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ARIZONA BAR FOUNDATION

ORAL HISTORY PROJECT:

ARIZONA LEGAL HISTORY

INTERVIEW WITH  
R. PORTER MURRY

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HISTORICAL NOTE

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

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

Today, there are law firms in Phoenix and Tucson which employ upwards of 100 attorneys, who may specialize in fairly narrow areas of practice. Half of the students in the state's two law schools are now women. Over the years, Arizona's influence on legal matters at the national level has been significant. Several landmark cases have originated in Arizona, such as *In Re: Gault*, and *Miranda*. Arizona can claim the first woman to sit on a state Supreme Court: Lorna Lockwood. Two members of the State Bar now sit on the U.S. Supreme Court, one as the Chief Justice and the other as the first woman to be appointed to the Supreme Court.

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

In 1987, the Board of Directors of the Arizona Bar Foundation expressed an interest in continuing to document the history of the legal profession in Arizona on a state-wide basis. In

particular, the Board felt that the collection of oral history interviews with senior members of the State Bar would stimulate scholarship and publication on various topics relating to legal history, such as water rights, land use and development, and civil rights, as well as on the history of individual firms and the State Bar, itself. The Bar Foundation and the Arizona Historical Society/Tucson agreed to work together to expand the DeConcini Project statewide, calling it the **Arizona Bar Foundation Oral History Project: Arizona Legal History.**

Raising funds for two interviews initially, the Bar Foundation designated that the first two recipients of the Walter E. Craig Distinguished Service Award, Mark Wilmer of Snell and Wilmer (1987), and Philip E. Von Ammon of Fennemore Craig (1988) be interviewed in October, 1988. Both interviews were conducted by James F. McNulty, Jr., who conducted most of the interviews for the DeConcini Project.

Because it is open-ended, it is not possible to fully define the scope and content of the Arizona Bar Foundation Legal History Project. However, in order to achieve the greatest depth and balance, and to insure that many viewpoints are represented, every effort is made to include both rural and urban practitioners, male and female, of varying racial and ethnic perspectives. Interviews are conducted as funds are made available. Transcripts of the interviews are available to researchers at the Arizona Historical Society in Tucson, the libraries of the Colleges of Law at the University of Arizona and Arizona State University, and at the Bar Center, in Phoenix. The Historical Society is also cooperating with the Ninth Judicial Circuit Historical Society in making copies of interviews with Arizona lawyers and judges from their project available to researchers here in Arizona.

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



*R. Porter Murry*

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## Introductory Note

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Judge R. Porter Murry was born in Clovis, New Mexico in 1912. After attending the Missouri School of Mines, Judge Murry traveled to Arizona to work at a mine in Payson where he was severely injured. It took one and a half years of recovery before he was able to attend the University of Arizona Law School in 1936. Upon graduating with an LL.B. in 1939, Judge Murry moved to Clifton, Arizona.

Judge Murry served as Greenlee County Attorney for six years before being elected to the Greenlee County Superior Court in 1950. In his twenty years on the bench, Judge Murry supervised the proper functioning of the judicial system in his county and was called to help on cases in every other county in the state. Even after his retirement in 1970, Murry continued to serve by sitting in on cases from the Superior, Appellate and Supreme Courts until the late 1980s.

Steven Barclay, of Barclay & Goering, conducted the interview of Judge Murry on June 14, and July 10, 1991.

The original interview tapes and transcript are stored at the Arizona Historical Society Archives in Tucson, Arizona. Copies of the interview transcript are also sent to the University of Arizona College of Law and Arizona State University College of Law, the Arizona Bar Center in Phoenix, and the Ninth Judicial Historical Society.



## R. Porter Murry Interview

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Barclay: My name is Steve Barclay. I am an attorney in Phoenix. This is an oral history interview for the Arizona Bar Foundation Oral History Project on Arizona Legal History. Today's date is June 14, 1991, and the time is ten o'clock in the morning. With me today doing the taping of this session, is Pablo Jusem who is the Legal History Project Archivist, and our narrator, Judge R. Porter Murry.

*It's a real honor and a privilege, Judge, to be able to sit down and talk with you about your background and some of your insights on your many years of practice here in Arizona.*

I'd like to start out, if I may, with a little bit of family background information on you.

Murry: All right.

Barclay: Where were you born?

Murry: New Mexico. Clovis, New Mexico.

Barclay: The year, I understand, was 1912?

Murry: July 19th, 1912.

- Barclay: Your parents, what were their names?  
Murry: Hub Murry, and Merle.  
Barclay: Merle Murry. And where were your folks from?  
Murry: Texas and Georgia.  
Barclay: I think you told me prior to our interview that Murry's a Scottish name and you're of Scottish ancestry.  
Murry: Yes. That's right. I understand that is.  
Barclay: How about on your mother's side?  
Murry: English. Davis and Self. Her maiden name.  
Barclay: What did your parents do?  
Murry: Mother was just a housewife. My dad was in the produce business for years and years.  
Barclay: Did he have his own business or did he . . .  
Murry: Yes.  
Barclay: I understand that after a brief time in New Mexico, you moved back to the mid-west.  
Murry: Oklahoma.  
Barclay: Whereabouts in Oklahoma were you?  
Murry: Well, I wound up in Forgan, Oklahoma. That's in Beaver County, Oklahoma, and it would be hard to identify. Well, it's hard, but it's right there next to the Kansas line in the Panhandle of Oklahoma. I graduated from grammar school there and then went to Liberal, Kansas, to high school.  
Barclay: Did you come from a large family?  
Murry: No. I'm the only one.  
Barclay: The only one. So you graduated from high school, you said, in Liberal, Kansas and went on from there to college, I understand.  
Murry: Yes. From there I went to the Missouri School of Mines to mining school, engineering school.  
Barclay: Where is that?  
Murry: In Rolla, Missouri.  
Barclay: Is that associated with the University of Missouri?  
Murry: Now it is a university. At that time it was just a, oh, the same as Tempe Normal.  
Barclay: One of those situations.  
Murry: Yes. It's part of the university now, the University of Missouri, in Rolla. Engineering school.  
Barclay: And this would have been about 1930's?  
Murry: In 1930.  
Barclay: It was 1930? And you went to the school of mines there in Missouri for how long?  
Murry: Oh, approximately three years. It was a little over three years. I had two or three summer schools.  
Barclay: How did you happen to choose the school of mines?  
Murry: I don't know, frankly. I was good in math and I wanted to be an engineer and that was a good and cheap school. Money was a factor in those days.  
Barclay: Well, I guess so. You're in the heart of the depression era at that point.

- Murry: Yes. And it was having a real good reputation at that time. It still has. It's a good engineering school.
- Barclay: Was there anything particularly about mining that attracted you?
- Murry: No. No, it was money. It was petroleum engineering, really, was what I wanted to do more than anything.
- Barclay: Interesting. Then while you were there, I understand something drew you to Arizona.
- Murry: Yes, in the summer of 1934 I came out to Arizona to work in a mine, as an assayer and sampler. I was here three weeks, I guess, three weeks when I got in this accident and lost my arm.
- Barclay: Now this was where in Arizona?
- Murry: Below Payson. Oxbow Mine, or Zula Gold Mine, just below Payson.
- Barclay: The Zula Gold Mine. Tell me a little bit about the Zula Gold Mine. Is it still operational?
- Murry: No, it closed up not long after I got hurt. It was a wildcat deal for some Oklahoma oil people that came out and started it. Explorational. There had been a gold mine there named Oxbow Gold Mine before, but the Zula Gold Mine was strictly a wildcat deal out of Oklahoma. A fraternity brother of mine got a job out there. I was working for a dollar a day planting corn, broom corn, so as soon as I got enough money I called him and asked him, or wired him, and asked him if he could get me a job. He did and I came out here.
- Barclay: Was it a lot better paying than a dollar a day?
- Murry: I got forty cents an hour there.
- Barclay: That sounds low, but I guess compared to a dollar a day that's pretty darned good.
- Murry: Three-twenty a day and it took a dollar a day for room and board.
- Barclay: Was this a mine that you go down in underground?
- Murry: Yes. I didn't, but it was an underground gold mine.
- Barclay: What was Payson like back then?
- Murry: Rough, rough.
- Barclay: Pretty much a wild west town still?
- Murry: Oh, yes. They couldn't keep a sheriff up there in those days. The deputies came out of Globe and they were too rough for any deputies. They'd get them out of there in a hurry. There was a fight every Saturday night between miners and the cowboys.
- Barclay: Was there much of a population center there?
- Murry: No, just a few people.
- Barclay: Real small?
- Murry: Very few people.
- Barclay: Now, you mentioned that you had this tragic accident. This would have been 1934, I understand.
- Murry: Yes.
- Barclay: Summer of 1934?
- Murry: July, yes.
- Barclay: Can you tell us the circumstances of the accident?

- Murry: I was the sampler and assayer. They had belts that ran their machinery and they were slipping. I got up, I put on some belt dressing on it and got up to put it back on the pulley. When I did I started to fall and I grabbed the belt and it wrapped me around the shaft.
- Barclay: So you ended up getting caught up in the machinery?
- Murry: No. Just in the belt where it wrapped around the shaft.
- Barclay: Well, that just sounds awful. Do you recall pretty well the circumstances to this day?
- Murry: Oh, yes, sure.
- Barclay: What did they do then? Did they immediately take you to a hospital?
- Murry: Oh, there wasn't any hospital up there. They took me to the little store there down at the bottom of Oxbow Hill and called the doctor. He came down and tied me up a little bit and then it took about five or six hours to get me to Globe to the hospital. It had both arms at that time, really.
- Barclay: Both arms were messed up bad?
- Murry: Yes.
- Barclay: And they were unable to save your right arm but were able to save your left arm. So it's functional today.
- Murry: Yes. Partially, yes.
- Barclay: So you were sent down to Globe as being the nearest hospital?
- Murry: Yes.
- Barclay: And I understand you were hospitalized for a long time?
- Murry: A year and a half, fifteen months about.
- Barclay: Was that entire period really necessary?
- Murry: Well, yes and no. I had no place to go and I couldn't take care of myself. I had this arm in a cast all the time. If I had had some place to go I'm sure they'd have sent me. But in those days, that was in 1934, things were hard up and they had industrial insurance and they needed patients at the hospital anyway. So there wasn't any argument about it.
- Barclay: Did they have some sort of a rehabilitation program for you?
- Murry: Yes, after I got out of the hospital the industrial commission and federal rehabilitation, I think is what they called it, paid my tuition and my books, and the first year they gave me fifty dollars a month to hire someone to help me dress. After that, why . . .
- Barclay: I see. And this is while you were still in Globe?
- Murry: No. That's when I went to the university.
- Barclay: Let's talk about that decision to go to the university. You were in a recovery period. What was going through your mind then? I would presume you would be awful despondent.
- Murry: No, not really.
- Barclay: You had decided maybe mining wasn't the answer?
- Murry: Yes. I decided I didn't want to work for a living. So I took up law.
- Barclay: On a more serious note, though, what got you interested in law? Had it been an area that you had considered before?

- Murry: Yes. Yes. I'd considered it before. I knew I couldn't work with my hands and that was probably the next best thing.
- Barclay: One of the articles I read about you mentions a Judge Clifford [C.] Faires. The article indicates that he was somewhat instrumental in your decision to go to law school. Is that accurate?
- Murry: No, not really. I didn't know Judge Faires then. Well, I knew him. He was in Globe and everybody had a lot of respect for him. He might have been some influence. I don't remember that directly. He might have had some influence.
- Barclay: How did your family feel about all this and your decision then to pursue a new career?
- Murry: Well, I don't know. I was pretty much on my own from the time I was seventeen. They came out to see me when I got hurt, but they didn't enter into the decision.
- Barclay: What directed you to go to University of Arizona?
- Murry: Well, it was in Arizona. The Industrial Commission was willing to pay the tuition.
- Barclay: Not a bad deal.
- Murry: No, it turned out pretty good.
- Barclay: Tell us a little bit about your visit down to U. of A. You told me a little bit when we got together for lunch the other day about talking to the dean.
- Murry: Yes, I went in and Dean [Samuel W.] Fegtly was the dean of the law school then. He was interviewing me. He asked me if I had any relatives that were lawyers. I said, "No." "You'll never make it young man," he said. "You'll never make it."
- Barclay: He really tried to talk you out of it, did he?
- Murry: Not really. That's all he ever said was, "You won't make it."
- Barclay: Maybe he was trying to challenge you a little bit?
- Murry: No. No, he was sincere. He was just one of the old school that thought you had to be brought up in the legal profession.
- Barclay: Did you find that that was a prevalent attitude back then in Arizona?
- Murry: No. No, he was the only one that thought it.
- Barclay: He was sort of close-minded to the idea of bringing in fresh blood.
- Murry: Yes.
- Barclay: Well I'm glad to see that that didn't stop you.
- Murry: Oh, no, that didn't. It didn't make any difference if I had to stop.
- Barclay: So you went down to the U. of A. and started there in, that would have been 1935, right?
- Murry: No. January of 1936.
- Barclay: As I understand it you didn't have an undergraduate degree at that point.
- Murry: No.
- Barclay: Was that necessary?
- Murry: No. No, you didn't have to have. In fact, I had enough units, undergraduate units, to get into law school, but I couldn't get in until mid-semester. So I went ahead and took some subjects during that, the end of that semester. Then the next year I went into law school.
- Barclay: So it would have been the fall of 1936 that you actually started taking law school courses.

- Murry: Yes.
- Barclay: How would you describe your time there at the U. of A.? Was it fun?
- Murry: Oh, it was very pleasant, yes. I had a ball.
- Barclay: Now this was a significant period in the United States history, kind of the pre-war years.
- Murry: Oh, yes. All my good friends went to war right about the time we got out. I got out in 1940 and that's when it was breaking out. You either went into the FBI or the army or, the forces anyway.
- Barclay: Did that seem to have an impact on the way the law school was being run at all, in the pre-war era?
- Murry: No, I don't think so. I don't remember any feeling about it. College is a separate world. They didn't even know there was a war going on.
- Barclay: Do you remember back during those schooling years particular courses or professors that were, that looking back now, were very significant to you?
- Murry: Oh, yes. The year I was in liberal arts, before I got into law school, I had [Richard A.] Harvill, my econ teacher, who later became president of the university. He made quite an impact on me. I was impressed with him. Then I got into law school and they all impressed me.
- Barclay: Any ones in particular that you can recall stand out?
- Murry: Well, [Chester H.] Smith and [J. Byron] McCormick, I guess.
- Barclay: What did Smith teach?
- Murry: Criminal law and two or three other things. They all doubled up in several subjects in those days.
- Barclay: How about McCormick, what was his specialty?
- Murry: Contracts was his main deal. And he became dean then while I was there.
- Barclay: Things were different then. You weren't thinking about, what I'm going to specialize in, so much, were you, as an attorney?
- Murry: Oh, no. When can I get out?
- Barclay: When can I get out. Back then the general practice was probably the predominant practice, wasn't it?
- Murry: That's about all it was in those days, yes. They didn't have any specialties.
- Barclay: Far different from today when the students are in there thinking about getting into a real niche area now.
- Murry: Oh, yes. Sure they are. All we knew or ever heard was either criminal law or corporate law. That's all you ever heard then.
- Barclay: Did you have a preconceived notion about law school going in, that, like a lot of students do today, thinking it's going to be "L.A. Law" or "Perry Mason" or something like this?
- Murry: No. Just a way to make a living.
- Barclay: Were you active in extra-curricular activities while you were in school?
- Murry: Oh, I guess, yes. I was in the fraternity, president of the fraternity, and. . . .
- Barclay: Student government?
- Murry: Student government for a while. Not too active. I spent most of my time in socializing and. . . .

- Barclay: Did you find that your impairment posed any problems for you as a student?
- Murry: No. Not really. Well, I couldn't write and when I took the bar exam they gave me permission to get up in the stacks with a secretary, so I dictated it. The first time I'd ever dictated in my life, but I got up there with a secretary and dictated this bar exam to her.
- Barclay: Was that a scary experience, being your first time dictating?
- Murry: Yes. Sure it was.
- Barclay: You must have had a patient secretary.
- Murry: She was a nice gal. I just went out and got her from a recommendation. I've forgotten how I got hold of her. But she was nice, older, and. . . . The dean made sure that she didn't know any law before we got up there.
- Barclay: That was a good idea. How did you handle it in terms of note-taking and so forth during the classes?
- Murry: I never took notes.
- Barclay: All in your head?
- Murry: I never took a note in my life, I don't think. Not even after I got to be judge.
- Barclay: You must have a fantastic memory.
- Murry: No. Picky. I pick out things, yes, I do pretty good.
- Barclay: I think you're understating your skill there. It would be hard for me to not take notes. What do you think, looking back on that, was that whole experience at U. of A. a good one? Did you value the education you were getting?
- Murry: Yes. Extremely, extremely, yes, I enjoyed it very much. It was a good experience. Law school was good. And you learn how to work when you get into law school and you're on your own. Yes, I enjoyed it very much.
- Barclay: Did they help prepare you, did you feel, in terms of what was ahead for you in the practice of law, some of the more practical side?
- Murry: No. No, that came later, the hard way. Academic things are all you got. They didn't, they'd give you advice once in while, but it went in one ear and out the other.
- Barclay: Nothing to relate it to at that point. In 1940 you were admitted to the practice of law. You mentioned you had to sit for the bar exam under somewhat unique circumstances in terms of your dictation of that. Did you have to wait long back then for the bar results?
- Murry: Yes. I think six months or so. I've forgotten, but it seemed like forever. But it was at least six months, I'm sure.
- Barclay: Did they just do essay exams back then?
- Murry: No. No, they asked you questions on different legal problems and on bibliographies, is that what I'm trying to say? How to use the books? It was essay answers, yes. When we answered the questions we wrote them out.
- Barclay: Arizona is known in more recent years as a very difficult bar exam. Was it a tough one then?
- Murry: It was a tough one, yes.
- Barclay: Not a real high pass rate?
- Murry: No. It was tough. It's always been tough.
- Barclay: I think so. Then a couple of other significant events in 1940. You got married.

- Murry: Yes.
- Barclay: And the name of your bride?
- Murry: Carolyn Tees.
- Barclay: What kind of a . . .
- Murry: Basically Dutch.
- Barclay: A Dutch name?
- Murry: Yes. She lived in New York City when we got married.
- Barclay: Was she from New York City originally?
- Murry: No. They'd lived in Milwaukee and then she came to the university. We got acquainted in college. Then they moved, the family moved to New York while they were there.
- Barclay: So you became sweethearts while both at the U. of A.?
- Murry: Yes.
- Barclay: What was she studying there?
- Murry: Speech.
- Barclay: Speech. Did she end up graduating from the U. of A.?
- Murry: Yes. She graduated a year before I did.
- Barclay: Interesting. You married. When in 1940 was that?
- Murry: November 11th, 1940.
- Barclay: November 11th. Had you already passed the bar at that point and finished the schooling?
- Murry: Yes.
- Barclay: The next significant event, if you will, was you moved to Clifton.
- Murry: Yes. They had just started to mine up there and I was around looking around for someplace to go. I interviewed a lot of people here in Phoenix, but they weren't offering much in those days. I went to Clifton, they were just opening the mine. The war had just started and they were just opening the mine. They were spending thirty-seven million dollars, which nowadays isn't much, but then I thought, "Well, I ought to get part of that." So I moved in. And besides that, a guy up there, a rent agent for the mining company, he let me have an office until I could get money to pay for it.
- Barclay: That was awful nice of him. What was that gentleman's name?
- Murry: Smith. Smith was his name.
- Barclay: Did you know him from before?
- Murry: No, no. I just went in and I asked him, he was a rental agent for the mining company, I told him I didn't have any money, but I sure wanted some and he offered to let me have the office. I think three and a half a month or a week or something. It wasn't very much. I moved in and got me a sign painted. The kids still have the sign. Got the sign painted and stuck up there.
- Barclay: What did it say, R. Porter Murry, Attorney at Law?
- Murry: Yes, just Porter Murry.
- Barclay: Had you known anything about Clifton before?
- Murry: No, no.
- Barclay: Had you ever been to Greenlee County before that?
- Murry: No, not before I went up there, no.



- Barclay: I mean, even today Greenlee County, in terms of Arizona, is kind of a hinterland to most of the rest of the state.
- Murry: It was then. It was a law unto itself. Believe me. It was way out.
- Barclay: And that was a long way from Phoenix by those days' transportation.
- Murry: Oh, yes. It would take you a full day to get here. No, over a full day.
- Barclay: When, exactly, did you make the move to Clifton?
- Murry: I remember it was registration day for the army. I came before the war. I came to Phoenix, was sworn in before the Supreme Court, October 16th or 17th sounds right, but I'm not sure of that. Then I went back to Tucson and got my clothes and packed up and moved to Clifton.
- Barclay: At this point you still weren't married?
- Murry: No. I was there three weeks before we got married.
- Barclay: Then you brought Carolyn up there later?
- Murry: Yes.
- Barclay: Those early days were quite different for you up in Clifton, I understand.
- Murry: Oh, yes. That's right.
- Barclay: What was it like? I mean, can you describe the first year or so in private practice?
- Murry: Well, I didn't have much, really. I remember one old-time lawyer. There were six lawyers there then, when I went in. I made the seventh, I think. We had an office upstairs in the building there and they had an old turntable, a railroad turntable around. I'm sure you remember, that's one of the first attractive nuisance cases they ever had. [Earl M.] Rogge and I used to sit there and watch that and see if somebody wouldn't get hurt. See who would get there first.
- Barclay: This is Earl Rogge you mentioned?
- Murry: Yes.
- Barclay: Let's see, he was one of the six lawyers that was already there when you moved up?
- Murry: Yes.
- Barclay: How big was Clifton?
- Murry: Oh, not very big. It was getting bigger. I'd say probably fifteen thousand in the whole county. Five thousand in Clifton, maybe, eight to ten in Morenci, and then Duncan had a thousand, maybe. Not very big.
- Barclay: Then outside of those places there was . . .
- Murry: That was it, yes. Ranchers and miners and . . .
- Barclay: A few folks here and there. Well, I understand that they just did a census and Greenlee County has got eight thousand people total.
- Murry: Oh, they lost a lot. During that last strike and flood, why everyone moved out. They're coming back now. They're coming back now.
- Barclay: What was it at it's peak, in terms of population?
- Murry: I imagine fifteen thousand. It's never been very big.
- Barclay: It's never been really big. So Clifton hasn't had the dramatic up and down growth really.
- Murry: No.
- Barclay: So there were, you say, six lawyers and you made the seventh.

- Murry: I think that's right. It was something like that.
- Barclay: For a town of five thousand or so.
- Murry: Well that was for the whole county. We covered the county. And there was quite a bit of business then. It leveled off and it wound up. When I left there I couldn't find anybody to take over the judgeship.
- Barclay: We'll get back to that one. I think you were quoted in one of these articles that we have, about just scraping by the first couple of years and rough times for you and your wife and family.
- Murry: Oh, yes. It was rough.
- Barclay: What kind of fees did you charge back then?
- Murry: It was a lot of barter, believe me. During the war I furnished a house by doing legal work for a man in the furniture business. I got my icebox and couch and stuff that way.
- Barclay: That wasn't unusual back then, was it particularly?
- Murry: No. I had one man who was a steel worker. He and his wife got into trouble and I represented his wife on a separation agreement. Then after she left, why he'd get in jail every Saturday night and call me and I'd get him out of jail. I'd get fifteen dollars, enough to pay the rent that week.
- Barclay: Just like clockwork.
- Murry: Oh, yes. I didn't have a phone. He had a hard time getting hold of me. I'd sit around waiting for him to reach me but then I knew he was going to get drunk. That kept us for a few months.
- Barclay: He was dependable, at least.
- Murry: Yes, he was a nice little guy. A real nice guy. And a good worker. He made good money. Those steel workers even in those days made good money.
- Barclay: Were you in practice just by yourself?
- Murry: Yes.
- Barclay: But you would hang out with the other attorneys?
- Murry: Not too much, no.
- Barclay: Do you recall the first case you took, what it was like?
- Murry: No, I don't. I really don't.
- Barclay: Back then you would take whatever came your way, wouldn't you?
- Murry: Oh, yes. Sure you did. You wanted to eat.
- Barclay: What was the reaction of the lawyers that were there when you came in and made the seventh lawyer and here's a new green lawyer who's not even from the area?
- Murry: I don't know. I really don't remember paying any attention to it. I was too busy trying to eat to worry about what they were thinking about.
- Barclay: Was it a fairly collegial atmosphere at that time?
- Murry: Well, I didn't see them. I wouldn't see them. I don't remember anything particularly about it. They didn't work there long. They began to thin out about the time I got there. Well, Kingsbury and Stewart, they broke up. They left and went to, one of them went to the army and I don't know where the other one went. Jones went into the war. None

of them ever came back. Old man Rogge's the only one that stayed all the time. A guy named Luffborough, he left.

Barclay: I understand old Rogge was quite a colorful character.

Murry: Oh, he was something else.

Barclay: How would you describe him as an attorney? Was he a good one?

Murry: No. He was smart, smart as you can get them, but he was lazy and you never, you'd get him in court, why he'd just freeze up. He just didn't want to do anything.

Barclay: He was one of these guys that talked a good game, but couldn't come through?

Murry: Well, on office work he was pretty good, really. He wasn't anybody's fool. He was real smart. But he didn't have the guts to try a case and every time he'd get a good case, he'd have to have somebody come in. Generally [Ralph W.] Bilby out of Tucson would come in and help him.

Barclay: Interesting. Did you have many cases against him over the years?

Murry: Well, what odd cases I had, most of them were against him. We didn't have many cases.

Barclay: The situation changed for you over time in Clifton and you began to take on other legal responsibilities.

Murry: Oh, yes. I was, got to be county attorney, I was city attorney for Duncan, city attorney for Clifton, attorney for the Franklin Irrigation District.

Barclay: Let's talk about those. It strikes me as an attorney practicing now that that's unusual. But things were different back then. What was the attitude about wearing all those different hats?

Murry: Well, they accepted it and nobody thought anything about it.

Barclay: Did it pose conflicts problems?

Murry: No. Besides that you had private practice too. You had to have all that to live.

Barclay: So did you do all these things at the same time?

Murry: Yes.

Barclay: It wasn't a problem being the city attorney for two different cities, being the irrigation district attorney and also being the county attorney for Greenlee County?

Murry: No. If it had been—well it might have been a time or two and I'd step out. I don't remember, there wasn't that much going on, really. It was mostly just advice.

Barclay: Not what you'd call full-time positions?

Murry: Oh, no. No.

Barclay: Did those positions pay well?

Murry: No. Heavens no. They were mostly political anyway. I think five hundred dollars a year, maybe, for Duncan, I don't remember, and probably not over that for Clifton.

Barclay: Were you appointed by the city council, is that how it worked?

Murry: Yes.

Barclay: And then the county attorney position, wouldn't that have been an elected position?

Murry: Yes, I was elected.

Barclay: How about the irrigation district? Was that appointed?

Murry: That was appointed, yes.

- Barclay: Did you continue to do those up until the time that you went on the bench, all those different positions?
- Murry: I think so, yes, as I recall. Well not necessarily the irrigation district. I don't think I represented them too long. But the two towns I did. It was tied in. I suspect now that the, well they can't now, the law has changed. But I know for several years after I left, why, that went with the deal. As county attorney you represented the cities and whatnot.
- Barclay: I understand that, when I was talking to you earlier, that you got some perks other than salary sometimes, that made those jobs attractive.
- Murry: Well, not the cities. The county furnished the office and had the library and then we split the cost of the secretary.
- Barclay: I see. Did those positions lend to a lot of referrals and business?
- Murry: Yes. The county attorney in those days handled ninety percent of the probate and most of the divorces and most of the cases, really. A one-man operation.
- Barclay: Would you handle all the criminal matters as well?
- Murry: Oh, yes. Sure. There wasn't that many, really.
- Barclay: What prompted you to run the first time for the county attorney position?
- Murry: Hungry. I wanted to get acquainted. I got defeated the first time I ran.
- Barclay: That would have been in the early forties? 1942?
- Murry: Yes. A little bit later than 1942. I hadn't been there very long.
- Barclay: Was that a yearly election or two years?
- Murry: No, two years.
- Barclay: Two year term?
- Murry: Yes.
- Barclay: You ran as a Democrat the first time?
- Murry: Yes.
- Barclay: Who beat you back the first time?
- Murry: Well, then and there the primary won it. Everybody's Democrat up there. I think at one time we had sixteen Republicans in the county. Jones beat me the first time. He was the incumbent. He was in. He beat me, I think, a hundred and fifty votes or something like that.
- Barclay: Then you ran again a couple of years later and won the next time around?
- Murry: Yes. I never lost another election after that.
- Barclay: What was your platform?
- Murry: Justice. Be kind, take care of the county.
- Barclay: Was there much involved in the campaigns back then?
- Murry: No. Personalities.
- Barclay: Go around and give a couple of speeches?
- Murry: Oh, you'd do that, you'd give some speeches and you'd go door to door and knock on every door in the county.
- Barclay: A lot of footwork.
- Murry: Oh boy, yes.
- Barclay: I would imagine you had a pretty small campaign budget.

- Murry: Oh, we didn't have one.
- Barclay: Now you got involved in Democratic politics. Was this prior to your first elected office?
- Murry: No. I got into that, I was out of office. I retired or I resigned, well I just didn't run I guess is what it was. I was county attorney one year, so I got into party politics.
- Barclay: Served, I understand, in a couple of leadership positions there in the county?
- Murry: Yes. I was chairman of the Democratic Central Committee and then I was vice president of the Young Democrats in the state. And, oh, I don't know, a bunch of other stuff like that.
- Barclay: Were those active posts or did you . . .
- Murry: No.
- Barclay: More ceremonial than anything?
- Murry: More fun. Just playing politics, that's all. Playing.
- Barclay: Now I understand during your first ten years or so in Greenlee County that the first judge of the county during that time period would have been Thomas [E.] Allyn . . .
- Murry: Yes.
- Barclay: . . . who served until 1949. What was he like?
- Murry: Oh, he was a character.
- Barclay: In what way?
- Murry: Well, he was self-educated in Arkansas. He got his license down there and then he came out. I'll tell you one story on him. It's typical of the law in Greenlee County in those days. We had Slim Joy up in the mountains. He was an old woodsman. I think he's still alive. He's about a hundred but I think he's still alive up there. But he was a real character and a hunter and always feuding with everybody in the county. They arrested him, he'd taken a shot at somebody up there. They arrested him for, I don't know, attempted murder or something, assault with intent to kill or something like that. They brought him down and they had the jury and they was trying him and they had him on the witness stand and cross-examining him. "Did he shoot at this guy?" "Yes, I shot at him. Damned right." Then the judge leaned over and says, "Did you intend to kill him, Slim?" "No, Judge, of course not. If I had I'd have killed the bastard." Judge, "Dismissed. No intent."
- Barclay: I love it. He was a good shot. If he'd meant to do it, he'd . . .
- Murry: Oh, he could have too. There's no lying about that. But that got rid of that case. The old judge says, "Dismissed. No intent."
- Barclay: That's funny. What was the attitude about Allyn? Was he well-liked overall?
- Murry: Well he got elected all the time. The lawyers didn't like him, but . . .
- Barclay: Because of things like that or. . . .
- Murry: Well, he wasn't really very judicial. Well, I don't want to say anything against him. He's dead and he meant well and everything. But he didn't have the background, really, to be a, well, judicial about it.

Local people loved him. He never got defeated. Rogge ran against him two or three times and he got waxed every time.

Barclay: Is that right? Now when reading something about Judge Allyn, they mentioned one case that they said was a terrible case for him was a James Rawlins case. It was a death penalty. Does that one ring a bell at all? I was just wondering whether you being county attorney, whether you knew . . .

Murry: Rawlins?

Barclay: Rawlins, yes.

Murry: Yes. I was, Rogge and I—oh, that's a good one. I was running for office then, against Jones. Running like mad.

This was a horrible—he killed a little kid, is what it was. I think that's the one you're talking about. And he killed his kid. They arrested him. I was campaigning like mad then for county attorney and old Rogge and I were appointed. Well, first I was appointed to represent him. Well, for a little town like that anybody that represented a rat like that was no good. My barber wouldn't even cut my hair he got so mad at me.

Then in the middle of the campaign, while they were getting ready, we had some specialist come out of San Francisco for, a shrink, I've forgotten. He'd worked on some other cases like that.

Barclay: Some special psychiatrist?

Murry: Yes. He'd worked on this Winnie Ruth Judd case and some of those. And we had him come down.

I left town the minute I saw it because I knew Allyn was going to appoint me. That was just the way they worked. And sure enough he appointed me when I was out of town. I got back into all this. I lost a lot of good friends then because I was representing that rat. But right in the middle of it, out comes an article, old Jones goes in and gets Allyn to appoint Rogge to assist me "due to my youth and inexperience."

Barclay: Oh, no. He was taking a poke at you in the campaign.

Murry: Oh, you know he was. I went in his office and he said, "I've got a book that backs that up." It's all due to my youth and inexperience. He appointed him to help me.

Barclay: I'm sure Rogge didn't appreciate being appointed with you in that one.

Murry: Oh, he didn't care. That didn't bother him, no. He was going and when we got this, Castro, I forgot that shrink's name. But then he was smart and he had been doing it for years. That's how he made his living, is testifying. We got him on the stand.

Rogge told me before, he says, "Don't worry about that. You go ahead and campaign." He'd take that. So I went ahead and campaigned. Now this was typical for Rogge and I hadn't prepared a pitch. We got into the hearing on sentencing—we plead guilty, I think—and we had a hearing and sentencing and Rogge says, "You take him. I can't," and he got up and run. Here I am, I've got no preparation or anything. But that was typical of Rogge. He just couldn't do it.

Barclay: When he got to the trial he got scared?

Murry: Yes. So I went ahead looking for a few questions and then I asked for a recess. We went out in the hall and I sat down and this guy told me what to ask him.

Barclay: The witness told you what to ask him?

- Murry: Oh, yes, sure. He was a professional at it and I didn't know what was going on. Yes, that was one I'd forgotten about.
- Barclay: So you went back on the witness stand and put him back up there. What was the end result? The guy got the death penalty didn't he?
- Murry: Yes. I think he did, yes.
- Barclay: It sounds like he may have deserved it, though.
- Murry: Oh, there's no question he did it and whatnot. But it was a hard case to handle.
- Barclay: Now at the time you were campaigning for county attorney, but were you county attorney then?
- Murry: No, no.
- Barclay: So this was like when you were first trying to get it.
- Murry: First time I ever ran.
- Barclay: I see. Did they just do in on a rotation basis in terms of appointments for defense and so forth? You said, Judge Allyn, you knew he was going to pick you.
- Murry: He took the pauper's oath and there was only two or three of us left there then, so you were a dead duck. Of course, he and Rogge didn't get along at all. So I thought just maybe just off hand he'd appoint Rogge, but he didn't until he found out my youth and inexperience.
- Barclay: But the public wasn't too understanding about the fact that you were appointed?
- Murry: Oh, not at all. Not at all. They didn't—anybody that would represent that rat ought to go with him.
- Barclay: Kind of a lynch mob in town. "Why did you hold the trial? Let's get on with it."
- Murry: That's right.
- Barclay: Now the previous judge to Judge Allyn, who I think has got quite a good reputation, is Judge Ling, Dave [W.] Ling. He had gone onto the federal bench at thirty-six, is what the history says.
- Murry: I don't remember. It was before I got there. I didn't know Dave. I knew him later but I didn't know him at that time.
- Barclay: Well it sounds like he had quite a good reputation.
- Murry: Oh, yes. He was a good judge.
- Barclay: Then the one that came after Judge Allyn in 1949 was James Boyce Scott, and he was, I'm told, the judge for just one year?
- Murry: Right. He got appointed and then I ran against him and beat him.
- Barclay: Had Scott been practicing there already?
- Murry: Yes. That was his home town. He was raised there. In fact he was county attorney when he got appointed. That was the year I didn't run and he became county attorney. He and I were in law school together.
- Barclay: Were you friends?
- Murry: Well we knew each other. We weren't really friendly, but we weren't enemies. We just knew each other, that's all.
- Barclay: Then you decided to run against him?
- Murry: No.

- Barclay: I mean, as for the judgeship, in 1950.
- Murry: Yes.
- Barclay: What prompted you to do that?
- Murry: Oh, I had judge in mind for years and I tried to get the appointment and had been promised the appointment. [Dan E.] Garvey was Governor, and I was vice president of the Young Democrats Club and I helped clear his way for appointment, as a young Democrat. He promised me that I'd get it, because Allyn had been sick quite a while. But the powers that be were a little greater than mine and when he appointed Scott, why the guy that pulled the strings on me was Tex Neil. He was the politician up there for the company. I said, "What happened, Tex?" He said, "We give it to you, kid." I said, "Yes, you did." I started politicking that day and I ran like a blizzard from then on out. Beating the company in those days wasn't easy either.
- Barclay: Did that surprise you, given the promises that had been made?
- Murry: Yes, it did. Because I trusted Garvey.
- Barclay: Why didn't you think the company wanted you in that position?
- Murry: Well, that's a long question. Old Lavender, who was the head man for Phelps Dodge out in Bisbee, was a friend, real close friend to Scott's wife's father. So when that came up, why that old—who was a colonel down there at Fort Huachuca, he went up to see Lavender and asked him to get him appointed, so he did.
- Barclay: So somebody just pulled a bigger string than you could pull?
- Murry: That's right. That's the way it bounced in those days.
- Barclay: What happened to Judge Scott after that time?
- Murry: Oh, he went back in—I was county attorney then, I think—he went back then and took my job then as county attorney. He went back in there. Then he died not long after that. I don't know, a year, maybe, or something, he passed away.
- Barclay: Were there hard feelings about you beating him?
- Murry: Yes, kind of.
- Barclay: That campaign was probably a little more involved than the county attorney campaign, wasn't it?
- Murry: Well, they were all about the same. There is a lot of personal . . .
- Barclay: Just a lot of door to door work?
- Murry: Yes, a personal deal, yes.
- Barclay: Now I understand that the judicial salary back then wasn't all that high.
- Murry: Oh, no. No. I think, when I went in I think it was forty-five hundred or something like that.
- Barclay: Is that right? I was trying to do a little research on that. I think that sometime around the time you may have started it may have gone up eventually to ten thousand.
- Murry: Yes, the next year or two it went up. When I first went in I think it was forty-five, then it went up to ten thousand or so.
- Murry: How was that, comparatively speaking, to your income then in private practice with all these other titles you had?
- Murry: It was a downgrade, way down, yes, as far as money was concerned. It cut it in half.



- Barclay: Was that a tough thing to deal with? I would think . . .
- Murry: No. By that time money wasn't number one like it had been when I was starting out and trying to eat. By then I had built up a little and I wasn't worried about the basics like I had been.
- Barclay: You said you'd been thinking about being a judge for some time prior to that. When did you first start formulating that idea?
- Murry: Oh, I don't know. I hadn't been in Clifton very long until I decided that was a job I wanted.
- Barclay: What was it about being the judge there that attracted you?
- Murry: Oh, I don't know. It could have been anyplace. I thought it was, you could do your job, do a good work there. It wasn't selfish at all. They needed someone there, really, and they do anyplace. It's a good responsible job and I wanted it more for that than I did personal reasons, really.
- Barclay: Sure. Had the local bar changed much by 1950 from the way it was when you first got there?
- Murry: Oh, yes. There wasn't but two or three of us there then.
- Barclay: In the post-war years, Clifton and the county suffered? Did production go down in copper?
- Murry: No, no, that stayed pretty prosperous throughout that up until I left, really.
- Barclay: What led so many people to leave? Just going to the war and not coming back or. . . .
- Murry: No. They came back. There was a good population up there, really until after I left, is when it really collapsed. Of course they were beginning to cut back. Progress was taking the place of a lot of employees in the mine and they didn't need as many men. They had over four thousand people, I think, working up there at one time, in the mine, plus all the rest. And then—what am I trying to say—automation kind of took over and they began to cut back. That hurt, but it was still pretty prosperous when I was there.
- The wages were astounding. They made money that you wouldn't believe. Broom pushers up there were making more money than a lot of workers were here in Phoenix at that time. It was a prosperous community. Real prosperous.
- Barclay: Some of them making as much as some of the lawyers?
- Murry: More than the lawyers. They made good money up there.
- Barclay: You made a comment to me the other day when we had lunch, about in those days copper ran the state.
- Murry: Oh, yes, it did, no question about it.
- Barclay: How pervasive was that influence? Particularly in your county?
- Murry: Oh, it was absolute in my county. They ran it and it was pretty pervasive statewide too in the forties. In the thirties it was completely, and then in the forties, why it was beginning to slip down.

I remember when the first labor boys came into, took over in Morenci. That was tough. That was, oh, early forties when the labor began to take over there and then things began to change a little bit.

I've got something I want to tell you before we get into that. When I first went into the county attorney's office, this had been a county evidently, they had a courthouse before statehood. But anyway, there was a docket there in this county attorney's office. It had been down in the deal and I got it out. An old federal docket that they kept. I got to leafing through that thing and you'd be amazed. One day old John Brown would be arrested for murder. The next day Sam Jones for cattle thieving or something. Then a few pages later one of them, it wouldn't make any difference what, would escape. The other one would get killed while escaping. They never tried anyone. The only conclusion was that they just didn't want to try them. They either shot them or turned them loose. That was the only conclusion you could draw from that.

Barclay: Why do you think that was?

Murry: Well, it was just out West, that was all. And there was no use going to all that trouble. They knew he did it. Or maybe he was a good friend of the sheriff. There was a hangover even when I was county attorney.

Barclay: That kind of just a convenient way of disposing of . . .

Murry: Well a little of a western mentality. Get the job done. Yes. And don't hang around. This was a federal lawyer, district attorney. Wall, I think was his name, his signing. Of course this was before my time. But I ran into that and I was thinking about it the other morning.

Barclay: I'm glad you mentioned that. Was that in part, do you think just looking back, that maybe it was difficult to hold to hold trials and so forth, or kind of a real inconvenience to get the judge to come in or whatever?

Murry: Oh, I'm sure that was part of it. I'm sure that was part of it. But it was mostly home rule, really. The sheriff ruled the counties in those days.

Barclay: How about the time when you were there? Was the sheriff's position still a very powerful one in the county?

Murry: Oh, yes. Yes. It was known as the toughest county in the United States, really, and they were. I'll tell one incident about this when I first started practicing. There was a deputy sheriff there that was called out. This was wild days there. There was a mining town and what-not and building up. This drunk was in behind the counter in a restaurant, just raising cane, you know, and yeah, yeah, yeah. They sent for old Ben Phillips who was just about as tough a sheriff as you could get, deputy. He went up there and he told him a couple of times to shut up. He didn't, so he just leaned over and, big forty-five, and shot him in the leg. That stopped that and he turned around and he walked out. Well the next day—I think this might have been one of my first clients—the next day this guy came in on crutches and into my office. Oh, boy, I grabbed him like that. You know, here I've got a paying case. We were talking and getting all the facts and whatnot and about that time old Ben Phillips came in. He looked me in the eye and he said, "You son-of-a-bitch, be out of town in twenty-four hours."

Barclay: Telling you?

Murry: Right in front of me, yes. His lawyer. The guy turned white and I said, "Now we've got him. Now we've got, we can do just the way we need to. We've got him."

The guy says, "Yes," and he was white as a sheet. He kind of lost interest and he said, "I'd better go. Excuse me." I said, "Okay. When will I see you next?" He said, "Well, in the morning, I guess." So he left, and I was sitting there about two hours later mulling over what I was going to do with all that money and here he goes out of town. I was upstairs looking down and I recognized his car and him. His wife was driving. He was in the back seat with his foot up on the front seat. Out of town. That was the end of him. There went my case.

Barclay:

There went your case.

Murry:

And I can't say I blame him because that's the way it was.

Barclay:

Back then you probably were so new at it that you probably thought that you could win that kind of a case.

Murry:

Oh, yes. I felt, sure, I've really got something going here. Tickled to death.

Barclay:

Looking back at it now do you wonder how that would have turned out?

Murry:

No. We'd have won, we'd have won it all right. But because people, they kind of knew what was going on. As a matter of fact, when I first became county attorney, the first thing I did was go into the sheriff's office and tell them that there was going to be no more of these confessions, period. We're going to stop that right now. They looked at me kind of funny, but within six months the sheriff resigned. They were getting confessions, they'd beat the hell out of them over there. It was common knowledge. They'd get somebody in there they didn't like, he'd confess to murder if they wanted him to. There was no question about it. That's where Miranda came from, is cases like that. They used to exist all the time.

Barclay:

You bet. It's a far cry from all the criminal's rights today. Quite a difference.

Murry:

Oh, yes. But that's why. They just overdid it.

Barclay:

I think you mentioned to me the other day about how a lot of folks had to be kind of imported to fill the needs of the mines for labor.

Murry:

Oh, during the war they brought in a lot, yes.

Barclay:

Where did the folks come from for the most part?

Murry:

Most of them from Oklahoma. Then they had a bunch of Jamaicans up there for a while, too, they brought them in. That was a fun situation.

Barclay:

Pretty wild?

Murry:

Oh, yes. They'd arrest them and the manager, the general manager, he treated them like they were babies because any little help they could get during the war was necessary. So, we finally got rid of them, but it wasn't an easy job. Then everybody was new there. They were moving in and just camping. Really, it was so wild.

Barclay:

I understand the Okies were not easy to control.

Murry:

Oh, well, they'd been living out in the sticks all their lives, you know, and they weren't used to law and order.

Barclay:

When you were county attorney, did the mines look to you to kind of keep the peace and enforce the laws?

Murry:

Oh, yes. Sure.

- Barclay: Can you give us an example about that? I think you mentioned one call you got from somebody saying that people were destroying their houses.
- Murry: Well, that was the company, yes. They were, he was down, he was the manager of, rental manager. He had me up in the mine there every week or so, examining, trying to arrest somebody for destroying their house and whatnot. They were rough. My favorite complaint, well, the main complaint—nothing real bad happened, it was just a lot of drunk fights and whatnot—was disturbing the peace and quiet of Chase Creek Street.
- Barclay: Now what was Chase Creek Street?
- Murry: Well that's the main street there where the bars were and everybody hung out. I never did think you could do that, but I used it on every case.
- Barclay: When we talked, we'd get talking about corruption back then, kind of comparing things then with things today, like AzScam.
- Murry: There wasn't any corruption in those days, really, as corruption. What they did then, they do now they'd call it corruption, but in those days it was an accepted thing.
- Barclay: What was accepted?
- Murry: Why if you've got a political job, why you're supposed to get some side money and what not, do business. I don't mean taking under the table or take cash or anything, but you had your benefits that came with it.
- Barclay: What's the Spanish phrase for that?
- Murry: *Mordido*. Yes. We have a word for it too, well I guess you'd call it graft now. But really, it was the accepted thing. I'll tell you another incident or two of the company deal while I was—I don't remember what it was, but I got to looking over a bunch of coroner's inquests.
- Barclay: In your role as county attorney?
- Murry: No. This was just curiosity. I guess I was judge, first judge, and the clerk of the court started cleaning out some files and what not and she got a lot of these old inquests out. I got to reading them and they were interesting. That was in the day before industrial commission, and this coroner was definitely—I don't think Phelps Dodge was there, it was another corporation, Arizona Copper, wasn't it? He was definitely a company man. Every accident that they had in the mine, "He shouldn't have been there. It's his own damned fault." Every one.
- They had an incline up there that went up to one of the mines and the cable broke and killed several people. I don't remember how many. The inquest on that, at the end of it, "It was their own fault. They shouldn't have been there." That's the way it turned out. All of them.
- Then they brought in a couple of lawyers—this is long before my time, this was back in the old days—but they brought in a couple of lawyers that were just killing the companies with industrial lawsuits. That's when the industrial commission was established.
- Barclay: That was the mine's idea?

- Murry: Why sure it was. I can't prove that, but I'm sure it was because it's too pat there. As long as they could handle it, why fine. When they got where it was costing them money why they got this industrial commission deal in.
- Barclay: Lots of mining accidents, I imagine, back in the old days.
- Murry: Oh, yes. In the old days, yes. In another one of those inquests it was found that some kid got run over by a wagon, a team of horse and wagon. The end of that inquest was, "Mothers are told to keep their kids out of the streets."
- Barclay: That's amazing. It's a far cry from today.
- Murry: Oh, isn't it? Yes. I was just thinking about that. I haven't thought about those things for years.
- Barclay: I was told county attorneys were more involved in those pre-industrial commission days in terms of getting involved in the coroner functions or things like that. Is that accurate?
- Murry: Well, the county attorney generally was there. The coroner would call you to act as attorney for the county and for him, interrogate the people. Yes, I went to a lot of coroner's inquests. In fact up there I had to do everything. The sheriff, after we got the new sheriff, he didn't know anything and he wouldn't blow his nose without calling me.
- Barclay: Now one of the areas where I've talked to some people from Greenlee County that said that the treatment of minorities wasn't the best in those early years and that one of the things that the mining companies did segregate the communities somewhat.
- Murry: Yes, years and years ago they did.
- Barclay: How about during your time there in the Clifton?
- Murry: Oh, no, I didn't know it. It was there when I first got there. But I remember they had a school board election, or school election to build a new school. I didn't know, I was so dumb, I didn't know there was any question about it, you know. But later on I found out that there was a question because it was desegregating everything. There had been a school up in, which wasn't segregated, up Chase Creek Street, that was where most of the Mexicans lived, and another one down in the flats where all the whites lived. Well they built one for the whole outfit. I didn't know there was any issue about it. I really didn't. I hadn't been there that long. I guess there was an issue, but it wasn't any question from then on out. Hell, they didn't. . . .
- Barclay: They pretty much let people go to whatever school they wanted?
- Murry: Yes. Well they only had one or two schools there and they all went to the same schools and buddies. There might have been some but I never really ran into anything when I was there.
- Barclay: Talking to people like Ernest Calderón, whose family comes from that area, you are revered as being somebody who was extremely fair to the minorities and . . .
- Murry: That's nice to hear.
- Murry: . . . and they really admired your role as a jurist in trying to set things straight and make it fair for everybody.
- Murry: Well, that's good to hear. I didn't know anyone was aware of it. But I did. I never felt anything. . . .

- Barclay: That's very commendable. It was, I think you mentioned to me the attitude of some of the old lawyers back when they changed the law and first started letting women on Arizona jury duty. What was the reaction of the local Bar to that?
- Murry: Oh, they were disturbed. They didn't know how they was going to try a case when there was women on there.
- Barclay: Why? I mean that sounds crazy.
- Murry: It does now, but it wasn't then, because they had been talking to men all their lives and how are they going to get on there and try a rape case with women? What kind of language do you use. You know, they were the old school. They just didn't talk like that in front of women.
- Barclay: How did you feel about that case?
- Murry: I was naive. I didn't know anything. Frankly, I don't think I even knew you couldn't have a woman on the jury.
- Barclay: In your first days on the bench, do you have remembrances of what it was like assuming that position? You hadn't served as like a pro-tem or anything before, had you?
- Murry: No. Yes, it was scary. I was really worried.
- Barclay: Do you remember your first case?
- Murry: No, not really the first case. I remember the first group of cases. I was scared, really worried, felt inadequate. I never studied and worked so hard in my life as I did the first six months after I went on the bench.
- Barclay: Do you recall how you felt in your first criminal case, having to sentence somebody? Was that hard?
- Murry: Yes, yes. Always was. That was hard up to the very end.
- Barclay: Now, was it a busy case load?
- Murry: No. That's why I travelled so much. I was busy.
- Barclay: When you first got started, though, just in Greenlee County, was there much to do as a judge?
- Murry: No. But I was on the circuit with inside of one month from the time I was a judge. Well, Faires was one of them. The first thing he did was call me down. "You might as well get broken in out of your own bailiwick," he said, and he slipped me a case. I can't remember what it was.
- Barclay: What county was that?
- Murry: That was Gila County.
- Barclay: So Judge Faires called you up and just said, come on down. I want you to hear one.
- Murry: Yes. And then Bill [William C.] Truman who was judge in Pinal County, he says, "You might as well screw it up down here where you're constituents can't see you." So I went down.
- Barclay: What nice guys. Were they giving you bad cases?
- Murry: Pretty tricky, yes. I started in on, they did that, well, they did it all my career. That's what I was doing was handling their dirty work mostly.
- Barclay: Do you recall those first couple of cases going out of the county?
- Murry: Not really, no, I don't.

- Barclay: It sounds almost like it was an orchestrated thing amongst the senior judges to say, we've got a rookie up here who's not too busy.
- Murry: No, not really. We were just good friends. I'd known Faires in Globe, Truman, I'd tried cases before him. No, they were just good friends, that's all. They weren't trying to . . .
- Barclay: They tried to help you out, in a sense.
- Murry: Yes, they really were. They were trying to help more than anything else. Yes.
- Barclay: Well, over your tenure on the bench, which went from 1950 to 1970, I understand, you ended up being a travelling judge.
- Murry: That's right.
- Barclay: That's one way of putting it. A circuit judge in a state that didn't officially have circuit judges.
- Murry: Yes, that's right.
- Barclay: How many miles total would you say that you travelled in those years?
- Murry: Oh, I don't have any idea. Lots, but I don't have any idea.
- Barclay: Well, one of the articles that I read indicated that you were—this was in 1960, so it would have been about the half-way point in your judicial career in Greenlee County—that you were averaging eighteen thousand miles a year in travelling around hearing cases around the state.
- Murry: Well I probably was. I don't doubt it. Yes.
- Barclay: That works out to fifteen hundred miles a month.
- Murry: Well, you're sitting in Clifton and they call you and want you in Yuma, that's eight hundred miles there.
- Barclay: That's true. But that's, this is back before the days of the super highways and so forth.
- Murry: That's right. It took forever. You'd drive all night sometimes.
- Barclay: How would those situations come up? Was it typically through a phone call from another judge?
- Murry: Yes. They'd go ahead—a lot of times they'd be disqualified. Then the lawyers would pick. That's the way you got hooked most of the time, was the lawyers.
- Barclay: The local attorneys in that particular jurisdiction would say to the judge, "We want Judge Murry?"
- Murry: "Why don't you bring Porter in?" Yes. "Why don't you bring him."
- Barclay: Why do you think it was that you were getting picked so often?
- Murry: I don't know. I don't know. It was just—but I was.
- Barclay: I think you mentioned something to me about early on that one of the things that sort of prompted you to do that was the salary issue.
- Murry: Well that's part of it, yes. Because I was drawing the same salary as the boys here in Maricopa County and they wanted to split it up and make the smaller counties get less. Well I fought that like a banshee, of course, and as a result my conscience says, "You'd better go to work." So I didn't hesitate to take cases, really. Well, I enjoyed it. I enjoyed trying cases.
- Barclay: Did you find a certain pattern in the cases, like people that would call you into their jurisdictions more often?

Murry: Oh, it would go through different phases as to what cases were going. The whole setup is that way, you know. For years there, oh three or four years maybe, they were building a lot of highways and there was an awful condemnation cases. Well those are touchy cases for a local judge to hear, so they'd get out of them because some of the best merchants in town and what-not. I'd get called in on a lot of those. I tried a lot of condemnation cases.

Water cases started the same way. I tried a lot of water cases. Criminal cases are—well, here in Maricopa County, every time a lawyer, prominent lawyer would get a divorce, why they'd call me in. I must have tried half a dozen for Johnny Flynn.

Barclay: Is that right? Why was that?

Murry: Oh, the local judges didn't want to try it.

Barclay: Because there was a lawyer involved?

Murry: Yes. And they had worked with them and whatnot. You can't blame them. They had worked with them every day.

Barclay: Maybe not a true conflict but an uncomfortable situation.

Murry: Well, uncomfortable, yes.

Barclay: Then some controversial cases, I understand, more so in the public eye.

Murry: Oh, yes, a lot of them.

Barclay: Can you give me some examples of some of the ones that you heard?

Murry: Well, the one I made history on, and I really didn't try for it, I was appointed to it, was [Frank] Cush. One of his cases. You don't remember Cush. You weren't here. He was our very famous football coach here and the most popular guy—still is—in the state, wasn't he.

Barclay: Oh, yes, very much so.

Murry: The university [Arizona State University] hired me to sit on one of those. That settled, I didn't get to hear it. But I got, hell, I got national publicity on that one.

Barclay: Was that the one where he punched the player?

Murry: Yes. The kicker.

Barclay: Punched the punter? The punter of the team.

Murry: Yes.

Barclay: You were getting calls from folks all around the country wanting to interview you and so forth?

Murry: Yes. I got one here last year, on the tenth anniversary or something. A newspaper man out of Mesa, I think it was, called me and wanted to know something about it. Well, I didn't remember. That's the first thing I learned, is when you try a case, forget it because I saw too many judges die because they carried their trials over with them.

Barclay: That's an interesting comment. Was that your philosophy from about the time you got on the bench?

Murry: I hadn't been on it a year. I had a good friend who was judge in Safford, Judge [Benjamin] Blake, a real nice guy, conscientious as the devil. He'd try a little divorce case and I'd go down a month or so later and he'd, "Porter, do you think I did the right thing?" Well he died of a heart attack not long after that, and I thought, "You can't do



that. When you're through that's it. If you're wrong, apologize. If you're not, why go on anyway."

Barclay: Don't worry about being second guessed.

Murry: Forget it. And I trained myself to forget them the minute I finished them. This guy called me about Cush, he asked me about it and, "I don't remember. I've been training myself for years to forget those things."

I have another friend who was a judge in Globe after Faires died, Lazovich, Sam Lazovich, and he was picking himself to death. He wound up going back to Mayo Brothers, he was doing this, he was doing that. Miserable. He finally resigned and he felt great. He went back to feeling like a million dollars again.

That can happen to him. I saw it happen to Charlie Bernstein too. He wound up chief justice, but he'd go on the bench, he'd have a heart attack crawling on the bench. He'd just get nervous and whatnot.

Barclay: Do you think that most of the successful judges today have that same kind of attitude?

Murry: Oh, you've got to. They can't do it otherwise. You can't carry that stuff home. You do things that—it's an awful lot for one man to carry and if you keep it in your mind and start worrying about whether you did it right or wrong, you know, there's somebody else up there that's going to tell you whether you're right or wrong or not.

Barclay: Sure. So you didn't take offence on getting remand or reversed or remanded . . .

Murry: Oh, no. Of course not. No. I did the best I could and if they wanted to screw it up it was all right with me.

Barclay: You were talking about the travelling. Did you ever tire of that?

Murry: Yes. Yes. It was fun in the daytime, but the nights were miserable.

Barclay: A lot of long lonely nights driving?

Murry: Yes. Driving and in hotel rooms and all. My wife went with me when she could but our kids were little and she couldn't go very often.

Barclay: Speaking of kids, you had three daughters?

Murry: Yes.

Barclay: And they all grew up in the Clifton area?

Murry: Yes. I ran for Supreme Court one time. If they had been old enough they'd have voted against me because they didn't want to leave. And I think my wife did vote against me.

Barclay: Is that right?

Murry: They didn't want to leave Clifton, yes.

Barclay: That is funny. I want to talk about that Supreme Court thing in a minute. I just wanted to ask a couple of more questions about your experiences on the road. Did you have any weird experiences with all that travelling? I mean, you're in a lot of open country and . . .

Murry: Do you mean the highways?

Barclay: You bet.

Murry: No.

Barclay: Nothing that you recall? How about holding court in strange places? I wondered about that too.

- Murry: That was fun.
- Barclay: Did you do some court cases in some odd places compared with being in a courthouse?
- Murry: No. They were nearly all in courthouses.
- Barclay: You kind of like that, going in and being in a different setting?
- Murry: Yes, yes. Different people and different jurors. And the lawyers are completely different. Believe me they are different. They'd get into ruts in different communities. What's the law in Greenlee County may not necessarily apply to Yuma County at all.
- Barclay: Well give me some examples of that if you can.
- Murry: I can't think of any specific example.
- Barclay: Style practice differences?
- Murry: Yes, to a certain extent. It's subtle. Nothing really that the law school would object to, but subtle differences, yes.
- Barclay: Recollections of favorite places to try cases?
- Murry: Yes. Tucson was a good place. Real good. You run into a lot of influence from the law school there and you get a lot of, well, thinking, really. I enjoyed Tucson. Phoenix wasn't bad but it was do or die stuff there. In Tucson, you've got a lot of eggheads down there.
- Barclay: A lot of eggheads because of the university influence?
- Murry: Yes. I'm sure that's what it was, yes. In fact, I went down and tried one of their moot cases once or twice and that was fun.
- Barclay: Oh, I bet. Energetic young law students?
- Murry: Oh, yes. They're more surprised than the judge is that the judge knows about stuff like that. They think it's all theory that they're studying.
- Barclay: That's funny. Now one of the things I was researching a little bit and I thought was interesting, was that the old law used to be that as a visiting judge that you got reimbursed for your actual expenses. That you weren't on a per diem.
- Murry: No, no, just actual expenses.
- Barclay: Was that ever a problem?
- Murry: No. That's something that's changed so drastically. Used to, you'd go to another county—I think Faires, he was the old southern gentleman, he probably started that, and [Henry C.] Kelly in Yuma—but you'd go in and you'd try a case and money was never mentioned. You knew what it was. You didn't go down and get it. You never even thought about it until you got ready to leave. They handed you an envelope. The money was in it and it was generally just barely adequate. He knew what it was, they all knew what it was. We all did. And you never charged so much per diem or said, "You owe me more, another buck here, another buck there." You know, it was a gentleman's situation and you never mentioned money.
- Barclay: That was beneath the dignity of the office?
- Murry: Yes. It wasn't judicial to go in there and ask for money or even mention it.
- Barclay: How is it today?
- Murry: Oh, god, it's changed now. You tell them or you don't get it. I had one in Springerville, I used to go to Springerville a lot for cases, but that was religion there. They had a

Mormon judge and everybody there was Mormon, so they'd call in an outsider. Renz [L.] Jennings was chief justice later, or not chief justice, but justice, who was a real character. And generally in those days you'd get there and the judge would send the bailiff down and they'd say, "How much? How many days have you been here and whatnot?" They'd send down and the clerk would okay the money and they'd bring it back up to you and give it to you. Count it out, you didn't have this envelope stuff.

But anyway, this Springerville. Renz had gone to Holbrook and tried a case in the morning. He charged them for a day up and a day back and a night in Holbrook. He went to St. Johns that afternoon and did the same thing. The newspaper got hold of it and raised hell, see. And boy, he began to apologize and hand money back and whatnot and it got straightened out.

But then next time I went to Springerville I got word that I'd get my money when I signed a demand and I'd get it when they met at the end of the month. Which is all right with me, I didn't care. And that's the way they did it for a few months.

Then I got called up there and the board of supervisors were being tried for building an illegal airport. I hadn't sat down in the chair until the board sent up notice that I'd get my money any time I wanted to.

Barclay: Tried to get on your good side already?

Murry: Yes. I don't remember how the case turned out.

Barclay: Do you recall trying, you mentioned some of the things you learned from looking at the case histories before you were on the bench. When you were on the bench do you recall trying some old west style cases, cattle rustling, things like that?

Murry: No. I don't remember any cattle rustling cases, no.

Barclay: How were you on sentencing?

Murry: I don't know. I guess I was tough. I don't know. You don't know how you're doing. But from some remarks I've heard from lawyers, why once they were convicted, I thought they should do their time.

Barclay: How did your wife react to all the travel you had to do?

Murry: She didn't like it too much. She went with me when she could, but the kids were little.

Barclay: Did you get any heat back at home about being gone so often, in terms of the local community?

Murry: No. They were proud of me because I was going someplace else and trying cases and I'd hit the *Arizona Republic* or the *Tucson Star* once in a while. Oh, they were proud.

Barclay: This is our guy?

Murry: Yes. Pretty much. We saw together pretty good.

Barclay: What were your biggest challenges during your time on the Greenlee County bench in terms of court administration type issues?

Murry: I guess juveniles was the biggest trouble.

Barclay: That was one of your areas of accomplishment, I believe from some of the articles that I read.

Murry: Yes. I worked with them pretty hard, yes.

Barclay: What got you started specializing in dealing with the juvenile issues?

- Murry: Well, it wasn't specialization. It was just they'd come in and I wanted to help them. I felt *simpático* with them, really.
- Barclay: You were a family man and had kids of your own?
- Murry: Yes, that's it. And I knew everybody in the community and I knew the, if I didn't know the kids, I knew their families and was trying to help them, that's all.
- Barclay: There was an article—let me see if I can find it here—that was very interesting to me. This article that I was referring to is from the *Arizona Weekly Gazette*, October 29, 1960. It says, "Judge Murry posts outstanding record in Greenlee County court." The focus of the article is your work in the area of rehabilitating juveniles. It think this was a profile that was related to your run for the Arizona Supreme Court.
- Murry: In the *Weekly Gazette*?
- Barclay: Yes. It talks about, it's mostly an interview with Ed Caulfield.
- Murry: Yes, that was my probation officer.
- Barclay: Interesting that one of the statistics that they give in here, it says, "During the last five years"—which would have been, I guess, 1955 to 1960—"less than eight percent of the probationed juveniles committed additional delinquent acts while on probation or shortly after being released from probation. The percentage of adults who violated probation was under five percent." Those are figures, I would think, that you would be very proud of.
- Murry: Well, I was, sure. I thought I did a good job. I worked hard at it. I really did. Eddie was good.
- Barclay: Where did you get your guidance in terms of how you set up your program?
- Murry: I don't know. Really we just did it ourselves. Because neither one of us had had any experience at it. And I talked to some of the judges around over the state, I'm sure.
- Barclay: How would your programs have compared to the other rural counties? Were you ahead of your time?
- Murry: I'm prejudiced. Yes, I thought so.
- Barclay: And you actually set up the first probation department for your county?
- Murry: Yes.
- Barclay: How is it working today? Have you checked back on it?
- Murry: I don't know. When I left there, I left there. I don't know how they're doing now.
- Barclay: Did that whole focus change much in the time period that you were on the bench? Did you see the program advance over the years?
- Murry: Oh, yes. Yes. We got better. Of course Eddie was a real good probation officer. He was real sincere about it. And the wealthiest probation officer in the state. He'd sold his business and was retired and I talked him into taking it.
- Barclay: Was he with you for a good long time?
- Murry: Yes. Yes, a long time. Then I had two or three after that that were sincere but they weren't as efficient as he was.
- Barclay: You talked about something that happened in 1960. That is your run for the Arizona Supreme Court. A few months prior to that, back in April that year, you were elected president of the Arizona Judge's Association.
- Murry: Was it?

- Barclay: Do you recall that particular post?
- Murry: Oh, yes. I remember being president. I don't remember when it was.
- Barclay: Were you real active in the association?
- Murry: Yes.
- Barclay: What was the association like at the time? Was it a fairly active group? Was it more of a social thing?
- Murry: No, it was active. The same thing that it is now. Meet, call the meeting to order, and "How are we going to get a raise?" Meeting adjourned.
- Barclay: Well judging by the history of salaries . . .
- Murry: Still, I was there last year and it's still that way.
- Barclay: As we were talking a little bit earlier, I did that research in it, and it went up to twelve thousand, five hundred in 1956, and then in 1968 the salary went to twenty-one, five, and then in 1973 it went to twenty-eight thousand. So all throughout the fifties, sixties and seventies, it still was greatly depressed, wasn't it?
- Murry: Yes. Well when I quit, when I retired why it wasn't very high then. I knew it was going up the next year, but I'd made up my mind and made statements that I was going to, you know, that I was going to retire when I get that, and so I went ahead.
- Barclay: Let's talk about the 1960 Supreme Court run. What prompted you to do that?
- Murry: I don't know. Ambition I guess. I wanted to be a Supreme Court judge.
- Barclay: Back then it was an elected position.
- Murry: Oh, yes. It was statewide and it was tough. There was four or five of us ran that time.
- Barclay: Who were your primary opponents?
- Murry: Well it turned out to be Jennings. He's the one that beat us. He beat Leshner . . .
- Barclay: That was Robert [O.] Leshner, and then Renz Jennings.
- Murry: And [Charles C.] Stidham, Charlie Stidham and myself. I guess there was four.
- Barclay: And you were the candidate, it looked like, that was favored by the *Arizona Republic*.
- Murry: Oh, I was the white-haired boy. Me up here and Leshner in Tucson, and the other two didn't know anything, but except how to get elected.
- Barclay: Was that party politics? Was it because you were a Democrat?
- Murry: No, no. No, these were all Republicans that were for me up here. No it wasn't party politics. It was, well, frankly what got [Eugene] Pulliam and the *Republic* on my side is I wrote an opinion on libel that became pretty famous. It was quite a libel case.
- Barclay: Do you remember the name of the case?
- Murry: Sosher versus Arizona Newspapers or something like that. It was, well it was a good case. It really was. The Supreme Court of the United States later quoted it in one of their opinions.
- Barclay: Well that's quite a compliment.
- Murry: I don't think it's the law anymore, but it was good law then. The right to know. I'm afraid that's—I've never been too proud of it since I wrote it, but it was a good opinion. And right then Pulliam decided I was a brain, and I'm sure that's what talked him into backing me, was that case. Although I didn't know him at the time I wrote it or couldn't

care less. In fact I tried my best to hold the other way. But I just couldn't do it with a clear conscience.

Barclay: Personally you didn't like having to make that kind of opinion but that was the law as you saw it?

Murry: No. No, it wasn't that. I just thought the law should be that way. Oh, no, I never went for that. Believe it or not I didn't, it's hard for people to believe but it's what's in the books, and the facts that I just tried to go by. And I think I was rather successful at it.

I remember one time I was going down the street, we'd been trying a case for a month or two. I was walking back from lunch with the bailiff and this guy says, "Hello, your Honor. How are you?" I went a little further and I says, "Who in the hell was that?" He says, "He's been in your court for the last six weeks." He was one of the lawyers. I didn't know. You don't think about that. You're really thinking about something else. I didn't recognize him.

Barclay: Judge, we're talking about the 1960 run for the Supreme Court. You ultimately end up losing to Renz Jennings in that one. You were supported by Pulliam and the newspaper. What was the Bar's opinion back then? Were they divided?

Murry: No. I got the approval. Leshner and I got the approval from the Bar. I think I was tops or he was a little bit. But no, I was chosen by the Bar.

Barclay: What was the campaigning like for that.

Murry: Oh, boy, it was miserable.

Barclay: In what way?

Murry: Well, all the travel you had to do, all the speeches you had to give, and . . .

Barclay: Did you cover the whole state?

Murry: Oh, yes, I had to. Yes.

Barclay: Now you actually had a campaign manager.

Murry: Yes. O'Malley, one of my buddies from college.

Barclay: Jim [E.J.] O'Malley?

Murry: Yes.

Barclay: Did you have a whole organized campaign staff?

Murry: No. Just Jim. He was there to handle the money, mainly.

Barclay: Did you end up with a pretty good-sized war chest in contributions?

Murry: No. The whole thing didn't cost me ten thousand.

Barclay: Is that right? That's amazing by comparison.

Murry: Oh, I know. Now it would be a million. But we didn't have it and I wasn't about to, I put in some of my own, but not very much. But the whole thing didn't go over ten thousand.

Barclay: Did you go to some of your friends around the state and ask for contributions?

Murry: Jim did but I didn't. I wouldn't even let him tell me who gave money.

Barclay: Didn't want to know?

Murry: No.

Barclay: But you went around and stumped on the campaign trail around the state? Did you focus on Maricopa and Pima as being the power places?

- Murry: Maricopa mainly, yes. Leshner and I pretty well had Pima County divided up. I knew that. I had a lot of friends down there and of course he was very popular and he was a smart guy. He was a real smart lawyer. Still is.
- Barclay: Where was Jennings' power base?
- Murry: Everywhere. Renz Jennings. Click, click, click. He was on the street yelling and hollering all the time.
- Barclay: On the screen? He was on TV a lot?
- Murry: Oh, he was on that a little, but mainly just street stuff and newspapers. He was a campaigner. I ran into him two or three times. He got into Yuma, he flew down there and he got out and he was glad-handing everybody around there. He shook this one guy's hand and he said, "Why, Judge, I flew you down here." That was Renz.
- Barclay: Now you were all trying to fill the seat of [J.] Mercer Johnson, who had been a justice and he had retired, from Tucson, according to the articles.
- Murry: I guess that's right.
- Barclay: Was the timing significant? You just wanted it then?
- Murry: Yes, it was significant because there was two vacancies that time, I think. Lorna Lockwood got the other one. I've forgotten who was there. Maybe it's when Levi [S. Udall] died. I don't remember. But Mercer—and I went in to see Mercer out at the Supreme Court, I was working out there—and he said, "I understand you're running for the Supreme Court." I said, "Yes, I'm afraid so." He said, "The second question I want to ask you is, why?" He was just getting out of there. He didn't like it.
- Barclay: Jennings the politician ended up winning. Was it a close race or do you recall?
- Murry: No. He won pretty good.
- Barclay: How did you feel about that?
- Murry: Not surprised. By then we knew it was going to happen. Oh, I wanted to win, of course, but it wasn't any big deal.
- Barclay: What was your attitude about going back to the bench then? Were you bothered about that at all?
- Murry: No.
- Barclay: Did you ever think again about the Supreme Court?
- Murry: Never.
- Barclay: Once was enough?
- Murry: Once was enough, yes.
- Barclay: Why? Was the campaign so much of a pain?
- Murry: Well, I was from a small county. It was kind of futile; I was kind of ambitious to think I could win it in the first place. I did a lot better than I basically should have, really.
- Barclay: How about later on when they changed the process to one of appointments? Did you ever think again about going to the appellate level?
- Murry: No, not to appellate level I didn't, because when they first started I would have been in the Tucson district, and . . .
- Barclay: That's where you would have gone to?

- Murry: Yes. And—oh, what's that judge's name down there; I think he's still on there, down in Nogales. On the appellate court. I knew him, he knew me, and he called me and asked me. It was scuttlebutt that I was going to run and he called me and asked me and said, "If you're not, I'm going to, Porter." I said, "Well go right ahead. Have at it." I've forgotten his name. His brother was highway patrol man here. I knew him in college. He's still around.
- Barclay: I'm drawing a blank.
- Murry: He's been on there for a long time. He was on the first one. But no, I never had any ambition to go on the appellate court. Then later on when I was doing drudgery work down here . . .
- Barclay: In Maricopa County?
- Murry: Yes. Why old [John R. "Jack"] Williams was governor, he called me and wanted me to take an interim, an appointment for about six months or so. I didn't even do that.
- Barclay: For the court of appeals?
- Murry: No, for superior court. That was when I was just sitting in the sidelines.
- Barclay: You ended up sitting, a number of times, for the court of appeals and I understand the Supreme Court, by appointment to fill in. How did you like those times?
- Murry: Oh, I enjoyed it. That's why I ran, really, was I had sat on the Supreme Court several times. Started out with Levi Udall and [Marlin T.] Phelps and Governor [Rawghlie C.] Stanford, those guys at first. Then when Bernstein and that bunch was on there, I sat a lot. I enjoyed writing them. I really did. I enjoyed writing opinions.
- Barclay: That had to be a refreshing change from being on the trial bench, I would think.
- Murry: Well there's more fun on the trial. But it's work on that Supreme Court, believe me, and the appellate court. Writing those opinions is hard work. You have to be so right and so meticulous. But I enjoyed it.
- Barclay: Did you dictate your opinions?
- Murry: Oh, yes. I used a machine.
- Barclay: Do you recall particular cases? Did you get asked to write opinions as majority opinions?
- Murry: Yes. Oh, yes. All of them, every time I was called in you knew you were going to do the work. Yes, that libel case was one. Then another, let me try and think, a lot of them didn't mean much, but one on pre-trial discovery, I wrote one on that. It was pretty pivotal at the time, because it was not long after Arizona had adopted the federal rules of procedure, they called it, and the federal had it so messed up. Every district had a different opinion on whether you could have an interrogatory or deposition and everything, and I kind of pulled it together. I really did. And I think that one I enjoyed.
- Barclay: That was a Supreme Court opinion?
- Murry: Yes.
- Barclay: So that came out and everybody had to follow that one as the latest pronouncement.
- Murry: As far as state government was concerned, yes. Then everybody fell in pretty much with it.
- Barclay: Before we leave the Supreme Court election subject, I noticed when I was going over the background research that Renz Jennings, who ended up winning, only served on the



Supreme Court for four years. Do you recall why that was? Because he ended up retiring in 1964, so he only was on . . .

Murry: Did he retire?

Barclay: Yes.

Murry: I don't remember that.

Barclay: It seems kind of odd that. . . . You would, of course, had you won, would have sat on the bench for quite a while.

Murry: Well, he was quite a bit older than I am. But I don't remember him retiring. He must have been sick or something because otherwise I don't think he would have.

Barclay: Was he much of a judge?

Murry: No.

Barclay: That's what I had heard.

Murry: No. Off the record I could tell you stories that you wouldn't believe. Well, I'll tell you one that kind of tickled me. I was in his chambers there and Mercer, Miss America, Jackie Mercer, she was Miss America, and he had a bailiff, Renz did, that was about as level-headed as Renz was. He came down, and those old court houses—I don't know whether you've ever worked in that old courthouse or not—but the little secretary's office had a door open for breathing room down there. You could hear the everything that went on in either one. I can't remember this bailiff's name. He was a great guy. I loved him. He came running in, he says, "Judge, I was just up in the court room and there's a beautiful girl up there. I knew you were interested in beauty so I'm bringing her down for a divorce." He had her out there. Old Renz said, "Sure. Show the heifer in. We'll service her."

Barclay: I'm sure she appreciated that.

Murry: And she was out there, you could hear everything. But that's just one. I could tell them for hours.

Barclay: That's funny. Your second ten years on the bench, from 1960 to 1970, did you continue to do the circuit riding like you had before?

Murry: Yes, I always did that.

Barclay: Right up to the very end you were doing that?

Murry: Yes.

Barclay: Was the second ten years pretty much like the first ten in terms of the practice, or did it change a lot?

Murry: It was beginning to change. It changed. It was progressing a lot.

Barclay: You had the new court rules adopted?

Murry: Yes. And we went through a lot of phases. I can't even remember them. I remember we had a big hassle over pre-trial procedure. We tried dozens of things. You know . . .

Barclay: On the criminal side?

Murry: Both sides. It was always something coming up like that. We were trying to progress. And we did progress. We got to trying cases and moving them around a lot better. About the time I quit there and the time I came down here, why in that ten years why we really got the cases to moving. Maricopa County's one of the best now.

Barclay: Oh, it is.

Murry: And that's where we got there, was work, work, work.

Barclay: Were you involved through the Judge's Association and other groups in terms of trying to plan for the future, in terms of the reduction of delays and things like that?

Murry: Oh, yes. Sure. Not basic because I wasn't in the different counties. In my county I was so far ahead and all it hurt. But these other counties, why I was aware of it and that's what I got called in a lot of times for. They had one judge down here that got in trouble and he was so far behind. They appointed me to go and be down. I sat down there a month. All they were doing, they'd ask for a postponement, he'd give it. You know. Well there's number one way to stop the deal, is to stop postponements. Because that cleans up your docket in a hurry because the guys don't want to give in and then settle, so they want a postponement. If they know they're going to lose they want a postponement. They think nothing will happen. So number one on my list always was, forget the continuances.

Barclay: Let's try this thing.

Murry: Let's get it over with. Yes. Then half of them would come in and dismiss it then.

Barclay: Speaking of settlement, a lot of fairly new developments in terms of judicial activism and that area with mandatory settlement conferences and things like that, what was your attitude toward settlement on your years on the bench?

Murry: Oh, I don't know. I wanted settlement, sure. All judges do if you can get them done. But I never felt like it was my place to apply any pressure. I never would do that. I didn't think that was it.

Barclay: When you'd have the parties in before trial would you ask them if they'd made an attempt to settle?

Murry: Yes. And if I could make a suggestion or two, I would, to try to get them to. But I never applied any pressure to say.

Barclay: What do you think about this new system where they really getting into a much more active role. Kind of beating on both sides?

Murry: I don't think much of it. I don't think that's the way to go. But they get work, so I guess it's all right. But in criminal cases now when they have these, oh, what do they call them, the. . . .

Barclay: I'm going to show my ignorance because I don't practice criminal law.

Murry: Well, I know. But you know. They do it every time they have somebody, he comes in and pleads guilty. Plea, plea.

Barclay: Oh, yes, plea bargaining.

Murry: Plea bargaining. I never would do that. One guy came up while—one of the judges now, he still laughs about it—he came up from Tucson. He had a guy for murder or something. He was trying to get the best he could for him. He asked me how I felt about it. I said, "John, you don't want me." And he didn't. But my theory was, and it was true, when I started to sentence someone I could change my mind and not be wishy-washy. From the time I left chambers until I got out on the bench something could happen and I'd change my mind. I'd never give them a pre-sentence deal. Never. I didn't

believe in it. I felt like it was collusion, really. I still feel that way. I still feel it's collusion. The poor old guy in there, if you give him a hundred years instead of hanging him, why you're talking him into pleading guilty. Maybe he want's to and maybe he doesn't. I don't believe in it. I think if he's guilty, give it to him. If he's not, let him go.

Barclay: What do you think about all these sentencing requirements for mandatory minimum sentences and all the rigidity that seems to be in there?

Murry: I don't know. It's kind of far fetched to me. I don't like it, but then I'm probably dated on that. It's probably a good thing.

Barclay: You were telling me about an experience that's not criminal related, but in your juvenile area, coming down to Maricopa County for Judge [Francis J.] Donofrio.

Murry: Oh, yes.

Barclay: That was a good little story. Why don't you share that with us.

Murry: Well, he'd called me, he was on vacation or something. Don was one of the sweetest guys that ever lived, but he just couldn't see anything wrong with anyone. He had juveniles there that had been in and out for dozens of times. They'd fight back with their old man. There was not a one of them that was any question in my mind that they needed something, because he'd babied them along. So I loaded about three sheriffs vans up with kids to go to Fort Grant that afternoon. Well, that settled those problems, but I never was invited back. I know he wasn't for it, but I didn't feel bad about it. I felt it was necessary, and it was. Because he had just been mollycoddling them.

Then Bernstein and I worked pretty close together. He was juvenile judge here.

Barclay: Here in Maricopa County?

Murry: Yes.

Barclay: Was he a little bit less soft than Donofrio was?

Murry: A little bit. Not much. He was pretty soft too. But he used a little more logic than Donofrio did.

Barclay: Do you think that was partially a reflection of the differences between the urban county and the rural county attitudes?

Murry: No. No, it was just personalities. Judges have personalities and some of them were like Donofrio. There was never a sweeter guy in the world. Nobody ever did anything wrong as far as he was concerned. He really sincerely felt that way. And everybody could be helped. He was sincere.

Barclay: Now over the time, from 1950 to 1970 on the bench in Greenlee County, you said that in a lot of ways your practice didn't change that much. You still travelled and everything. How did the attitude of the community, did that stay the same towards the bench and the Bar and so forth?

Murry: Yes. You mean in Greenlee County?

Barclay: Yes.

Murry: Oh, yes. I was spoiled. They really thought I could do no wrong.

Barclay: You would run every two years . . .

Murry: Every four years for judge, yes.

Barclay: Was it fairly perfunctory?

- Murry: Yes, it was pretty easy.
- Barclay: How about, by contrast it seems like other parts of Arizona were going through some major changes.
- Murry: Oh, yes, during . . .
- Barclay: During that period.
- Murry: We were a law unto ourselves up there.
- Barclay: How about during the Vietnam era? Was there much activity?
- Murry: I wasn't up there then, was I?
- Barclay: Well, I guess you'd—1960 to 1970, you would have been up there for a good chunk of it.
- Murry: I was up there in the sixties, yes.
- Barclay: Was the county doing well during those years?
- Murry: Oh, yes. They did well. They paid better than any place in the country and they were, it was a prosperous community, really.
- Barclay: Mining was still in a boom stage then?
- Murry: Oh, yes. They went one hundred per cent and the employees were all well paid then and they had houses. They'd have a three-bedroom house for thirty-seven fifty a month. They were well taken care of really.
- Barclay: I guess so. Now in 1970 you made a decision to retire.
- Murry: Yes.
- Barclay: What motivated you to leave the bench then? You didn't have to leave then.
- Murry: Oh, no. I could have stayed on. I just thought I'd done my job, really. I was tired of travelling and . . .
- Barclay: You were fifty-eight years old then, just about.
- Murry: I was getting old and I might as well quit.
- Barclay: And you came down here. What motivated you to come to Phoenix after all those years up there?
- Murry: I don't know. I wanted to. We looked all over the state. I tried to buy, well I did buy some property up on the Colorado. I was going to move up there, and that looked pretty dull. So we came down here and got to looking around and saw this house and liked it and bought it.
- Barclay: A beautiful place.
- Murry: It is. It's been nice.
- Barclay: Of course the kids had grown up quite a bit by then.
- Murry: Yes. We had one still in school. Portia was still in school. The others were already moved away.
- Barclay: What are your other daughter's names?
- Murry: Terry is the oldest one. She's in Pennsylvania. Lila O'Dougherty is out here in Scottsdale.
- Barclay: Okay, so two of them, and then Portia's still here. You mentioned to me the other day that she works for Maricopa County court system.
- Murry: Yes. She's got a good responsible job down there.

- Barclay: She's not an attorney though, is she?
- Murry: No. She still fights me over it because I didn't want her to be an attorney.
- Barclay: You didn't want her to be an attorney? Why not?
- Murry: Well, I've tried so many cases. We had a lawyer, these young gals would get in on a dirty case and whatnot and I just didn't think it was a place for a lady to be associated with. I had tried a case for a little girl in Florence. Her daddy had been county attorney and attorney there for years—Fulbright, Tommy Fulbright—his daughter came in. Smart as hell. I went down to try a case for her. It was a rape case and here was this cute little thing there talking rape and sex and whatnot and I just didn't want my gals mixed up in it.
- Barclay: How do you feel about women in the law now?
- Murry: The same.
- Barclay: The same way?
- Murry: Yes. I've tried a lot of cases for gals and I guess there are a lot of good ones now. I'm sure there is, I haven't tried many lately.
- Barclay: How about some of the women lawyer pioneers like the Lorna Lockwoods and so forth?
- Murry: Well Lorna was something else. She was her own mold. I loved her. She was a great gal. And a good lawyer, a good lawyer.
- Barclay: Do you have a problem with the idea of them now, not as a problem but does the idea of women in law bother you in a non-litigation role?
- Murry: No. No it doesn't bother me at all. Even in a litigation role anymore, I don't care. They do their job. That's just the way I felt about my girls.
- Barclay: Sure.
- Murry: Now I don't suppose I would, but yes, I think I would still.
- Barclay: Did it make you a little bit uncomfortable sometimes as a judge then to have a woman in front of you, especially if it was a sensitive issue?
- Murry: On a nasty case. On a nasty case, yes.
- Barclay: You came to Maricopa County, settled here in Phoenix in 1970, you and your wife, and I understand that your wife passed on not all that long after.
- Murry: Yes, it was quite a while. 1978 she passed away, yes.
- Barclay: In 1978. Well, good, you had some good years here.
- Murry: Oh yes. We had good years, travelled a lot.
- Barclay: And after about a year of being fully retired you found out your didn't quite like it.
- Murry: Yes, I went back to the courthouse and started nosing around and they put me to work.
- Barclay: Were you bored?
- Murry: Yes. I was.
- Barclay: What did you miss the most?
- Murry: The gab around the court house, the scuttlebutt and trying cases. I enjoyed trying cases. And seeing the lawyers and hearing all the scuttlebutt. Yes, I got lonesome and bored.
- Barclay: So you just went down one day to Maricopa County Superior Court and, who did you see?

- Murry: Oh, I saw everybody, all my old judge friends and ran into Gordon Allison. He says, "Are you ready to go back to work?" I said, "Yes." So he set me up an office, called the governor and got me special permission and I went to work.
- Barclay: Right that day?
- Murry: Well, the next day. They were way behind then. They needed someone.
- Barclay: A real big backlog of cases?
- Murry: Yes, they needed someone who could come in and. . . .
- Barclay: Were you the only one doing that then as a special assignment judge?
- Murry: I don't know. I think so, yes. They'd bring in out of county judges, visiting judges. But about that time they started having judge pro tems about then. I don't remember what the date was.
- Barclay: But up until then the idea of having temporary non-visiting folks was a fairly new one?
- Murry: Yes. It was kind of new.
- Barclay: What was the reaction of the other judges?
- Murry: Oh, they didn't care, they were just glad to have help.
- Barclay: So that they could pass on cases . . .
- Murry: Well, I *didn't* run against them. That was great.
- Barclay: So did you really have a title then? I mean, were you considered special assignment judge or retired or pro tem or?
- Murry: No. I don't know. Just judge is all.
- Barclay: So, come on in Porter and get to work?
- Murry: Yes.
- Barclay: What kind of cases did they give you?
- Murry: Anything except criminal, divorce or sanity. I said, "None of those." So I tried everything else, but mostly civil cases.
- Barclay: So you went in on conditions? You set your conditions right up front?
- Murry: Yes. Well they didn't need anybody there anyway. What they needed was this backlog on cases.
- Barclay: Did they put you in at full salary?
- Murry: No, no, I got the difference between per diem, including my retirement and what they were paying the judges down there.
- Barclay: So the total between the two equaled the full salary?
- Murry: Yes.
- Barclay: Did they give you a staff?
- Murry: Oh, yes.
- Barclay: And an office and everything?
- Murry: Yes.
- Barclay: Nice. Did you have pretty much a full caseload?
- Murry: No, not really. I pretty much picked my cases. I didn't have any run-of-the-mill stuff. Some judge would have more than he could handle, he'd assign and ask me if I'd take a case, or they'd disqualify a judge, there's always something like that.
- Barclay: Did you kind of say, "Well tell me a little bit about it?"

- Murry: No. I didn't care as long as it wasn't those three things.  
Barclay: You trusted them to give you something that going to be . . .  
Murry: Oh, I knew it was going to be a stinker, but I didn't care. No, I didn't mind that part of it. In fact I liked it.  
Barclay: What do you think? Maybe be a good place to stop? It's about twelve [o'clock] now.  
Murry: Yes. Fine.

*Second interview*

- Jusem: We're at Porter Murry's house. Today is July 10th, at about eleven a.m., and we're here to do a follow-up interview. Steven Barclay will be doing the interviewing. Steve, go right ahead.  
Barclay: Thank you, Pablo. Judge, we're pleased to be back visiting with you again, after your return from your trip to Europe. We were just talking a second ago, off the tape, about something we covered at the last interview relating to back in the days when there were a lot of coroner's inquests when you were serving on the bench in Greenlee County, and probably even before that.  
Murry: This was before I was on the bench. This was when I was county attorney.  
Barclay: Okay. Why don't you just go ahead and repeat what you were saying there.  
Murry: Well, I just happen to recall that you asked me about it last time and I got sidetracked. We had a lot of inquests. That was when the mine first started up there. Of course if the doctor wouldn't sign the death certificate, why we called in the j.p. and the sheriff went out and got six jurors and we had a coroner's inquest. I was telling you one about this train that we had. We had a train that went from Clifton to Lordsburg [New Mexico]. In those days it had a passenger coach on one end of it, they disbanded that. It was an old steam engine.

About halfway between Clifton and Duncan, they had the engineer, the fireman, the conductor and the brakeman, and they were all mixed up. One of them was back taking a nap in the coach; I think that the fireman was back taking a nap. The brakeman was up running the engine. I don't know where the conductor was. But the engineer grabbed a piece of waste and went out in front of the engine on the cowcatcher, what they called the cowcatcher in those days.

They got on into Duncan and they didn't have an engineer. Well he'd gone out there to go to the john with this waste and fell off and got run over. His own train ran over him about halfway between Duncan and Clifton. So they had to back up for about two hours to find him, because it wasn't a very fast train. But that was one of the inquests they had that I remember.

Another thing that I remember was in Duncan. We never had a suicide in Duncan. All the people down there got the idea that that would knock the deceased's family out of insurance, so they always came in as accidental. No matter how plain it was, it was accidental so that his wife could get the insurance.

- Barclay: That's fascinating. Now when they had those juries back then, serving with the inquests, would that be similar to the way they would run a grand jury type thing?
- Murry: No.
- Barclay: It wouldn't be adversarial, but it would be fact-finding?
- Murry: No, it wouldn't be adversarial. No. Unless something unusual came up. It was just a fact-finding something to find the cause of death. The justice of the peace was the coroner and he'd sit as such, and call in six jurors and they'd decide if it was, in Duncan it was pre-set, it was accidental, otherwise you didn't know.
- Barclay: What was your role as the county attorney in those kind of functions?
- Murry: Oh, I don't know, just as a questioner. And it was my job to be there and see that all the facts were brought out and whatnot.
- Barclay: You didn't have an ax to grind one way or the other in those kind of things?
- Murry: Oh, no, no. It wasn't any contest or anything, it was just divulging the facts so someone could sign the death certificate.
- Barclay: Interesting. One of the things that that made me think of is just the whole jury selection process in a small county like Greenlee where everybody must have known, in those towns, everybody else's business pretty well. How did you deal with the jury fairness issues in the selection process?
- Murry: Well, as a rule it wasn't that difficult because they would pretty much divorce themselves from things. I had one example. Probably I was on thin ice, but I did it. I was having a murder case up there and it was a—a couple of women ran a service station and they had an opinion immediately whenever anything happened. It was either he's guilty or he isn't. They always did. That's where I got my gas. That's where I got all the facts. I was down there one day and this gal, "Oh, they've got to hang him," and "oh, we've got to do this," and, "he's guilty". Well, she was called on the jury and I was torn as to whether I should step in and say anything or not, but I didn't. I let the lawyers take care of it. She was picked on the jury. I thought, "Oh, now what?" But they went ahead and she was appointed foreman of the jury. They came in with a non-guilty verdict. Later on she told me, she said, "Porter, it sure makes a lot of difference if you know the facts, doesn't it?"
- Barclay: We found some more old articles, clippings. Pablo was kind enough to send some of them up to me. A lot of them are just more political articles about your run for the Arizona Supreme Court and some of the things that we talked about previously. One, kind of a fun little family picture here that, it's a little, hard to decipher here. It's a fax copy. But it shows you and your family up in Sun Valley, Idaho.
- Murry: Oh, yes.
- Barclay: Out by a skating rink there. It says here you're vacationing there. But the other one I wanted to ask you about that I thought was interesting on kind of more of a social note than a judicial note: "Business men form trail riding group."
- Murry: Oh, yes.
- Barclay: And, "The Coronado Trail Riders," and you're listed as one of the ones in the original group of Clifton business men and community leaders. As I understand it from the



article, they were going to take horseback trips through some of Arizona's most beautiful and primitive country, going on one trip from Clifton and going up—oh, let's see, where does it say they're going to go—I guess up Upper Eagle Creek and Reservation Creek and all over the place up in the mountains. Does that bring back some fond memories?

Murry:

Oh, yes, gosh yes. There were a lot of them. We used to have those every year. They were real rides. Of course, I went on a lot of them. I went on a Bill Williams Mountain Men ride a couple of times or three. That's where I got the idea, and I went home and I talked with this old cowboy friend of mine, Herb Nicholls and we started it there.

The first trip we made, we went all the way from Clifton to Paradise Ranch, I think it was, up above Black River. We had Don Dederá—I don't know whether you know him or heard of him or not, but at that time he was quite a newspaper columnist and very popular—we invited him to go and he went with us. We got started and the first day we rode about thirty miles. The next day we started out and we got lost about ten o'clock at night. Old Don says, "What do cowboys do when they get lost? They pitch camp and go to bed." And that's what we did. We'd ridden about ten hours that day. But Don Dederá wrote several good articles about it.

Barclay:

How long did the trips typically take?

Murry:

About a week. Yes, we started out from Clifton and just take our time. Get up around Black River and fish for two or three days. And fish on horseback, which was fun.

Barclay:

I never heard of that.

Murry:

Well, most people haven't, but two guys would get on horses and ride down the Black River, this was before people could get in there except by horse or walk, and we get onto these horses and we'd make our sinkers out of wrappers off of Scotch bottles. Well, they'd sink. One guy would go on ahead and he'd throw his lite out. Horses won't scare the fish. He'd catch a fish and he'd throw it back over his shoulder and the guy back of him would take off the fish, bait the hook and do that again. After he got his limit, why we'd switch. The other guy would sit in back. And we'd catch our limit every day up there riding, and I'd never get off the horse.

Barclay:

What a system. I tell you. I think that you've got something there. They ought to do that now.

Murry:

Well, you can't, it's hard to find a place like that. Then we had the whole Black River with no one on it, ever got to it or anything else. We caught these native trout.

Barclay:

I imagine that those kind of events really bonded people together in the community and developed some great friendships.

Murry:

Oh, yes. The whole community at that time was bonded together. It was quite a community.

Barclay:

Do they do anything like that anymore up in those parts, that you know of?

Murry:

I don't know. They tried to do it some, but I don't think they do so much anymore.

Barclay:

You still hear about the Bill Williams Mountain Men, of course.

Murry:

Oh, yes. I still get an invitation to go on those things, but it's a little beyond me now. Then I went on the Verde Vaqueros, Scottsdale, several times. I went on that ride out

of Santa Barbara, I forgot the name of it. It's a big one. I went on that a couple of times. It was fun. I use to enjoy it and love it. My kids all had horses and they would. . . .

Barclay: You were active as well in other social groups. I think I saw the Elks and . . .

Murry: Oh, yes, everything. When you're in a small community, you belong to all of it. The Elks, Rotary, Odd Fellows.

Barclay: What does the Odd Fellows do? I was always curious about that.

Murry: Not much anymore. They've kind of dropped out. And the golf course, I was instrumental in forming the golf course there at Greenlee.

Barclay: Since you've been down here, have you been active in the Phoenix Country Club? You mentioned that.

Murry: I belong, that's about all. No, I'm not active. The day I retired, I stopped.

Barclay: Do you play golf at all?

Murry: Oh, yes. Not good, but I play. I had a bunch of the judges up. Did I show you those pictures?

Barclay: I think you showed me the pictures with the crazy hat collection. What exactly is that again?

Murry: They're all judges that have come up there. I have a stag party up there once a year for the judges, about from eight to fourteen of us come up every year.

Barclay: These were most of your contemporaries over the years?

Murry: Yes. Well, they're getting younger now. They started out being my contemporaries. There are not many of them left.

Barclay: Well what was your original group? I think you were telling us about it last time.

Murry: Northern County Juvenile Judges, I think, or something like that when it started out. We had to make it that because one of the judges always drove a county car, so we'd do that so he'd have an excuse.

Barclay: So Northern County Juvenile Judges, and you guys got together. What was the main purpose?

Murry: Golf.

Barclay: Golf?

Murry: Yes.

Barclay: And card games?

Murry: And poker, yes.

Barclay: Have you been going to a particular place year after year, or do you. . . .

Murry: Well, my cabin. I have a cabin up there.

Barclay: Where is "up there"?

Murry: At Pinetop, the White Mountain Country Club.

Barclay: The last time we were talking, Judge, I think we had gotten to the point where you had retired from the Greenlee County bench and come down to Maricopa County, settled in Phoenix in this lovely home, and after a year or so got bored and anxious to get back on the bench and so you started working in Maricopa County for the superior court as essentially a special assignment judge. How long did you continue doing that?

Murry: Oh, off and on up until about three years ago.

- Barclay: Really?
- Murry: Yes, three or four years ago. Between that and the other counties and federal court.
- Barclay: That's the one I wanted to ask you about. You made a transition, eventually, to the U.S. District Court. Can you explain the circumstances surrounding that?
- Murry: Well, I guess so. They called me, one of the federal judges called me and they had some case, or had a case he wanted to try and the lawyers had stipulated that I do it. Of course when they did that, they had to pay me, the lawyers did. So I went over on that one and that lasted about a month or so. It was on the Glen Canyon Dam, as a matter of fact. It was twelve or fifteen years old at that time and they wanted to get rid of it, really, and no judge was in a position to sit there for a month or so and try it, so they appointed me.
- Barclay: Who was the judge that called you over?
- Murry: [Carl A.] Muecke.
- Barclay: Judge Muecke?
- Murry: Yes, he was the chief judge at the time.
- Barclay: Sure. Do you recall the names of the lawyers on that particular case?
- Murry: I remember one of them. Begam, Langerman and Frank. . . .
- Barclay: Lewis?
- Murry: Yes. Lewis was one. And boy, was that a case. He'd come over with a wheelbarrow-full of exhibits every morning. When we went through that, we must have had twenty or thirty thousand exhibits in that case. It was old and that's about the only way they had to prove anything.
- Barclay: It amazes me when I think about that, particularly thinking about the fact that you don't take notes. It's all up here in your head.
- Murry: Well, I hope it is. I don't take notes, no. I never could. Then I would miss what was going on. I'd get so busy taking notes that I didn't know what was going on.
- Barclay: Sure. So that first case led to others?
- Murry: Yes. Then I had lots of them after that. Generally they were unusual cases or something that would take a lot of time for judges.
- One of them I remember was—oh, what's this heart specialist's name?
- Barclay: Dietrich.
- Murry: Dietrich.
- Barclay: I wanted to ask you about that one.
- Murry: Yes, I tried that one for quite a while. That was on the Board of Directors of Saint Joe's Hospital, I think it was.
- Barclay: That was involved with Saint Joe or Samaritan or one of those?
- Murry: I think it was Saint Joe.
- Barclay: Saint Joe?
- Murry: I think it was, because—it was a tough case really.
- Barclay: What did it revolve around? What was the issue?
- Murry: Well, I think Saint Joe Board of Directors had kicked Dietrich out, basically is what it was. There were a lot of innuendos, there were a lot of other things besides that, but basically that's all it was.

- Barclay: Was that a real donnybrook of a case in terms of the fight involved?
- Murry: Yes, it was fun. Then we went on a vacation. I don't remember whether it was the lawyers or me or someone. Anyway, we recessed for a couple of weeks. When I went back they had settled it.
- Barclay: I see. Had that one dragged on for quite a while before it settled?
- Murry: Quite a while, yes.
- Barclay: Now, were you doing this simultaneously with still being a special superior court judge?
- Murry: Yes, some.
- Barclay: And I understand that they gave you, for the federal court they appointed you as a special master.
- Murry: Yes.
- Barclay: I think, and I may be wrong about this, but I think you may have been the first one in Arizona, that they've had.
- Murry: I think probably so. I didn't know of any other.
- Barclay: Why do you think that was, because that, certainly you had been doing that kind of thing for the superior courts here for some time?
- Murry: I don't know. I think, see, there was only three federal judges at that time, and they were busy. These long cases, why, they had been put off and put off and put off until the lawyers got antsy and wanted them tried and were willing to, and they would stipulate on me.
- Barclay: Was it always by way of stipulation then in the federal court?
- Murry: Yes. I think Muecke recommended me a time or two, but it had to be by stipulation of the lawyers.
- One time we had a case, I think it was a sewer line case out of Tucson. I've forgotten what it was. I don't remember. But anyway, Muecke was, he couldn't understand it, and frankly I couldn't either, because they wanted a jury and they wanted me. And they had to pay both of us. He said, "Well if you get"—who is it, someone down below, I've forgotten what they call them—"to try it, you get your jury and him for nothing." "Nope, we want Murry." Well, my ego went up then, of course. But we went ahead and tried it. I don't remember how it came out. But we had a jury and everything. That lasted a long time.
- Barclay: Were most of the other ones that you were hearing in federal court non-jury cases?
- Murry: Yes, that's the only jury one I had.
- Barclay: Now when you were doing the superior court stuff, there was a lot of jury work there, wasn't there?
- Murry: Oh, yes. I remember another case, I can't even remember the deal, but it amazed me and amused me. A guy named Starsky was a professor out here at ASU [Arizona State University], and that was when they were having all these marches and the kids were against everything and he was with them. So he went to Tucson on a wild ride to help them down there. I don't remember what the point was. But anyway, they fired him. So I guess he sued them. I don't know who was who, but anyway they had a big lawsuit.

That was very interesting, because you get those professors from colleges on there that are real professors, you get into another world completely and correspondence between him and some of his peers was really something. But I enjoyed that. I don't remember how it came out even, but it was a fun case.

Barclay: One that I was also told that you heard, presumably in federal court, was the Adams Hotel bankruptcy.

Murry: Yes. Bankruptcy?

Barclay: Well, that's what they said. It was just the Adams Hotel case and I . . .

Murry: I think it was the construction of it. I believe it was. I did try one. I can't remember whether it was the Adams or which one it was, but I tried one.

Barclay: Yes. I guess that, of course, the Adams had been a famous landmark in Phoenix for all those years.

Murry: Oh, yes. I used to come down here, they'd hang me in a closet.

Barclay: You mentioned one to me and I can't recall whether this was one that was in federal court or not, but it sounded like it was one that was interesting because it went up and down so many times. The water law case that you had with Mark [B.] Wilmer.

Murry: No, that was superior court.

Barclay: What was that one all about?

Murry: It was on Chino Valley.

Barclay: Water rights up there?

Murry: Water rights in Chino Valley.

Barclay: Yes, I think you told me that that one went up to the Supreme Court more than once?

Murry: I believe twice. I think Mark took it up twice to the Supreme Court.

Barclay: You've know Mark for years, haven't you?

Murry: Oh, yes, forever. He lived right back here. As a matter of fact—I don't know whether you want to put this on the record or not—but I tried a case for Mark when he lived down off of Missouri, his home, and he'd drawn up the deeds on that, restrictive covenants on the deeds. That was interesting because Mark is, brainy and brilliant as he was, was the lousiest witness I ever heard. He'd get up there and hearsay was just coming out of every ear. And the kids who were trying it were afraid to object to him. But anyway, we tried it and I relaxed the restrictive covenant on him. That was another one he couldn't believe. He didn't speak to me for two weeks.

Barclay: I think you told me, when you were visiting, about that, a couple of months or so ago, about the water rights case, that he didn't like the way you ruled on it in that one either.

Murry: No, no, he didn't. Of course, he didn't get mad about that one. That was just a legal part. The other was personal. No, no, he didn't get mad. Well, they came over here and we had the last two motions here at the house.

Barclay: Here at the house?

Murry: Yes.

Barclay: That's kind of nice.

Murry: Stephen was a lawyer that lived over there at the time, and Mark lived right back of me, he did.

- Barclay: Stephen, was that one of the sons?
- Murry: No, Stephen. . . . He's a lawyer. I don't remember his name.
- Barclay: When you were doing the special master cases, did they get you a courtroom down at the federal courthouse?
- Murry: Oh, yes.
- Barclay: Did you hear all of them here in Phoenix, or were some of them in other localities?
- Murry: No, they were all Phoenix.
- Barclay: So how long did that go on in terms of the federal master's work?
- Murry: I don't know. Three or four years, I guess. I really don't know. But off and on for three or four years, I'm sure.
- Barclay: So you continued on doing kind of doing both the superior court and the federal court activities right up until three or . . .
- Murry: Three or four years ago, yes. Oh, I began to let down. I think the last one was about three or four years ago.
- Barclay: Did you also serve in some of these private court capacities? I know that there's a lot of rent-a-judge-type setups out there. Did you do any of that?
- Murry: No. I was asked to a time or two and then I've been asked to sit as arbitrator and—what's the other—mediator, several times, but I didn't want to get into that.
- Barclay: What do you think about alternative dispute resolution?
- Murry: I think it's great. I think it's great. I think it's good.
- Barclay: Was that something that you'd see much of back when you were on the bench?
- Murry: No, none. We couldn't even get along on pre-trial procedures.
- Barclay: You know, over the years, you've had many, many attorneys appear before you in your years on the bench. Which ones would you say that you've been the most impressed with?
- Murry: Well, there's Wilmer, Mark. Elias [M.] Romley was real good. For criminal work I liked old Jack [C.] Cavness. He was a go-getter. There's a lot of them, a lot of good lawyers. There's a few that weren't so good, but most of them were pretty good.
- Barclay: What were the qualities, you'd say, that they had in common? I'm sure that some might have been better on cases to the bench or some might have been better to the jury, but what did they all have as a common thread?
- Murry: I don't know. I think honesty is probably the chief deal. They just reeked of being sincere when they tried. There wasn't anything flowery or anything about it.
- Barclay: So the fancy stuff didn't really impress you as much as . . .
- Murry: Oh, it didn't impress me at all. It won them some cases before a jury and whatnot, but Cavness and [John J.] Flynn, they were just resourceful, mentally resourceful. But Johnny Flynn was, I tried a case for him before he went to the Supreme Court.
- Barclay: Miranda?
- Murry: Miranda. Before he tried the Miranda cases, not long before, I tried a case where they had one in Mesa. The officers had kind of misstepped. We had a guy, I don't remember the name of it, but a guy had been on death row and I ruled in that instance about like Miranda did later. We let the poor old guy out of prison, he'd been on death row for

years. No expression, I think he was just a zombie when he got out. I can't remember, that was a Mesa case. I can't remember what it was.

Barclay: Which of the attorneys would you say was the very best with the jurors?

Murry: Oh, I don't know. That would be hard to pick.

Barclay: Some of the ones you named, though, would be it?

Murry: Yes, yes. There was others. There was another one, he's still practicing, that was real good. I think he was with Mark for a while. Well, he was with Flynn for a while, I know. I can't remember his name. He was excellent with a jury.

Barclay: What do you think about the quality of lawyers in Arizona now, compared to, say, other states?

Murry: Terrific. They're way above ninety percent of them in the other states. And I honestly believe that.

Barclay: Why do you think that is?

Murry: Oh, they're more sincere, it's a newer state, they haven't had time to get into ruts and whatnot. Before I got on the bench I'd tried some cases in Texas that was something else, believe me. Then you read some of these things about other states, and then when I was on the Supreme Court some of these opinions that the federal judges write, I think we're way above them. I really do.

Barclay: Did you notice an improvement over the years in terms of the Arizona Bar or . . .

Murry: Oh, yes. It's way beyond what it was when I got out. These kids are smart now, and they work hard and they're good. They really are.

Barclay: What do you think about the Bar itself as an organization? The State Bar?

Murry: I think it's fine. It's great I think.

Barclay: How about the top judges that you've had the opportunity to know and work with over the years?

Murry: Oh, Judge [Clifford C.] Faires in Globe was one of my favorites.

Barclay: Why?

Murry: I don't know. He was just a gentleman. He was a gentleman and he was a complete gentleman on the bench and off the bench.

Barclay: You were telling us a story last time about the dignified way he handled the expenses. I thought that was a nice story.

Murry: That was typical of him. Levi [S.] Udall was always excellent too. He was a top-notch. All of them, there was never a broach of ethics or anything. Levi was a terrific trial judge and I think got to be one of the top Supreme Court judges.

Barclay: The atmosphere back then, it seems to me, is demonstrated by your story about the juvenile judges group and some of your other activities. It seemed to be very collegial back in your days on the bench.

Murry: Oh, yes. We got together, the smaller counties and some larger ones. But you have to remember, I think when I first started trying cases down there, there was only five superior court judges.

Barclay: Really?

Murry: I believe that's all, yes.

Barclay: In Maricopa County, you mean?

Murry: Yes. And of course when you've got a small bunch like that you naturally get together. You've got fifty or sixty, why you don't even know each other down there.

Barclay: How does that strike you? It seems to me that you didn't have much choice in terms of we have to keep up with our docket and so forth.

Murry: Oh, there's no question about it. It's all right. It's just progress, that's all. It comes. Of course, I like the good old days, naturally, but I've lived with these others and it's just the way it goes. That's progress.

Barclay: Sure. Were there particular judges back in your days on the Greenlee County bench that you would turn to, to bounce ideas off of or consult on a tricky situation?

Murry: No, not particularly. I was always pretty much a loner. If I was wrong, I'd apologize and that was it. I didn't. . . .

Barclay: The situation now, contrasting the court system with the way it was when you were on the bench, if you were younger do you think you'd enjoy being a judge as much now?

Murry: Oh, I think so. If I was younger, I wouldn't now, but if I was younger I'm sure I'd find it worthwhile.

Barclay: What do you think about appointed judges versus elected judges?

Murry: I think where it's as large as the state is now, it has to be, really . . .

Barclay: It has to be appointed?

Murry: . . . appointed. Yes. We never had any trouble, really, with elections. There would be some foul balls get in once in a while. They do now, they still do through appointments. But where it's so big, particularly Maricopa and Pima County, elections just wouldn't do it.

Barclay: Yes. It seems to me that the middle ground that we have now with judges standing for retention is kind of silly, because the voters really don't know what they're voting for.

Murry: Well they back them anyway once they get in. So, I don't know, it might be a good sounding board. I don't think it's silly. It makes the public feel like they've got something to say about it and they have a right to.

Barclay: That's true.

Murry: And I think it's all right.

Barclay: What do you think of the weighing system that they do with the Bar in terms of having the lawyers kind of, you know, rate the judges?

Murry: Well I'm not sure that's too good, really.

Barclay: Why not?

Murry: Well the ones that talk the most or have the biggest ax to grind are the ones that are going to vote the quickest, you know, and a lot of good lawyers won't even think of voting of because they don't know. . . .

Barclay: I don't know how they pick the ones to vote. I've always been curious about that, because I've never been asked to vote.

Murry: Oh, I have, a lot of times. But, I don't know. They should be able to do it. It's not bad, really. I don't know of any better way you could do it.



- Barclay: What do you think about the difference, one of the differences that I think of between the federal court system and the state courts is their issue of retirement versus lifetime service. How do you feel about that?
- Murry: Oh, I don't know. I've never really thought about it much. I think probably there should be provisions for retirement.
- Barclay: They should be required to retire?
- Murry: Yes. Someplace. I don't know where, whether it would be seventy or eighty or what, but it should be there someplace, because a lot of times we get rather proud of our deal and forget that we're getting a little out of step with things, and there should be a way to get rid of them.
- Barclay: What do you think of this issue of the moment with the U.S. Supreme Court? Kind of the whole issue of race and ethnic representation on the higher court?
- Murry: I don't know. I really don't.
- Barclay: Do you like the idea of quotas in terms of judges?
- Murry: No, no, of course not. No, of course not. You never know whether that's what's happening or not, really. It is, I'm sure, because it's politics. It's big politics, I'm sure, but it's worked so far.
- Barclay: One of the areas we talked about when we had lunch was, in terms of changes in the practice of law, was in the area of discovery and I'm sure you've heard it said many times, comparing the old days of trial by ambush versus the new days of trial by avalanche. Or words to that effect. What do you think of that particular change?
- Murry: Well, it's much better now. Like all things they've carried it too far.
- Barclay: In terms of what?
- Murry: Oh, your interrogatories, your depositions and things they—well, while I was still trying them, it was nothing to get a stack of papers that high that they'd just gone through the firm's files and taken everything out that doesn't fit. Well, I didn't allow that, but it's hard not to.
- Barclay: How would you deal with it? I mean, this was back before you had the tools in terms of rules that you could point to and say, "This isn't allowed."
- Murry: Well, I'd just tell them, "That doesn't pertain to this case. You've just hit or miss. Try again." And if they didn't cut it down—because it was foolish. It was a waste of my time; it was a waste of everyone's time, except the lawyer who had a clerk that run it off from the mimeograph . . .
- Barclay: Or now, the word processor.
- Murry: The word processor, now, yes. And they'd just take everything that might be admissible and let the judge and the other side tear it apart. No, I put a stop to it. It wasn't hard. I didn't have to have a rule.
- Barclay: Now they've got some rules.
- Murry: I'm sure they would.
- Barclay: Yes, they put on limits on number of interrogatories and number of sub-questions and stuff.

- Murry: Yes, you would get one on a little old p.i., personal injury case, you know, you get a sheaf of interrogatories that thick. Why they couldn't possibly be—I wouldn't even read them. I would just say, "Take them and try again."
- Barclay: Good for you. One of the stories that you told me that I would appreciate if you could share again, was kind of saying how it was back in the days, you were sort of looking back longingly at the trial by ambush days back when surprise used to be a regular thing.
- Murry: Well, it was fun. I wasn't looking back longingly. I thought it was not good even then. *But they did it. That was one of the tricks of the trade.*
- Barclay: Was that something you saw in most every case?
- Murry: Oh, no. Once in a while they did it, but even then the opposite lawyer was smart enough not to get ambushed very often.
- Barclay: What about that guy from New Mexico that you told me about?
- Murry: Sanders?
- Barclay: I don't remember the name, but you said there was a guy that, this was when you were county attorney and he wanted to use your library.
- Murry: Oh, yes, yes. Well, that was typical. That was just part of the game.
- Barclay: Well, why don't you tell that story? I thought that was a pretty good one. Worth saving, anyway.
- Murry: Oh you mean about laying the books out for him?
- Barclay: Yes.
- Murry: Yes, well he was always a pushy type. He'd come in and take over my library. And, "Look," and, "You don't mind, do you, Porter?" and he'd just go ahead and never wait for an answer. So I had this one case, I don't remember what it was, but I knew he was going to think I wanted to put in the testimony an accomplice or something, because it wasn't admissible. *So I got every book I could find with anything on it and opened it up and left it in my office. So when we got to trial, he kept objecting to everything he could to keep that out. Well, I didn't even want it in. Well, he spent a lot of time, his time on it, anyway.*
- Barclay: Was it fairly common to have attorneys coming over from New Mexico to try cases in Greenlee?
- Murry: There was two or three. Sanders, he was from Lordsburg, he had a license and he was a good reputable lawyer. He was president of the New Mexico Bar Association and then later he was appointed judge.
- Then we had another one from over there that became judge, Paine, Laverne Paine, from over in that area. That was about the only two.
- Oh, we had one, the Hodges guy, named Hodges that used to come over and defend some of my criminals once in a while, out of, I think he was Silver City. But we didn't have too many.
- Barclay: One of the other areas that I wanted to touch on with you was in terms of changes in the practice of law, is the area of jury selection. It seems like comparing then and now that there's been dramatic changes in the whole process of how juries are picked and all the science and so forth that goes into it now.

- Murry: Oh, yes.
- Barclay: What do you think about that?
- Murry: Oh, I think it's good. I think they're overdoing it. But I think, to a certain extent, it should be done.
- Barclay: Having seen so many juries over the years selected, do you think there is a real art to it or is a lot of it just kind of a shot in the dark?
- Murry: A lot of it is shot in the dark. Even with the education and the psychologists and psychiatrists and everything else, it's still a shot in the dark.
- Barclay: In the way that juries come up with their verdicts and awards a lot of times, I've heard there's just a lot of weirdness in that.
- Murry: Well, I've heard that too. I haven't found it that way. I've found they'll give you some weird answers if you ask them questions about it, but they've got that old feeling right deep down as to what's right and they generally come out pretty good.
- Barclay: What do you think about all the, of course it seems to have settled a little bit in the last few years, but all the million dollar awards, when they first started coming in?
- Murry: Oh, well, that's just good orators, that's all, that got that, I guess. I don't know. Some of them are worth it, but they overdo it on the deal, I'm sure.
- Barclay: It seems as though, these days, as a practicing lawyer that I see a lot of frivolous case filings and I know that they've got a Rule Eleven that they're trying to use as a way to cut down on that by making the lawyers responsible. Have you noticed over your years on the bench, that that has been on the increase?
- Murry: The frivolous cases? Oh, yes, yes, a lot of them. And they aren't all as frivolous as they sound. They're just more resourceful now, really they are, and they find things that in my day we wouldn't even think of filing because we wouldn't see that deep. No, it's not all that frivolous. I've got a lot of respect for these guys that dig and find ways and things. I think that's what they're there for.
- Barclay: How would you deal with the lawyers when you did find ones that were truly frivolous and interposed for delay or harrassment and so forth?
- Murry: I got rid of them in a hurry. There was never any question of that.
- Barclay: Were you the type that would impose sanctions if you felt they were appropriate?
- Murry: No, I'd just kick them out and get it over with and keep going.
- Barclay: How about attorney's fees today? I mean, obviously there's just a tremendous increase from your day.
- Murry: I can't believe it.
- Barclay: Two-hundred-and-fifty, three hundred bucks an hour for some of the partners here in town. Maybe more.
- Murry: I don't know. No, I can't believe it. I can't believe that they're worth it, really.
- Barclay: Are we pricing ourselves out of the reach of the middle and lower class America?
- Murry: Absolutely.
- Barclay: What can we do about that in the profession?

Murry: I don't know. If I think back of all the work I did for nothing, just because I was in Greenlee County and they needed help and there was nobody there to help them but me. Now then it would be a hundred thousand bucks to. . . . Yes.

I heard one the other day, this guy met a lawyer on the street and he said, "Have a nice day," or something like that. Then he said, "Now that's a statement, not a question."

Barclay: You mentioned, touched on pro bono activities and back then you were doing it without even thinking, probably, that it was pro bono, as we would call it today.

Murry: Oh, no.

Barclay: But you were doing it because it was the right thing to do.

Murry: Well, people needed it. Really they did. And I was the only one that could do it, really.

Barclay: What do you think about the idea of forcing lawyers to do a certain amount of pro bono work? That's an idea that's being kicked around in this state.

Murry: Force, no. It wouldn't work. Persuasion, yes. You might get their good side and have a lot of them do it, which they should too. But to force them, no. It wouldn't work.

Barclay: How about the CLE, Continuing Legal Education, which is now a requirement?

Murry: I think it's great. I think it's great. I'll never forget when I first went on the bench. I felt inadequate. I really did. Old [John D.] Lyons was dean of the law school, so I called him to ask him if there was any school I could go to, to bone up on some of these things. He wrote me a letter, I've probably got it someplace, about how he wished there was one, but there wasn't a one that he knew of at that time. Of course that was in 1950. He didn't know of any. Now they have them there by the dozens, you know, the CLE and then this Reno deal for judges, and lots of them. But then you couldn't get it. Of course you need it, all lawyers need it to keep up.

Barclay: A lot of the types of cases seem to have changed over the years and now you see so many more esoteric kind of cases, anti-trust, intellectual property, RICO [Racketeer-Influenced and Corrupt Organizations law] for the racketeering, constitutional issues, and then of course all the personal injury cases that seem to proliferate at the trial level. What do you think about all those different changes in the types of law?

Murry: I think it's good. I think that shows up the initiative of these young lawyers to get it done. I tried a case for [Robert O.] Leshner many years ago, on product liability, one of the first ones and I'm happy to say I got reversed on it. It was a, I don't remember, a farming machinery of some kind hit a wire and it hit this guy on the head and killed him. This was Lund versus somebody, I don't know. But that was one of the first product liability cases we had.

Barclay: Do you think the pendulum may have too far in terms of. . . .

Murry: A lot of them. A lot of them, yes. Sure they have.

Barclay: I guess the question in that particular area is, do we need federal legislation to sort of come up with a common ground for amount?

Murry: Well, maybe. I hope not. I think the judiciary ought to be able to handle it. When they get as smart as some of these young lawyers, why they'll begin to cut down on it.

- Barclay: How about experts? It seems like that's another area where there's been some dramatic changes in the use of them over the years in trials.
- Murry: Well, I think probably they're overdoing it. I don't have that much faith in experts. I've seen too many direct opposites on the same set of facts, to really believe in them, psychiatrists particularly, and on real estate valuations and condemnation cases.
- Barclay: They used to say that MAI [Member, Appraisal Institute], those initials for an appraiser meant "made as instructed."
- Murry: Yes. I'd say "made as paid for." But not only them. I don't say they are being dishonest. They've honestly got different ways. They can start here and come in with a thousand dollars difference from starting at a difference place down here. It just depends on the theory they use and they use the theory that's going to benefit their client financially. No, I think they're over. . . .
- Barclay: And I think a lot that's wasted on juries.
- Murry: I think so, yes, and now they use them on these personal-injury accidents, car wrecks and all that to an extent that's ridiculous. Old Sam Jones that saw the wreck would know better than all the experts in the world. Of course he may goof it, but then somebody else will tell him. No, I'm not too proud of them.
- Barclay: Another area in terms of trial practice, that I've heard people talk about, is a that lot of lawyers today in their effort, perhaps, to leave no stone unturned have gotten too verbose and the arguments, the briefs and so forth are too long and they bore the juries and the judges.
- Murry: Oh, yes. No question about it. I had, I'm not sure it wasn't Mark that said that one time, but one of the better lawyers ended up his letter of transmittal of a brief, "If I had had more time, it wouldn't have been this long." And that's right, it takes time to make a good concise strict brief. Now they just throw words in there that don't mean a thing.
- Barclay: Would you say the same is true with, we're generalizing of course, with lawyers in terms of their arguments to the jury, openings and closings?
- Murry: Oh, yes, sure. Some do, some don't. I had one good old lawyer friend, well I've tried cases with him, and he was a stickler on being brief. He and I went to the Supreme Court, I don't remember what the case was, and his appeal was one paragraph. That's all. He says, "Put it on that. There's no use going into all this other stuff." And we won. Allan Perry was his name.
- Barclay: Allan Perry, I've heard good things about him. He's passed away.
- Murry: Yes, he's dead now. Did you ever read his book?
- Barclay: No.
- Murry: You've got to read that, *Winners Get Lost*.
- Barclay: Is that the book about going down to Mexico?
- Murry: Yes, that's it.
- Barclay: I remember you telling us about that when we were having lunch or sometime. What does it have to do with? A group of lawyers?
- Murry: Lawyers and judges both. They finished up a case in Tucson about rodeo time, and took off for Mexico. You'll have to get the book. It's fun.

- Barclay: I'd like to read it. One other question about kind of a hot topic over the last few years and not really related to the bench, but lawyer advertising. How do you feel about that issue?
- Murry: I'm of the old school.
- Barclay: You don't like it?
- Murry: I don't like it, no. But I'm of the old school and I suppose it serves a purpose now, because society is so complicated and there's so many lawyers and so many problems until the public, without it, wouldn't even know there was a lawyer around a lot of times in a city this size. So I'm sure there's got to be a middle ground someplace there that's needed, because without it why the big get bigger and the small get lost. But they're overdoing it. Of course that's my idea there.
- Barclay: What about the issue of judicial activism? Certainly not a new subject in the sense that it's been, I'm sure, debated since there've been judges in this land. But how do you feel about the judge's role in terms of legislation and whether to interpret or just apply it?
- Murry: Interpret, period. No, I'm not against it. I saw a good article the other day on Sandra Day O'Connor about all her opinions, how they're definitely on the facts of the case of the instant and she has been borderline on abortions and they still don't know how she is, because she reads the facts, the case and applies it. I think that's the way it should be.
- Barclay: So all this concern about her going back to when she was nominated, they didn't need to worry because she was going to look at each case and then decide.
- Murry: That's right. That's right, and she said she was. Of course, that's our theory. I think it should be the theory of the judiciary, really. But since Warren they've got the idea they run it all.
- Barclay: How do you see the role of today's judiciary, particularly at the state level where you've had the years of experience? Do you see it as being the same as back when you were on the bench or somewhat different?
- Murry: I don't know. I don't know, Steve. It's different, of course, it's larger, and more judges, more personalities. But basics, I don't see that much difference, really. They all want the same thing, justice and that's it.
- Barclay: They're finally paying them pretty good now.
- Murry: Yes, oh, yes. Do you know how much I was getting when I retired?
- Barclay: I think you may have mentioned it but I forgot.
- Murry: I think it was around twenty-four thousand when I retired.
- Barclay: And now they're up to almost eighty?
- Murry: Eighty? Over eighty, I think.
- Barclay: And there's another raise supposedly coming down the pike?
- Murry: Yes. Well, see, my position on the Judge's Association didn't go in vain. We never had a meeting of the Judge's Association that our sole business was, how are we going to get a raise, how are we going to get retirement? That was it for thirty years.
- Barclay: All this seed work thirty years ago finally paid off but long after you're gone.
- Murry: It finally began to pay, yes. Of course it didn't help me, but it's helped a lot of them.

- Barclay: You mentioned that you stopped hearing cases either at the state or the federal level about three years ago. What have you been doing with yourself since?
- Murry: Oh, traveling, mostly.
- Barclay: Visiting friends and seeing new places?
- Murry: Seeing new places, yes, running around.
- Barclay: At this stage do you miss the bench a lot?
- Murry: Not now, no. I couldn't handle it now. I promised myself years ago that if I got where, a little doubtful, I was going to get off and get off quick and I did. The last case I tried I wasn't proud of the way I handled it.
- Barclay: Ready to leave.
- Murry: Cut it out, yes. And I haven't missed it, no. The first time I missed it a lot, but I was too young. But now I don't even like to talk to the judges very much.
- Barclay: Any advice that you'd like to pass along to younger attorneys who may be considering a judicial career?
- Murry: No. It's all their own. What I say wouldn't help or hurt or anything else. In the first place they wouldn't pay any attention to it, and in the second place it wouldn't be any good anyway.
- Barclay: I'm not so sure they wouldn't pay attention to it. How would you like to be remembered by members of the legal profession?
- Murry: That I don't know. I don't know. I never thought about it.
- Barclay: Well, is there anything else you'd like to add to this interview? Special remembrances or words of wisdom?
- Murry: No. Not a think I can think of.
- Barclay: Well, how about we go get some lunch?
- Murry: That's a good idea. It's just the right time.
- Barclay: Thank you very much, Judge.

*End of interview.*

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