. Maybe some of your families have problems, and your parents. I hope not. I feel sorry for them. And if

they do, have sympathy with them and understand what they are going through." But the kids had this idea that money was the big thing. I've been going through some lawsuits concerning the physicians and it's surprising, the big thing with them is the money. That's number one. Yes, we all expect money. Yes, we want to live. And yes, we want to take care of our families. But I can remember sitting around--well, you and I have sat around in bull sessions--talking about the law and certain things like that. No. I think it's completely different. You have advertising now. I was coming from Phoenix yesterday, in the car, and I happened to have the radio and there was an ad from a Phoenix lawyer telling people, "Now, you give me a telephone call, I'll send you my book on probates. I'll send you my book on living trusts. And I'll give you the straight stuff and it's no obligation." And, "Just call me, I'll send my book." And then when I see some of the lawyers who are incompetent, advertising in the paper. They tell the people, you know, "You don't have to pay a fee." They don't tell them that, "You may get stuck with costs." One tremendous--they don't tell the people what's going on.

McNulty: The advertising . . .

Murphy: Cheating, cheating is--I'm sorry--cheating is being

done, and shortchanging. You've got a lot of lawyers now you can't trust. You can't take their word. Before that--yes, we had them before. No question about that. But we pretty well knew who they were. But the Bar gets bigger, like I've been dealing with lawyers I've never seen before, up in Phoenix, some of the big firms. And I probably will never see them again. The ones I have been dealing with have been good people, good young guys who--and they're working, you know. They are trying to do their job. But they could be bozos and I wouldn't know it. You don't know it sitting in one deposition with a person.

McNulty: The advent of a substantial number of women in the Bar and subsequently on the Bench, that certainly is a change from forty-some years ago to the current date, isn't it?

Murphy: Yes. But I don't think it's a major change. They're human beings. I was reared by six women. I thought they were wonderful. I went to a girls' school for eight years. (laughs)

McNulty: On balance, what's your opinion as to the kind of a job the women have done, practicing law, and the relatively small handful of those on the Bench?

Murphy: Well, Mary Anne Reimann [Richey], who is now dead, was a Pima County Superior Court judge and a federal judge. And she was top notch. She was excellent.

Alice Truman is not in the same caliber, yet she does a good job. They were two of the beginners we had there. I think a lot of the women are being pushed, who are not prepared as a human being, but because they are a woman or a Mexicano or a Black they are pushed into some of this stuff. Now we had one girl work for us. Came, wanted to join our firm, came with us. And she did a good job. I liked her. I worked well with her. And she went out to--what's this aircraft company that's folding up down here in Tucson? That makes the--Learjet. The Learjet place.

McNulty: Gates Learjet.

Murphy: Gates. And she went out there thinking that they wanted to hire her as a member of our firm. They wanted to hire her, but not as a member of our firm. So she sweated on that, and she said, "Well, tell me what to do." I said, "No. You better decide yourself. You'll be working for them. And in the law firm you'd have a good chance here." But the money was more than we were paying her. That's usually true of these corporations. They don't care. They just, if they want somebody that badly. She's a competent youngster. Eight months later she was laid off. She came back, we had no room. I would have been glad to have her. She did a good job. She worked. She didn't ask--you get some women, and men too, now we

have a lot of those: unprepared. Don't know what they're doing. Real bozos.

McNulty: Suppose one of your grandchildren, and you've got a few, inquires of you in the next five to ten years, about the possible practice of the law. What would you tell them?

Murphy: I'd tell them, sure. To think about. No, I enjoyed it. I had a good time. I have one son, as you know, who's an attorney, Tom. I have two other sons who are not attorneys, and they are both doing very well in their own lines. Oh, I wouldn't discourage them. I'm not down in the dumps or anything like that. I've made a tremendous living out of it.

McNulty: Do you think society is more litigious today than it was forty years ago?

Murphy: Oh, yes. Oh, yes.

McNulty: Why?

Murphy: Well, I think one of the reasons is that with our television and all our publicity there are so many wonderful things that people can do if they have money. And you've got a tremendous number of people who would love to do those things, that don't have money. Blacks are human beings. Reds are human beings. Browns, and the yellow races are human beings. And a lot of them don't have the education. They don't have the background. They have the crappy

jobs, not good jobs. And then with the drugs coming on. They're going to get it any way they can. I think that's a lot of it. Now when I grew up, there weren't any TV's to see. We'd go to a movie and stuff like that. Now they have, you have TV's with these VCR's that can--little kids when you're maybe not home can be playing some of these vicious, dirty movies and stuff like that and it just doesn't make sense. There are no values. There's no--religion has taken a back seat, which is wrong. Ethics has taken a back. Kids grow up and they're not--they're not even taught how to dress. They're not even taught how to greet somebody. And those things are. . . .

McNulty: With respect to the fact that you think that society is more litigation-minded, are the lawyers playing any role in this national attitude?

Murphy: Oh, I think so. Sure. A lot of them want the litigation. What we used to call ambulance chasing. It's no longer ambulance chasing. Sure, there are a lot of them that want to make the verdicts, sure they're getting it. There are three lawyers in Tucson, now, suing each other. And they're making over a million apiece a year. You know, well that's--to people on the outside, that looks ridiculous. And you've got, "A million dollars isn't enough for one year?"

McNulty: Should lawyers turn down cases?

Murphy: (pause) No, I don't--I think if there's a legitimate case and they can help somebody--I still think in terms of helping somebody, some individual. Not myself. Yes, I will be, I will give somebody the time. Sure. But that's the terms I think. I don't analyze the case and say, "Well, now, if I take this McNulty case, how is it going to help me?" I don't look at it that way. You know, as an individual, I look at it and see how it would help you.

McNulty: Are there times when potential cases come to the attention of the lawyer, and the lawyer ought to say in the back of his or her mind, "I will really be doing this client a greater service by discouraging them from instituting litigation?"

Murphy: Yes. That's possible. I've done that.

McNulty: Do you think that's done as much today as it was forty years ago?

Murphy: Well, I think it depends upon who they're--I can't tell you on an average--but it depends upon who they're talking to. Saves them money and costs. See, a lot of people get involved in these costs and they don't know it. Their lawyers don't tell them. Those costs are tremendous. Jury fees, expert fees.

McNulty: Do you think people are more self-indulgent today than they were forty years ago?

Murphy: Yes, to the extent that they want to get all this good stuff they see going on. Yes. I do.

McNulty: Is society going to have to find another way to resolve conflicts other than by trials and courts?

Murphy: I don't know how else. I think the system is good if it is handled properly. I think it's the best we've got. The best we've ever had. But you have a lot of stuff--now when you and I started out, but especially when I started out, long before you did, but when I started out practicing law, liquor wasn't a particularly problem thing, which it is now. And I guess when I was in high school 3.2 beer came back--in 1935, 1934 or 1935 when I was in high school. And that was a big deal to a lot of people. And the kids in high school, they weren't particularly--well, some drank, sure, but there wasn't. . . . In high school the moral code was pretty high. There were some about screwing around and all this kind of stuff. You'll always have it. But not generally. And there was no dope. There was some smoking, not very much. Smoking has turned out to be a bad thing, a drug, in truth. And now you read in the paper about what the kids in high school are up against: drugs, smoking, sex. And then wanting all these other things that they see demonstrated for them.

McNulty: Do think there is the same cultural disposition toward

what, for lack of a better word I would call "professionalism", today, as there was forty years ago?

Murphy: Say that again.

McNulty: Well, I guess the word "professionalism" is kind of hard to define. Do you feel, though, that there was a different or a greater sense of professionalism and its responsibilities forty years ago among the law, among the legal profession, than there is today?

Murphy: Yes. I think so.

McNulty: And then how was that manifested then and how is it not manifested now?

Murphy: Oh, one way, the attitude of the lawyers when they're dealing with each other. When they're taking the depositions. In their arguing of motions. And some of the objections you get now are trivial. They are stupid. (pause) Generally you have, like in criminal law, for example, most, not all, but most of your defense attorneys in criminal cases are cry babies. Of course, they are starting out, usually, with a guy or a gal that's on the short end and they know it. So they're attacking you, the prosecutor, or attacking you, the government, or whatever. A lot of it, I think, is caused by attorneys who are not competent. We've got a lot here in Tucson that are not competent. They shouldn't be practicing law. And I wonder how in

the world they passed the bar. When good people I've known have flunked it and have had to take it over. People that are competent.

McNulty: Is the Bar doing enough to weed out the inappropriate people in its own ranks?

Murphy: I don't think so. I think that the. . . . Oh, the counters they had up to do a lot of these are being dropped. Our ethics are nothing now. About the only thing we now have in court rules is don't go in and shoot the judge. At least not during the trial. We no longer have [good standards]. Most of the lawyers when they show up in court look like bums. For example, look at the professors here in this university. Most of them dress like hicks. They're dirty. They're unkempt. And they are the ones that the kids are looking at as they're starting out to do their work. Take a look at--go to the law school over there. Those guys look like a bunch of bozos. You don't see them in coats, ties, neatly dressed to meet the public. And yet when you go downtown in the businesses there and you see they are in coats and their ties. Now, if you are working on the railroad or if you are working in the coal mine or something like that, no. But in the schools, you look at the high schools. I've been in some of the high schools, and the teachers do not dress at all. Now when I was

in high school, the teachers, men wore suits and women neatly in women's suits or neatly dressed. And none of them are dressed that way now. That's just an example.

McNulty: Well, Jim, we're winding up a very fine interview here. As a kind of a valedictory, what would be your observations over the forty-seven year career in the law that you followed?

Murphy: I've thoroughly enjoyed it. I liked it. It's a nice way to make a living. I would recommend it to my kids or grandkids.

McNulty: You meet people you enjoyed?

Murphy: Oh, yes. Oh, yes, absolutely.

McNulty: Is there a professional camaraderie that is a special class by itself?

Murphy: Yes. Yes. Such as my relationship with you. It's in that class

McNulty: Thank you.

Murphy: And with Jim Walsh, and, oh, yes, there is. Very much so. Very much so.

McNulty: So it's still a noble profession with honorable opportunities?

Murphy: Right. As long as the people are honorable. Because a lot of these that aren't are going to get stung.

McNulty: One of the previous parties that was interviewed was speaking of Mr. Cusick, whom you mentioned several

times. He was especially impressed by what he thought was Mr. Cusick's personal integrity. Was that a fair observation?

Murphy: Oh, that's very fair. He was, he's--I can use a term you will understand--he's one of us. I mean, Tim was great.

McNulty: This lawyer said, "He wouldn't cause a client to deviate one millimeter from his testimony . . .

Murphy: No.

McNulty: . . . if meant a difference . . .

Murphy: That's right.

McNulty: . . . between big loss . . .

Murphy: I've tried criminal cases against him. And no way would he do that.

McNulty: Yes.

Murphy: No way. He was just 100 percent.

McNulty: Well, we will hope that these reflections and recollections of those kind of folk work their way through us onto some of the succeeding generations. And we thank you for a splendid interview, Jim. It was a real pleasure.

Murphy: Thank you, Jim. You did a good job. I enjoyed it.

End of interview

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