

Evo DeConcini
Oral History Project:
Arizona Legal History

Interview with J. C. Padilla
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THE EVO DECONCINI ORAL HISTORY PROJECT: ARIZONA LEGAL HISTORY

HISTORICAL NOTE

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

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

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

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

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

THE EVO DECONCINI ORAL HISTORY PROJECT: ARIZONA LEGAL HISTORY

SCOPE AND CONTENT NOTE

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

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

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

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

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

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

The collection is valuable for its comprehensive look at

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



J.C. Padilla Interview

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J.C. Padilla Interview

Joseph C. Padilla, born in 1902 in Morenci, Arizona, belongs to a fast-disappearing breed of law practitioners: those who came into the profession by way of individual study, rather than through formal law school education. He completed his school education in Clifton, in 1921, and worked in various capacities for Phelps Dodge, including mine cost accountant, and assistant metallurgist until 1932. During this time, he studied correspondence courses in law, accounting and mining engineering. In 1925, he married Sophia Doak, and they eventually had three children.

In 1932, when Phelps Dodge suspended operations, the Padilla family moved to Tucson, where he worked for the Alianza Hispano-Americana as an accountant. He studied for the bar examination, passing it on the third try, and was admitted to the State Bar of Arizona in 1936. Padilla served as a Spanish court interpreter, law librarian, and practiced law until World War II, when he was appointed to the Government Accounting Office, and served as a Chief Investigator and Auditor in Puerto Rico and California. After the war, he returned to Tucson, where he practiced law and worked for Tucson Title Company. He continues to practice law from his office at home.

Padilla's fifty-plus years of legal experience and his unusual preparation for the profession give this interview a unique perspective on the law. His experiences with Phelps Dodge, doing mining accounting, and later in the field of real

estate and title work, offer glimpses of the legal profession at work in these areas. Padilla's interview is particularly valuable in the insight it offers regarding property title law through the years of Tucson's greatest expansion.

JOSEPH C. PADILLA INTERVIEW

It's June 9, 1987, and we're here at the home and office of attorney J. C. Padilla at 1948 E. 5th Street, Tucson, Arizona. This is for an interview as part of the Arizona Historical Society's legal history interviews. My name is Bob Palmquist. [Also present is Tim McIntire, sound technician.] Note: While reviewing the transcript the narrator supplied additional information, which has been placed in brackets.

Palmquist: Mr. Padilla, as I've told you, we want to talk to you about certain aspects of the practice of law that you've seen during your career here in Arizona. First we'd like to get some biographical information from you. Could we start with you giving us your full name please?

Padilla: Joseph C. Padilla.

Palmquist: And when and where were you born, Mr. Padilla?

Padilla: I was born in Morenci, Arizona, October 6, 1902.

Palmquist: What were your parents' names?

Padilla: My father's name was Jesus Padilla. My mother's name was Maria Cordoba.

Palmquist: Were your parents natives of the Clifton-Morenci area?

Padilla: No, they were not. My father was born in Texas, a suburb of El Paso, Socorro, as was his father before him.

Palmquist: And how about your mother?

Padilla: My mother was born across the line in Ciudad

Juarez. Her parents came from Spain.

Palmquist: What was your father's occupation?

Padilla: He was a repairman in the smelter, for Phelps Dodge Corporation.

Palmquist: That was when he came to Clifton-Morenci?

Padilla: I think he worked in a smelter during his entire life when he was in the Clifton-Morenci area.

Palmquist: When did he come from Texas to Clifton-Morenci?

Padilla: My father, as a youngster, came to New Mexico, Las Cruces, and from there he came to Morenci. His parents came to Solomonsville, Arizona, just about five miles east of Safford. The name now is Solomon. I think they dropped the "-s ville".

Palmquist: Were his parents also involved in the smelting and mining?

Padilla: No. They were farming.

Palmquist: What was Clifton-Morenci like during that period, during your boyhood? Could you describe the area for us? What the time was like, or the town?

Padilla: Clifton and Morenci were at that time about, oh, I'd say, maybe three or four miles apart. But the winding road made it a little longer. Morenci is not what it used to be because what was Morenci then is now an open pit. But at that time Morenci, as I recall, had a population of about five thousand people. That was during my childhood.

And it didn't change much because it was company controlled and company owned and . . .

Palmquist: Do you mean Phelps Dodge Corporation?

Padilla: Yes, Phelps Dodge. It was Arizona Copper Company at one time. . . . Detroit Copper Company, and later Phelps Dodge Corporation. And in Clifton there was another company, Shannon Copper Company. But in Morenci the population was somewhat floating. In Clifton it was pretty stable; the people who lived there had been living there for quite a while. In Morenci it was changing, people mostly from Mexico who came to work in the mines. I started working for the Phelps Dodge Corporation in 1923, shortly after I graduated from high school.

Palmquist: Let's back up a minute and talk about your education before we get into the work experiences if we may.

Padilla: Very well.

Palmquist: Did you go to school, that is grade school, in the Clifton-Morenci schools?

Padilla: Yes, I went to the lower grades in Morenci. When I was about twelve years old we moved to Clifton. I remember it was the sixth, I was in the sixth grade then. I attended the Clifton schools up through high school. There were periods, during labor

strikes in Morenci, when we would go to Solomonsville. There was no activity in Morenci and, or Clifton, and my father had to have some income, so he went there to work on the farm. It was alfalfa-growing at that time, mostly. And I attended the Solomonsville public schools during short periods of time on two occasions, and Safford High School for a semester.

Palmquist: What were the schools like during that period? In other words how big were they and how many students did they have?

Padilla: In the Clifton-Morenci area well, as I recall, at the very beginning when I went to school I spoke no English--the schools were segregated, from the Hispanics and the Anglos, mostly because of the language problem, I assume. I think [this was the situation up to] the third or fourth grade; or there was the segregation of students--and from the fifth grade on they were integrated. [That is] as I recall it. That was in Morenci. In Clifton it was different.

Palmquist: How so?

Padilla: In Clifton it was, they were integrated from the very beginning.

Palmquist: I see.

Padilla: There was no segregation [in Clifton], but in

Morenci there was segregation [in the lower grades].

Palmquist: So in Morenci did they have regular Spanish-speaking and Spanish-taught classes then?

Padilla: No. It was all English. As a matter of fact, the teachers didn't speak Spanish.

Palmquist: Oh.

Padilla: And there was no attempt to speak Spanish.

Palmquist: But they segregated Spanish-speaking students from English-speaking students in the classes?

Padilla: Yes. I assume it was because of a language problem. I was never told that, but it was just my assumption.

Palmquist: And approximately how many students were there when you were coming through the Clifton-Morenci school system?

Padilla: Well, for the entire school, I suppose that there might have been about two or three hundred.

Palmquist: And did you graduate from Clifton High School?

Padilla: Yes.

Palmquist: What year did you graduate?

Padilla: 1921.

Palmquist: 1921. And you were starting to mention a little bit earlier about going to work. What was your first job?

Padilla: Well, my first job was in Clifton. I was a very

proficient typist and I was employed by an attorney when I was in high school, part time.

Palmquist: What was his name?

Padilla: Leonard Kearney.

Palmquist: And you were employed as a typist in his office?

Padilla: Yes, typist, and I was doing also some dictaphone work. I was a dictaphone stenographer for a person who was engaged in sales of arms and ammunition.

Palmquist: How did you come to meet Mr. Kearney?

Padilla: It was a small town and everybody knew everybody else.

Palmquist: You mentioned a dictaphone stenographer. What was a dictaphone machine like in those days? What did it look like and how did it work?

Padilla: It was as a cylinder, just like the old-time phonographs. It was really a phonograph, that is what it was. You had the earphone attachment. A boy would shave the record after it was used and transcribed; it would then be used for the next dictation.

Palmquist: What type of practice did Mr. Kearney have when you were working for him?

Padilla: General practice, but mostly his, rather his big cases were against the company on personal injuries.

Palmquist: Would this have been before any sort of workman's

compensation-type system?

Padilla: Yes. Before the compensation law was passed.

Palmquist: Do you recall whether many of those cases were successful?

Padilla: He was a very successful attorney.

Palmquist: And did you get to witness any of his courtroom work?

Padilla: Once. I had to read a lot of material in court, in open court. It was a jury trial and some of the evidence that was presented was documentary and I was in court reading for the court and the jury.

Palmquist: Was it that experience with Mr. Kearney that got you interested in the practice of law?

Padilla: Not necessarily, no. What got me in a sense interested was that when I went to work in Morenci--my immediate superior was a notary public--and a law correspondence school sent out a shower of ads trying to sell their course to, addressed mostly to notaries. He asked me to subscribe, to buy the course and I said, "No." But he sent it in my name anyway. So I received the course, but in my opinion, it was very deficient; it was not really very helpful, and I didn't study it. I just put it aside. But nevertheless that inspired me to do some legal work if I possibly could. And in 1933, after the camp shut down in

Morenci, I came to Tucson. I had a lawyer friend who kind of inspired me. In the latter part of 1933 or early 1934 there was a article in the paper giving notice that henceforth only students who had graduated from an accredited law school would be permitted to take the bar exam. But they gave all those who wanted to take the exam a certain period of time within which to register. That is when I decided that I wanted to study law. So, that is how I got started.

Palmquist: I see. Let's talk a little bit more about Clifton-Morenci before we get to Tucson. There was apparently a case which was often referred to as the Baby Train Case, around 1906 or thereabouts, up in the Clifton-Morenci area. Do you recall any talk about that or any discussion in the community about that?

Padilla: No, I'm not familiar with it at all.

Palmquist: We were talking about your work with attorney Kearney and his cases involving personal injuries, people injured in the Phelps Dodge operation. How long did you work for him?

Padilla: Oh, a very short time. It was part-time work and I don't believe that the period of my employment extended over a year.

Palmquist: I see. You mentioned that you were doing this

while you were going to high school. Would you work for him in the evenings then, or on weekends or how did that work out?

Padilla: Weekends, but when I graduated from high school in 1921 then I worked a little more steadily for attorney Kearney.

Palmquist: I see.

Padilla: And I think it must have been [for a period of] three or four months, that I worked for him full time.

Palmquist: At the same time were you working for this fellow that sold arms and ammunition as the dictaphone stenographer? Was that . . .

Padilla: Yes . . .

Palmquist: . . . at the same time?

Padilla: Yes.

Palmquist: And how long did you work for him?

Padilla: Oh, I'd say about a year.

Palmquist: Do you recall his name?

Padilla: Yes. Everett Hagan.

Palmquist: Was he based there in Clifton-Morenci?

Padilla: Yes. He was an old-timer there in Clifton.

Palmquist: I see. And what would your work for him, what types of things did you transcribe most of the time?

Padilla: Well, he would dictate and put the cylinder out to

one side and I'd come in, [pick it up] and transcribe it. It was mostly letters to prospective clients or to actual clients who were purchasing. It was really guns. He was a nut on guns. (laughs)

Palmquist: And his customers?

Padilla: He was quite interested in the sale of hand guns and rifles and things of that type.

Palmquist: Did he do any arms trade that you know of below the border in Mexico?

Padilla: No. No, it was mostly in the States. Altogether in the States.

Palmquist: What was your next job after you quit working for attorney Kearney and for the arms dealer?

Padilla: I was employed by the Phelps Dodge Corporation in Morenci.

Palmquist: How did you come to get that job?

Padilla: I applied for it.

Palmquist: And what did they employ you to do?

Padilla: I started as an addressograph operator.

Palmquist: What is an addressograph operator?

Padilla: We used the addressograph to print cards for the employees who went in the mines and concentrator and other departments. The company would use that as a time card.

Palmquist: I see. When did you start that job?

Padilla: January of 1923.

Palmquist: Do you recall how many people Phelps Dodge had working for them at that time?

Padilla: It [might have been] about four or five hundred.

Palmquist: And how long did you continue with that particular job?

Padilla: About a couple of months.

Palmquist: And then what did you do?

Padilla: Well, I was promoted to clerk in the employment department.

Palmquist: What were your responsibilities in the employment department as a clerk?

Padilla: I was assisting the employment agent with mostly record keeping. He would do the interviewing and after an employee was hired I would prepare the employment record for filing. We kept a record of all the employees in the company.

Palmquist: I see. Do you recall what the ethnic mix of the employees was? Were they primarily Anglos or largely Hispanics or an even mixture of both or?

Padilla: I would say that it was about 70 [percent to] 30 [percent] in the favor of Hispanics.

Palmquist: Any other ethnic groups like immigrant Serbs or folks like that in the force?

Padilla: Well, yes. The English people who had come from England were very much in the minority but they

held the most responsible positions. They were mine foremen; they either came from England or from Michigan. I remember Ishpeming, Michigan was one of the places that they came from. [The general manager of the Morenci Branch was an Englishman.]

Palmquist: That's where we got the name, I think, the Detroit company. I think there was that connection.

Padilla: I really don't know how that originated, but it didn't last very long because they were absorbed by the Phelps Dodge Corporation.

Palmquist: By England, would that include areas in Cornwall, the Cornish . . .

Padilla: Yes, as a matter of fact they used to be very clannish. People used to refer to them as Cousin Jacks.

Palmquist: And they, you say, occupied a lot of the foreman positions?

Padilla: Yes, the responsible positions. Yes.

Palmquist: How long did you work in the employment department, Mr. Padilla?

Padilla: Oh, about a couple of years.

Palmquist: And then what did you do after you . . .

Padilla: I was promoted to timekeeper [in the accounting department], general timekeeper, and worked there for perhaps six or seven months or so, and then I became assistant cashier and cost accountant, mine

cost accountant.

Palmquist: You were in accounting at that point. Had you had some accounting courses in high school or had taken some other courses . . .

Padilla: Not in high school. I took some correspondence school course in accounting and mining engineering. I started with mining engineering and then after a while I switched to accounting. But I completed [both] the mining engineering and the accounting [courses].

Palmquist: Who was running the correspondence school courses?

Padilla: Well, it was International Correspondence Schools, they were called the I.C.S.

Palmquist: Where were they based?

Padilla: I think they were in Pennsylvania. Scranton, Pennsylvania, I think.

Palmquist: How long did you have to go in this particular course or was it a go-at-your-own-pace type of situation?

Padilla: We were supposed to submit lessons, but I never did.

Palmquist: Oh?

Padilla: (laughs) I just took the courses and went through [them at my own pace]. It was a little too slow to communicate back and forth and get their reaction, their grades and things like that and I decided

that I should proceed at my own pace.

Palmquist: You just used the materials and didn't bother mailing it all to Scranton?

Padilla: Yes.

Palmquist: Did the company recognize that type of course as . . .

Padilla: They weren't aware of it.

Palmquist: But you applied for the job of accountant and . . .

Padilla: Well, I didn't apply for the job of accountant, I just volunteered. [After doing my own work as timekeeper] I volunteered to do some of the work that other people were doing in cost accounting and I kind of encroached on their duties. Those people were satisfied because I was relieving them of some of their work. But that's how management recognized that I was able to do the work and they promoted me to cost accounting.

Palmquist: How long did you remain in that position as a cost accountant?

Padilla: Oh, it must have been, oh, six or seven years.

Palmquist: Was it during that six or seven year period that you also took the law course that came through the correspondence school?

Padilla: I didn't study any law until I came to Tucson.

Palmquist: Oh, I see. Okay. So, you were there six or seven years as a cost accountant with Phelps Dodge. Were

you still single at that point?

Padilla: Well, no. I married in 1925.

Palmquist: You married in 1925?

Padilla: Yes.

Palmquist: Would you tell us your wife's name, please?

Padilla: I beg your pardon.

Palmquist: Would you tell us your wife's name, please?

Padilla: Sophia, S-O-P-H-I-A, Doak, D-O-A-K.

Palmquist: And where was your wife from?

Padilla: My wife was born in Casas Grandes, Chihuahua,
Mexico.

Palmquist: And what are her parents' names?

Padilla: Whose names?

Palmquist: Her parents.

Padilla: Her parents?

Palmquist: Yes.

Padilla: Samuel Doak was her father, and her mother was
Rosenda Lopez. R-O-S-E-N-D-A.

Palmquist: Where were her parents from?

Padilla: Her father was from Tennessee, he was born in
Tennessee, and her mother was born there in
Chihuahua.

Palmquist: Prior to our interview starting, Mr. Padilla, you
mentioned that her father was supposed to have been
related to Sam Houston?

Padilla: Was what?

Palmquist: Was supposed to have been related to Sam Houston?

Padilla: Yes. That's what he told me. And his genealogy shows that there is a Houston somewhere in the line. And before we get away from my occupation with the Phelps Dodge Corporation, after I was cost accountant I became metallurgical accountant in the concentrator [department].

Palmquist: What did that job involve, a metallurgical accountant?

Padilla: The metallurgical accountant had to keep the records of extractions of [metal from the] ore. The company had a flotation process for the extraction, when the ore is dug from the ground. It is first crushed, then it's ground into minute particles, and then floated. And although the specific gravity of copper is eight and water is one, it floats despite the density. But there must be a reagent to assist in the process. The mixture goes into a froth in what they call flotation cells, C-E-L-L-S. The froth then spills over the side of the cell. And this is what they call the concentrate, [the extracted metal. The waste is washed away into what we call tailings.]

Palmquist: And you kept track of the amounts that were . . .

Padilla: Yes.

Palmquist: . . . used in that . . .

Padilla: Yes, and then I became assistant metallurgist.

Palmquist: Did you find that the course that you had taken on mining engineering was of any help to you there, or was this something that you kind of picked up on the job?

Padilla: Not on that phase of the operation. The course dealt mostly with mathematics and geology. There was not relationship between the flotation phase and what was covered in the course.

Palmquist: How long did you work with the flotation concentrate?

Padilla: Oh, about a year.

Palmquist: About a year? And then you became a metallurgist and how long did you work . . .

Padilla: Assistant metallurgist.

Palmquist: Assistant metallurgist.

Padilla: That was a rather short time but the depression came on in 1932 and the camp shut down [due to the depressed price of copper.]

Palmquist: O.K.

Padilla: And that's when I came to Tucson.

Palmquist: But you had already married there in the Clifton-Morenci area in the 1920's and we were talking a little bit about your wife's family. They were living in Chihuahua, I believe you told me before the interview started, and you were also telling me

an interesting story about your wife having met Pancho Villa. Could you tell us that incident for the listeners?

Padilla: Well, of course, this is second hand. I get it from her. But she says that Pancho Villa at that time was friendly with the Americans. Later on he turned against the them because of incidents that he didn't approve of. When Pancho Villa came by the house--my wife's parents had a large home there in . . .

Palmquist: Where were they living?

Padilla: . . . Casas Grandes. Pancho Villa came by-- after capturing the town--came by with his body guard--I don't know how many, three or four people with him--and he saw Mr. Doak out in the yard and he [stopped to] talk to him. Mr. Doak could speak some Spanish, but very poor Spanish, but he could make himself understood. But Pancho Villa had a conversation with him. My wife was very timid, so hid behind a bush.

Palmquist: How old was she at this time?

Padilla: Oh, she must have been five or six years old. My wife was born in 1905. But her sister was rather brave and she went over to Pancho Villa and he asked "Blondie, do you speak Spanish?" Of course that's all they spoke, Spanish. They didn't know

any English at the time.

Palmquist: We were talking, Mr. Padilla, about the employment that you had at Phelps Dodge and you mentioned that when the Depression came on you moved from Clifton-Morenci to Tucson. Did you and your wife have any children by that time?

Padilla: Three.

Palmquist: Three children.

Palmquist: All my children were born in Morenci.

Palmquist: What are their names?

Padilla: My, the oldest one is Joe, Joseph. The second one is Gilbert; he's a Catholic priest now. And the, there's a girl, Margot, M-A-R-G-O-T.

Palmquist: When were they born, your children?

Padilla: Joe was born in February of 1927, Gilbert was born in September of 1929, and Margie, we call her Margie, was born in 1932 in April.

Palmquist: When, then, did you move to Tucson from Clifton?

Padilla: When?

Palmquist: Yes.

Padilla: I came here December 31, 1932.

Palmquist: And that was because things were tough in Clifton-Morenci. . . .

Padilla: I had a job already when I came to Tucson. I had applied for it. It was with a life insurance organization. Mostly Spanish-speaking people.

Defunct now but it was [known as] Alianza-Hispano Americana at that time.

Palmquist: Where were they located?

Padilla: In Tucson. It was their headquarters. But they operated in Arizona, California, New Mexico, Colorado, Texas and Kansas. And they had a membership of about fifteen thousand people.

Palmquist: This was a life insurance association?

Padilla: Yes. Life insurance.

Palmquist: What did you do for them?

Padilla: I was the accountant.

Palmquist: I see.

Padilla: I came in making \$110 a month. (laughs)

Palmquist: And how long did you work at that job?

Padilla: Well, I worked until 1942. From 1936 until 1942 I was also Spanish court interpreter. I was holding two jobs during that period.

Palmquist: I see. Could you tell us a bit about what Tucson was like when you came here in 1932?

Padilla: Well Tucson had a population of about 35,000 at the time. Very friendly people. I think that. . . . Let me see. Country Club was about as far east as the city extended. There was [the Conquistador Hotel] where El Con is now--that's where they get [the name, an abbreviation of] El Conquistador. The El Conquistador was supposed to be a high-class

hotel where many of the celebrities who came here would stop. But that was way out in the sticks, My wife didn't drive and when I was teaching her to drive I used to take her out to 22nd Street because it was not paved and there was no traffic there at all. That was up to 1942 when I left to take the job with the General Accounting Office. Since it was still unpaved with no traffic that made it easy for her to handle the car without any traffic problems.

Palmquist: You mentioned earlier that when you came to Tucson or some time after you came to Tucson you became interested in the law and took a correspondence course relating to law. Can you tell us a bit about how you came to know about that course and what it involved?

Padilla: The [law] course that I speak of I purchased in Morenci. It was purchased when the employment agent who was a notary public sent my name in. I purchased the course, but I put the books aside and didn't do any work on it. And when I came to Tucson, as I stated before, I met a gentleman who was a lawyer.

Palmquist: What was his name?

Padilla: Carlos [G.] Robles. And I thought that I would more or less emulate Carlos and start practicing

law, I mean start studying law. This was when I read the article about the, the restrictions they were going to impose on people who were not college graduates. Then I decided to register [and in my registration indicated] that I would be studying law under a practicing attorney. A lawyer by the name of Carl [R.] Tisor, signed my petition stating that I would be studying under him. I never went in his office. But I did study without any guidance whatsoever.

Palmquist: What type of things did you study in order to prepare yourself to be admitted to the Bar?

Padilla: I studied whatever books I could find. I didn't go to the library at all but read whatever books I could find on the various subjects. I knew that there was criminal law; I knew there were real estate and probate and things like that. And I tried to find books. I found a book on water law-- at that time they used to test us on water law--but it was a California book. They have riparian rights over there while over here we have prior appropriation. So I [mistakenly] studied California law. And after studying about nine months or so I took the bar, which was rather foolish of me, but I did. With reference to water law, seven questions were asked and I didn't get a

single one of them right. So I flunked the exam the first time I took it.

Palmquist: Where did you have to go to take the bar exam?

Padilla: Phoenix.

Palmquist: Phoenix? And was it offered at a school or was it . . .

Padilla: At the Capitol.

Palmquist: At the Capitol. So because of the California water law that you had absorbed you didn't make it the first time around. When did you take the test again?

Padilla: I made it the third time.

Palmquist: The third time.

Padilla: They permitted you to take it if you made a [reasonably] good enough showing, even though you may have flunked it. So I took it consecutively. The first time was in the spring of 1934 and the autumn of 1934 and the spring of 1935--no it was 1936. I'm sorry. It was 1935, the autumn of 1935. I was admitted in 1936, see.

Palmquist: In 1936. While you were preparing for that did Mr. Robles give you any help or any suggestions?

Padilla: None at all. No one did. The only help that I got was when upon returning to Tucson, the second time I took the exam, I stopped at a lawyer's office by the name Stanford. His father [Rawghlie C.

Stanford] was governor, a person whom I had assisted in his campaign. I told him about my experience with the water law exam and he said, "Well, there's a case that gives you all the water law in the state of Arizona that you want." So he gave me the citation and the next time, I think they had about eight questions, and I got them all correct. (laughter)

Palmquist: You mentioned helping Mr., Governor Stanford out in his political campaign. Were you somewhat involved, then, in politics after you got up here to Tucson?

Padilla: Well, that was in 1934. He ran for governor, and he didn't make it. But he made it later on, it was 1936, I think, he made it then.

Palmquist: What did you do in the campaign to help him out?

Padilla: I was the assistant manager for the southern district of Arizona. I used to make speeches for him and, and generally contacted people.

Palmquist: So you were admitted to the practice in 1936, and I think you said in your letter to Ms. Elm that things were kind of tough for lawyers during the 1930's here in Tucson. Could you describe what the situation was for attorneys at that time?

Padilla: Well, there were only three or four firms, law firms that were, really cornering all the business,

I think.

Palmquist: Can you recall who those firms were?

Padilla: Yes. I think they were, Knapp, Boyle and Thompson was one of them.

Palmquist: Yes.

Padilla: K-N-A-P-P. Knapp, Boyle and Thompson. Another was Connor and Jones. And Matthews and Bilby. There may have been some other law firms, but most of the lawyers were idle. They didn't have any, there was absolutely no work for them to do because the clients were very scarce. There were three supervisors then, and as I stated in my letter, the whole operation, Pima County operation was housed in the old courthouse building. There were two assistant county attorneys. One, the county attorney and two assistants.

Palmquist: Two assistants.

Padilla: Mr. Robles was one of them. He was the chief assistant, and a man by the name of Odin [B.] Dodd was the other one.

Palmquist: Do you recall what types of cases normally came through the courts, what the predominant litigation was during that period?

Padilla: Well, everything came. There was only one judge at the time.

Palmquist: Who was he?

Padilla: Judge Hall. William G. Hall was the judge at the time. He was the one who hired me as court interpreter, Spanish court interpreter. And being that I was an accountant--he had some rough cases involving the Tucson Gas and Electric, that was the name of it at the time. He asked me to sit in and listen to the proceeding in the case. I then I wrote the opinion. So I was writing opinions for him all the time.

Palmquist: So you were, aside from being interpreter, you were more or less his clerk as well?

Padilla: The job of interpreter was really light. There was very little interpreting to do, so I [sometimes] assisted the probation officer and did legal research. Then I became law librarian, too. The law librarian went to school to study law and I took [the job on] a full-time basis.

Palmquist: You mentioned these rough cases involving Tucson Electric. What did those cases involve?

Padilla: They were rate cases, but there was one where Tucson Gas wanted a Republican--let me see, what was it, councilman--yes, a Republican councilman elected. The Republicans were very much in the minority here, but they wanted to split the Democratic vote. And they persuaded a fellow by the name of Robles, Frank Robles, who was [a member

of] the legislature, to run for councilman in an effort to split the Democratic vote. He was going to run as an independent. And I took the--that was after I left the interpreter's job--I took the case and represented a man by the name of William [S.] Dunipace. He later became a lawyer; he had been one of the part-time court librarians. Bill Dunipace was the party chairman, Democratic Party chairman at the time. I prevailed [in the lawsuit] and stopped Robles from running because we didn't want the split to take place. (laughter)

Palmquist: I see.

Tape 1, Side 2

Palmquist: How long did you work as the interpreter and writing the opinions for Judge Hall?

Padilla: Up until 1942 when I went with the General Accounting Office.

Palmquist: What type of judge was Judge Hall? Was he a good, fair judge do you think?

Padilla: In my opinion he was a very good judge. I don't believe that as an attorney he was as capable as he was as a judge. As a judge he did quite well.

Palmquist: How long was he judge in Pima County?

Padilla: If my recollection is correct he was elected in

1936 and may have been a judge until 1944 or so.

Palmquist: Was he the only judge here during that initial period of your practice, that is before you went into the General Accounting Office.

Padilla: Well, no, another one, Judge Evo DeConcini was appointed. They created a second division. And Evo DeConcini was appointed the second judge.

Palmquist: I see. Did you know Judge DeConcini?

Padilla: I beg your pardon.

Palmquist: Did you know Judge DeConcini?

Padilla: Oh, yes. Evo ran for county attorney and I was to be his chief deputy. So he and I were involved quite closely in campaign activities.

Palmquist: I see. That would have been after World War II, or prior to it?

Padilla: That was in 1936, I think.

Palmquist: Oh, 1936. Okay. And you became one of his chief deputies as county attorney?

Padilla: Well, he was not--he was defeated.

Palmquist: I see.

Padilla: We lost.

Palmquist: You mentioned working as law librarian. When did you assume that job?

Padilla: That was--let me explain a little bit. There were two law librarians, they were part time. A fellow by the name of Clark [Hogan] Johnson, who later

also studied law; he was not a college graduate, but he studied law and he passed the bar after several attempts. And he became a justice of the peace. He was the morning librarian and Bill Dunipace was the afternoon librarian; Bill Dunipace decided to go to college and study law. Clark Johnson was working for the railroad and he decided to work full time for the railroad. It must have been around 1940, 1939 or 1940 that I assumed the job. I volunteered to take it because there really wasn't enough work for me as interpreter.

Palmquist: Was the law library also located in the courthouse building?

Padilla: Oh, yes. Everything was in the old courthouse.

Palmquist: How big a library was it? Was it a pretty good collection of books?

Padilla: Well, we had a good working library. We had all the reporters and we had the statutes from every other state in the union and that's about it. It was a good working library.

Palmquist: Was that a county operation funded by the county?

Padilla: Yes.

Palmquist: And you worked that job until you went into the G.A.O., is that correct?

Padilla: What?

Palmquist: You worked as librarian until you went into the

General Accounting Office?

Padilla: Until I left here and went to the General Accounting Office. That was in April, April 1, 1942, that I took my oath as an employee of the General Accounting Office.

Palmquist: So that would have been in the spring after the United States got into World War II?

Padilla: World War II was still on.

Palmquist: Let's back up a second to December of 1941 when Pearl Harbor was attacked. Do you recall anything about the reaction of people here in Tucson to the . . .

Padilla: Yes.

Palmquist: . . . outbreak of war?

Padilla: Yes. The radio gave the information about the attack, and my brother-in-law, a boy that we raised--by the name of Charles Doak--was stationed at Davis-Monthan. And I remember that I tried to contact him so that he would report to the base because they were calling everybody from the base to report immediately. There was a great deal of concern about the whole thing, because I think President Roosevelt went on the air. I remember his declaration. He said that he wanted the Congress to, he used the word "declare war against the Imperial Government of Japan."

Palmquist: Did many of the attorneys in town here go into government service pretty quickly after the declaration of war?

Padilla: Some did, yes. You see, I didn't know of too many, I wasn't in touch with them because I was in Puerto Rico. I went to Puerto Rico then.

Palmquist: I see. How did you come to get the job with the General Accounting Office?

Padilla: I applied for it. But I was turned down because I didn't have a college degree and Senator McFarland, Ernest [W.] McFarland, whom I had helped politically when he first ran for senator, was the one who intervened and was instrumental in getting me the appointment. You see, Senator McFarland was majority leader in the Senate. Lyndon Johnson was his assistant.

Palmquist: How did you come to meet Senator McFarland?

Padilla: When I was interpreter, judges from out of the county used to come in and help out. Senator McFarland was a judge in Florence, Pinal County, and he was one of the judges who came in to help, so I met him then.

Palmquist: Did you two become good friends?

Padilla: Oh, yes. I used to call him Mac. I have a letter here. He writes to me, "Dear Joe."

Palmquist: What type of man was he? What was your impression

of him as a judge and as a politician?

Padilla: Well, he was a capable judge. Very capable I thought. And politically he did well. Of course, he later lost to [Barry M.] Goldwater. Goldwater was the one who defeated him.

Palmquist: And he helped you get this job with the General Accounting Office?

Padilla: Yes. I don't know exactly what he did, but I was told that I had been appointed as temporary assistant investigator.

Palmquist: What were your duties as a temporary assistant investigator?

Padilla: Well, let me say that I was employed in April, on April 1, 1942. The early part of May they sent me to Puerto Rico because of my knowledge of Spanish. They thought that I might do quite well there. Well, I found that the chief of party--the person in charge they call the chief of party--that the chief of party was making investigations of--let me see. I forget the name now. But, anyway, he was looking to see if a person had stayed over night [when on duty outside his place of residence. He assigned the job of] coordinating a voucher, a travel voucher with a travel order [for the traveler]. You had to have a travel order before you could travel or go any place [on government

business].

Palmquist: These would be government employees?

Padilla: The government employees, yes. This was in 1942 and I found out that he was investigating travel items that occurred prior to 1934, making exceptions because a person might have stayed over night without authorization. He was trying to recover something, perhaps like fifteen or twenty dollars that would have cost the government about two, three or four hundred dollars or more to collect. So I said the dickens with it. I'm not going to stay here wasting my time, so I resigned. I wrote to Washington and told them that I wanted to resign.

Palmquist: Who was the chief of party at that time, if you remember?

Padilla: A fellow by the name of Watson [with a rating of investigator, only].

Palmquist: Did your, did his bailiwick, shall we say, cover just Puerto Rico or was it a larger geographical area that he . . .

Padilla: It was the Caribbean area. I have reports here where I investigated sugar factories--they call them Centrales. That was in the Virgin Islands. Also in St. Thomas and at St. Croix. There were two islands. There were actually three - St.

Croix, St. Thomas and St. Johns. I didn't go to St. Johns, but I did work in the Virgin Islands. . . .

Palmquist: You mentioned that you got tired of this type of investigation and you wrote a letter of resignation to the department in Washington. Was it accepted?

Padilla: Well, no. No, they told me that they were reluctant to lose a good man, so they were going to put me in charge. (laughter)

Palmquist: They not only didn't take your resignation but they promoted you.

Padilla: That was in October. The letter from the General Accounting Office in Washington was dated October 22, 1942, and they said that I was to take charge of the operation.

Palmquist: So you basically replaced Watson, is that correct?

Padilla: Well, somebody else came in between. A fellow by the name of Liddy. L-I-D-D-Y. Mr. Liddy, he wasn't capable. He didn't know anything. (laughs)

Palmquist: No relation to Mr. Nixon's man, I take it?

Padilla: (laughter) No.

Palmquist: What did your duties then encompass when you became the chief investigator?

Padilla: Well, investigating government expenditures. And practices that might have been out of order, you know. My report was dated July 3, 1943, when I

investigated the Puerto Rico Reconstruction Administration. That was an agency that was created for the purpose of helping Puerto Rican people, poor people, by job creation and whatnot. Sometimes it was direct aid, but it was mostly through employment. I have here--this covered a period in 1941--March 1941 to July 3, 1943. It's quite a voluminous report. I went to the general ledger, took a trial balance and from there branched out and made my investigation of all the branches that they were operating, like Centrale Lafayette; that was a sugar factory. It was mostly sugar cane. They would process it and convert it into sugar, extract sugar from it.

Palmquist: And government workers would be working at that facility?

Padilla: I beg your pardon.

Palmquist: Government workers would be working at that facility?

Padilla: Oh, yes. That was a job creating operation. And I went around the island and investigated all those things to see if the expenditures were correct. Submitted historical background of the operations and everything to the General Accounting Office in Washington.

Palmquist: Did you want to cover any irregularities in

expenditures while you were doing these investigations?

Padilla: Oh, yes. My report here shows a number of exceptions. Some small. One for \$94.00, another \$17.80, another for \$626,000, another one for \$208,000, which might not have been really serious because what happened is after they completed some construction work, instead of returning the tools to the government they kept them and continued to use them elsewhere. There was a difference of opinion as to whether that should have been done or not.

Palmquist: How long did you remain in that position as chief investigator with the G.A.O.?

Padilla: Up until the October of, I think it was October of 1943.

Palmquist: And then what did you do?

Padilla: I went to, I was assigned--I resigned at that time and told them that I wanted to resign and return to Tucson. And they persuaded me to continue and offered me a position in southern California. I went to Terminal Island to investigate Henry Kaiser and his shipbuilding activities--Liberty Ships.

Palmquist: Terminal Island was a large facility for the manufacture of Liberty Ships? Was Terminal Island a large facility for the manufacture of . . .

Padilla: Yes. That was one of coast facilities for shipbuilding, yes. But I didn't really do any work investigating Henry Kaiser. I was switched--I was not the chief of party then, somebody else was, although we were in the same category. The, chief of party switched me to the Maritime Commission, where I investigated some of the Southern Pacific operations. There was a transit, or railroad running from Los Angeles to Terminal Island over which people would commute back and forth. And, since this was war time, the government was just taking everything they could without immediately compensating the people or making any prior arrangement as to payment, or as to how they were ultimately going to be paid. And one of my concerns, then, was that the government might be overpaying because they hadn't made prior commitments as to what was going to be paid to the people. Southern Pacific furnished some equipment and that's what I was investigating. I was quite critical of what had happened. But the government felt they had to do it because they couldn't take time to go through the paperwork.

Palmquist: During that period when you were doing this investigative work, did you have a staff of any sort or were pretty much the sole investigator?

Padilla: Did I what?

Padilla: Did you have a staff or were you pretty much the sole investigator?

Padilla: No, I was alone. I was alone. There weren't too many. There was a chief of party and a couple of other fellows, and I was, I think, the third one. One was a typist and the other one was an investigator. But, you see, there were several categories. It commenced [at the bottom] with the assistant investigator, then there was the investigator, and then the head investigator and then [at the top] there was the chief investigator. And the chief investigator was usually the head of a party. He had a region, an area he would cover. So, outside of Puerto Rico, I never did have an area that I covered, but I was a chief investigator nonetheless, and would undoubtedly have had such an area had I stayed with the government.

(tape off momentarily)

Palmquist: When did you leave the General Accounting Office?

Padilla: December 31, 1943.

Palmquist: And did you return then to Tucson?

Padilla: Yes.

Palmquist: And at that point did you pick up the practice of law again?

Padilla: Yes.

Palmquist: Were you also at the same time working still as an accountant?

Padilla: No.

Palmquist: No? Where did you have your office?

Padilla: When I came to Tucson, I rented an office and was more or less associated with John D. Lyons, who later became [superior court] judge and the Dean of the College of Law at the University of Arizona. We practiced together.

Palmquist: Where was your office located?

Padilla: The Valley Bank Building.

Palmquist: And what type of law practice did you have right there beginning in 1944? What types of cases did you involve yourself in at the time?

Padilla: Well, different. It was general practice. The case that I talked to you about when I represented the Democratic Party was during that period when I was associated with John Lyons. John was the one who originally had it. But he was City Attorney and couldn't represent it [the Democratic Party]. He had to represent the city because it was a mandamus [action against the city]. He started [the case as] an injunction [suit], but it really should have been a mandamus. John made a mistake when he filed the original action as an injunction.

It was really a mandamus action where the city clerk, Mr. Hitt, Carl [M.] Hitt, was directed to leave the name of Mr. Robles as a candidate for city councilman off the ballot.

Palmquist: For the benefit of our listeners, Mr. Padilla, could you tell us what a mandamus action is?

Padilla: Well, a mandamus action is where a party seeks relief, asking the court to direct that something be done. An injunction is where [a party petitions the court to enjoin another party] from doing something.

Palmquist: O.K. And so you have this mandamus case that you got involved in and you had a general practice. Did you engage in any divorce work at that time?

Padilla: Yes.

Palmquist: What was divorce practice like? Did you have a fault system and did you have to prove one party was at fault in getting the divorce?

Padilla: At that time a lot of divorce actions were default divorces; you could go and file a case and get the defendant to sign a waiver [waiving the right to appear] and you could get your divorce right away. A lot of those were waiver cases.

Palmquist: By "right away" how much time do you refer to there? How much time would that take? You mentioned you could get a divorce right away.

Padilla: Well, it would take half an hour, maybe. (laughs)

Palmquist: That's pretty quick, yes. And were there many divorce cases? Did you handle a lot of those?

Padilla: Well, there were a goodly number of divorce cases. It's hard to say just how many because they were spread among different members of the legal profession.

Palmquist: Was there a lot of automobile accident litigation at that time? That is the late 1940's?

Padilla: Not too many. Personal injury cases were not abundant. Not what they are now.

Palmquist: Did you do much criminal work?

Padilla: I had only one or two cases, small cases in criminal practice.

Palmquist: What types of cases would those have been?

Padilla: Well, one was an assault case, as I recall. And I think that was about it.

Palmquist: Who was the judge, or who were the judges at this time? That is the late 1940's, when you came back to Tucson?

Padilla: One was Evo DeConcini and the other one was John Lyons.

Palmquist: John, the fellow you practiced with became a judge?

Padilla: Yes. Yes, he was appointed [superior court] judge. He closed his office and I went to work for the Tucson Title Insurance Company.

Palmquist: When was that?

Padilla: May of 1944.

Palmquist: May of 1944. What did you do for Tucson Title Insurance?

Padilla: Well, [at first] I was a title examiner, for a period of time. We were the only title company in town at the time. Just the one, Tucson Title Insurance Company. And there is a little history about that. Mr. O'Dowd, J.J. O'Dowd, was the one who pioneered title insurance here in Tucson. Before that only abstracts were in use. Lawyers opposed title insurance because they wanted to maintain the work of examining abstracts.

Palmquist: They still do back in Pennsylvania which is where I come from. (laughter)

Padilla: At the beginning, Mr. O'Dowd had a difficult time financially. And what got him out of the hole was the H.O.L.C.--I don't know whether you know that, but that's the Home Owner's Loan Corporation. Home Owner's Loan Corporation was created by [President] Roosevelt. It was one of his agencies designed to assist people who were being foreclosed [or about to be foreclosed].

Palmquist: Where did Mr. O'Dowd come from? Was he a native Tucsonan?

Padilla: No. Well, he could have been, I mean, no. He was

not a native. He came from back east. I don't know exactly what state. I used to know but I've forgotten. But he had been here a long time before he started the title insurance.

Palmquist: And how did the H.O.L.C. get him out of the hole financially?

Padilla: Well, the H.O.L.C. required title insurance.

Palmquist: Wow.

Padilla: Others opposed it, even lay people used to argue against title insurance. They said, "Well you don't have the money with which to respond to anything like, any damages." They used to think that if you insured something for ten thousand dollars you had to have ten thousand dollars in cash to respond [to claims that might have been presented] They didn't understand insurance. And of course that's not so. We were reputed to be very careful. Mr. O'Dowd did not hire anybody who was not an attorney as a title examiner.

Palmquist: I see.

Padilla: So we examined titles and were cautious and quite strict about passing titles which we thought were defective.

Palmquist: Tell us what goes into the examination of a real estate land title. What do you do to examine a title?

Padilla: Well, the title company had a take-off girl, what we used to call a take-off girl over at the courthouse where she would type every deed that came in, every mortgage, and every instrument that affected title to property. And those were sent to the title company office where we had tract books. Those [instruments] were posted on the tract books and from there, from the tract books, we could easily follow the chain of title on any given parcel. The description was indexed and we would look at the tract book to see what instruments were involved. We would take an instrument and examine to see if there were any defects in its execution, maybe no notarization or [perhaps] the jurat may have been defective or whatnot, or, and a chain of title might have been broken. And we used to examine, go to the courthouse and examine probates, if the property under examination was involved in probate.

Palmquist: Title to the property was passed by you?

Padilla: That's right.

Palmquist: How were government liens checked out?

Padilla: We used to see that liens, government liens, if they were posted in the recorder's office, be taken and indexed on our books.

Palmquist: How far back in running a chain of title did you

go?

Padilla: To the beginning. To the patent.

Palmquist: To the patent. And so in your situation, this girl over at the courthouse would basically either bring or send the information over to the company and you folks would index it there in house, is that correct?

Padilla: Yes, and we would file the instrument that she typed. It would be on file so that we could examine it.

Palmquist: I see. So you didn't actually have to go into the courthouse and look everything up. A lot of your information would have been passed on to you over to the office. Is that right?

Padilla: That's right, except for, say, probates and other, liens. [That manual take-off was done before we went to photostating.]

Palmquist: I'm asking that question, because back in Pennsylvania where I've done some title examinations, we had to go to the courthouse and look up everything and didn't have that type of information. How long did you work as a title examiner for Tucson Title?

Padilla: How long did I work?

Palmquist: Yes.

Padilla: I worked until 1966, when I resigned to run for

judge of the court of appeals.

Palmquist: Backing up to a comment you made earlier about the opposition to title insurance. You mentioned the attorneys, or some of the attorneys at least, opposed title insurance because they wanted to do the title searches. Did they try to influence government authorities or did they pass resolutions or anything like that to oppose the . . .

Padilla: Mostly it was loose talk. You see, I might also explain that there was an abstract company here [Abstract Title and Guarantee Co.], run by a Mr. James Blacksill. He used to do the same work we did, that is the take-offs at the court house, but he didn't write title insurance. He would make abstracts and the abstracts would be purchased by the attorney or by the [interested] person and [then] sent over to the attorney for examination. But it took maybe two or three months for a deal to close because of the time [involved in the preparation of] the abstract and then the examination by the attorney. And then the party whose property was being examined or to whom it was being sold didn't have any protection, because the attorney might make a mistake and [ordinarily] he didn't have any money with which to back up his work. And still title insurance was being opposed.

Palmquist: Do you recall if there were any actions between, or among attorneys versus this abstracter in case there were any mistakes made?

Padilla: No, I don't. I know of actions that were threatened against the title company, yes.

Palmquist: How many people were working as title examiners during the period that . . .

Padilla: Let me give it a little history of that. When I went to work for Mr. O'Dowd for the Tucson Title there must have been about, oh, about ten persons there. There was the engineering department where the posting was done and where all the records were kept, and telephone operator and what not. They had no escrow department and they didn't have any trust department. And when I quit, there must have been, oh, about seventy people employed, because we had branches. As a matter of fact, we had a branch in Cochise County and branches in outlying areas. And it developed that way. There was another title company in town then, the Arizona Land Title, which later became Lawyer's Title. They were the second people who came in. They used to copy a lot of our stuff from [our recorded deeds. Because, on the deeds [we prepared] we used to foolishly show subject-to items such as subject to a specific easement and subject to whatever might affect the

title. So they used to copy [this information] and heck, that was their examination right there.

Palmquist: You folks actually did the closings as well as examining the title?

Padilla: Not at first.

Palmquist: Not at first? When did you start doing the closings?

Padilla: When, I don't recall the exact date, but I was the one who was doing it. Being, or having been an accountant, I started the closings. There was a fellow by the name of Giffords. Gif [Gifford] Giffords. He later formed the El Campo [Tire Company]. But he started out as a real estate salesman, or broker. At that time it was a seller's market. Any broker could make a--they made fortunes, really, because property was easy to sell. The town was growing so fast that people were coming in and buying everything they could [find].

Palmquist: Was that as a result of the expansion due to the war?

Padilla: Yes. And Gifford used to come in the office [with his clients. without any advance notice, and say,] "Here. I want to close this." And I'd have to stop my work [and take care of him]. Eventually, I said, "Hell, that's. . . ."

Palmquist: That's fine. (laughter)

Padilla: "That's not right," I said, "so let's start an escrow department." So I started an escrow department. Taught a girl how to do it.

Palmquist: What did the escrow department do?

Padilla: Did the closings. In other words, what they do now. Take in an order. Then put it in escrow, and then determine what had to be paid out of proceeds of the sale, such as taxes, prorate taxes, and make necessary prorations of insurance, fire insurance or whatever. And prepare statements for the buyer and for the seller or whatever [else is needed to be done. Prior to that, real estate sales were closed in the broker's office.]

Palmquist: And you started that department up?

Padilla: Yes. And I also started the trust department.

Palmquist: What did the trust department do?

Padilla: Well, in the trust department we would start by taking title to property [in trust]. I remember that we had [one] Joe Bonanno [as a client]. He was a reputed (laughs) operator over in, back East somewhere, in Detroit or some place. Evidently he didn't want to disclose the ownership of the purchases he was making, so he [would] put them in trust with us. So the trust department was acting as trustee; we would take title by deeds made out

Tucson Title Insurance Company as trustee, trust number so and so.

Palmquist: Oh, just the number appeared?

Padilla: That would identify only the trust number [but not the real owner], you see.

Palmquist: Yes. When did the trust department start up?

Padilla: Oh, I don't recall. It must have been in the late 1950's.

Palmquist: Do you recall any other clients like Mr. Bonnano, other individuals in that same situation?

Padilla: I didn't meet Mr. Bonnano, but the trust people did.

Palmquist: You mentioned earlier some suits against the title company for some problems with title. Were there any of those that particularly stand out in your mind. Any unusual type cases?

Padilla: Well, there weren't really; as a matter of fact I don't recall, really, any suits. There were some threats of lawsuits where people would make a claim. We may have made a mistake in our title examination. I used to settle some of those [claims]. We had some people--there were two of us, two or three of us who used to do that. I was quite disturbed [with one of our men]. He was one of the vice presidents. A claim would come in-- somebody would make a claim, and he [would

invariably try to wiggle out by saying, "Well, you knew about it or this and that." Then they'd go to a lawyer, and before you know it, we'd have to pay the lawyer and have settle the claim as well. With me it was different. They'd come to me and I'd say, "Well, what did you lose? How much?" Supposing we negotiate on that or this and that basis? And we would settle for something. And we'd make a friend while the other fellow made an enemy of the other. . . . (laughs)

Palmquist: Negotiate out the claim and people were satisfied with you, went away satisfied with Tucson Title?

Padilla: Yes. Instead of trying to wiggle out of it, admit [something], even if it's not right. Give them something.

Palmquist: Your letter mentions, I believe, to Adelaide Elm, your letter mentions that aside from title examiner you held a couple of other positions with Tucson Title. Could you tell us about those, please?

Tape 2, Side 1

Palmquist: You held a couple of positions in Tucson Title aside from title examiner. Could you tell us what they were?

Padilla: Well, I was in complete charge [of escrows]. I was

a member of the board. At one time we were getting complaints. Not about our title [work], but [about our] escrow [service]. But nobody wanted to assume charge of the escrow [department] so I volunteered--the escrow department was down on the ground floor--and I volunteered to take complete charge of that department. No, I didn't have a title as such. I was a vice president--but I went and took complete charge [of the escrow department] to see that our service was satisfactorily rendered.

Palmquist: Where was Tucson Title's offices located?

Padilla: At the beginning it was right across from [what is now] the courts building on Church [Avenue]. It was 46 North Church. But then we built right across from the [old] courthouse [on Pennington], adjoining the parking garage they're now tearing down. That was our building; it used to be Tucson Title Insurance Building, and it started with two floors. We rented to Tucson Gas and Electric.

Palmquist: When did you become a member of the board of directors?

Padilla: Oh, I don't recall, but I must have been there about ten years, maybe.

Palmquist: Was Mr. O'Dowd involved with the company the whole time that you were there?

Padilla: Well, no. He sold before I left. He sold his

stock to some people from Phoenix. They in turn sold to what is now Ticor.

Palmquist: Ticor?

Padilla: Yes. They're the successors to the original Tucson Title Insurance Company.

Palmquist: I believe you mentioned, Mr. Padilla, that you resigned in 1966?

Padilla: 1966.

Palmquist: And that was to run for an office. That was to run for office?

Padilla: Yes.

Palmquist: What was the office?

Padilla: The office I ran for?

Palmquist: Yes.

Padilla: Judge of the Court of Appeals.

Palmquist: And who was your opponent in that race?

Padilla: The incumbent, Judge Krucker.

Palmquist: You were a Democrat? A Democratic candidate?

Padilla: Yes. But you don't designate, judges don't designate a party affiliation.

Palmquist: I see. And how did that race come out?

Padilla: I lost. (laughter) I had run for office before I came to Tucson, for county treasurer in Greenlee County, and I lost. So I have a perfect score.
(laughter)

Palmquist: Do you recall any incidents of the campaign that,

of your campaign for Court of Appeals. Any interesting things?

Padilla: No. It was very quiet. We--I don't want to say it, but there were some people who wanted me to launch personal attacks against Judge Krucker, but I wouldn't do it.

Palmquist: What issues did you use?

Padilla: There was really no issue. You see, the thing is that running for judge you don't have very much, really, to say unless you say, well, my opponent is no good, or I'm better than he is. And that's about it. And I didn't want to do that. But I felt that Judge Krucker in his written opinions was not as fluent and accurate as he might have been. I thought I was more capable, of course, than he was. (laughs).

Palmquist: And you had had some experience working, I think you said, with Judge Hall . . .

Padilla: Yes.

Palmquist: . . . writing opinions in the Superior Court.

Padilla: But, people don't take that into consideration. As a matter of fact, both newspapers were opposed to me. The Star was fair. They said that I was capable, but that Judge Krucker had more actual experience than I did. Now the other one, the Citizen was really thumbs down on me, because

they're a Republican newspaper anyway. (laughs)
So that's, that was the extent of it. I remember
that the League of Women Voters called me, one
woman called me up one day and asked, "Can you tell
me how many cases you've tried?" I said, "I don't
know how many. You come over, go through my files
and count them," I said. "I'm not going to tell
you how many because I don't know." You see, the
thing got around that I had no experience, because
I had been with the title company all these years.
Although I had been practicing while a member of
the company.

Palmquist: Yes.

Padilla: You see, [at one time] I was also state president
of the title insurance people.

Palmquist: The title insurance companies have an association?

Padilla: Statewide. They meet, well they have a general
meeting--they also hold other meetings, boards and
so forth. It was 1959, I think I have it there,
when I was elected as the president of the Land
Title Association of Arizona.

Palmquist: How long did you serve in that . . .

Padilla: One year. It's a one-year term.

Palmquist: . . . in that post? What's the goal, or what are
the goals, rather, of the Land Title Association?
What do they do?

Padilla: You mean the statewide organization?

Palmquist: Yes.

Padilla: Well, we more or less discuss the problems that the title companies face--litigation that might have occurred during the period prior to the meeting, and title problems, developments in the title industry. And there's a national association, the Land Title Association. I don't know whether you're familiar with it, Land Title Association, they are known as A.L.T.A.. It used to be A.T.A., American Title Association. Now it's American Land Title Association. That's in Washington, D. C. The association secretary used to come to our state meetings. I attended most of the association's meetings during the time I was there, my tenure with Tucson Title.

Palmquist: After your run for--we should back up a second--with the court of appeals elections. Are court of appeals judges still elected?

Padilla: They're not elected now.

Palmquist: No, they're not elected anymore, are they?

Padilla: No. They were then. But then they passed this Missouri--what do they call it--the Missouri Merit System thing where a [standing screening] committee composed of both lay people and attorneys [acts on the appointment of judges]. Any attorney wishing

to be appointed [to a judgeship] makes an application to the committee. The committee, I think, trims it down to about three and submits the three names to the governor. And the governor makes his selection from that [group]. And I don't mind saying that [although] they argue that the purpose is to take the judgeship out of politics, there is more darn politics involved now than there ever was before. (laughs) And I don't mind saying that.

Palmquist: What did you do after your race for the court of appeals? Did you come back and begin private practice again?

Padilla: Yes. And shortly after that I was employed by the Horizon Corporation in the legal department.

Palmquist: Which corporation?

Padilla: Horizon.

Palmquist: And what type of work did they do?

Padilla: They were involved in real estate sales. They're in development.

Palmquist: Did you work at their headquarters then?

Padilla: Yes. Their headquarters used to be in Tucson. There was a change of personnel, or a change of management and they transferred it to Phoenix. So now it's over there in the Phoenix area.

Palmquist: Where in Tucson was their office or offices?

Padilla: It was in the Southern Arizona Financial Center,

4400 East Broadway.

Palmquist: And what type of work did you do for them, Mr. Padilla?

Padilla: I reviewed the title to the properties they owned. There were also acquisitions of property. On one occasion I went to New Mexico--they operated in New Mexico, Arizona and Texas--and I used to travel. On that occasion they were purchasing a piece of property over in New Mexico and I went over there to supervise the closing. I recall that there was an acceleration clause on the mortgage we were assuming which provided that upon sale of the property the entire unpaid balance would immediately become due and payable. So that was one of the things that I had to be careful of. I got a waiver from the mortgagee, thereby enabling us to buy without having to discharge the entire obligation at once. And there were some water rights involved which I had to see were actually available to us. And things like that. We also had a number of corporations. I took charge of all the related corporations, corporations [that were created] for the purpose of development, and seeing that after property was developed and houses were built, the corporation was formed to see that there were no violations of [subdivision] restrictions

and things like that. So I took charge of all those corporations, also. I don't know, there may have been about five or six [of them].

Palmquist: Did Horizon primarily acquire residential properties or commercial or was it a pretty even mix?

Padilla: Both.

Palmquist: Can you recall any major developments here in town that they were responsible for?

Padilla: Well, they have one here. They call it [Rancho del Largo]. It's over here on I-10 [Interstate Highway 10], close to Collosal Cave. And there was a big one in New Mexico, just outside of Albuquerque [New Mexico]. And another one in Belen [New Mexico] and one in El Paso [Texas], quite large, and there's one in Houston [Texas].

Palmquist: How long did you remain with Horizon?

Padilla: Oh, about a year.

Palmquist: And then what did you do?

Padilla: I left Horizon and went back to practice law.

Palmquist: Where was your office located after you left Horizon?

Padilla: It was the Pima Savings Building, Second Floor.

Palmquist: Did you practice with any other attorney or were you a sole practitioner then?

Padilla: Well, I'll tell you. I rented from David K. Wolfe.

I helped him with a lot of his cases. We were not associated. I paid him, I think, seven hundred dollars a month and he furnished secretaries and everything, including utilities and a sizeable law library. I helped him with some of his cases. Evidently he was quite pleased with arrangement. [I was, too, as that partially] offset my heavy rental obligation.

Palmquist: What type of cases did you get involved in at that point?

Padilla: Some real estate cases.

Palmquist: Real estate cases?

Padilla: Yes. And there was one where a corporation. . . . I got summary judgment on a real estate case and. . . . I go for summary judgments. (laughs)

Palmquist: A nice way to stay out of court, right? (laughter)

Padilla: Those were summary judgment cases.

Palmquist: Might those real estate cases have been disputes over title to the real estate, or. . . ?

Padilla: Well, no. One of them, as I recall, was just a disagreement between brothers. Both of them wanted the property. I think that the dispute arose from a probate that had been taken to court. There was a dispute that developed before the closing of the probate. Another attorney had the probate, but one of the attorneys came to Dave Wolfe. It was really

his case, but I was the one who fought it out.

Palmquist: Had the court expanded at that point? Had there been more judges put in?

Padilla: Had?

Palmquist: Were there more judges by then, by the late 1960's?

Padilla: Oh, well, no. There were not that many.

Palmquist: When did that expansion start? That is, I know there are quite a few more judges now.

Padilla: Oh, I don't really know. As I say, it started way back when I was, before I left for Puerto Rico, when they created a second division.

Palmquist: Right.

Padilla: But it didn't accelerate until about the 1950's; the increase was a little more rapid from then on.

Palmquist: Did you get involved in any--by the 1960's when you were working with Mr. Wolfe--did you get involved in any personal injury work at that time?

Padilla: I don't recall that I had any personal injury cases. There was one personal [injury] case, but that was mine. That was not Dave's. It was my case. I had to sue the insurance company. But we settled.

Palmquist: Can you think of any particularly interesting or perhaps funny experiences that you had in court at that period?

Padilla: Any what?

Palmquist: Any particularly interesting or maybe even humorous experiences that you had in court during that period? Anything really strange happen?

Padilla: I remember one incident involving a mining claim. The attorney asked the witness, "What is the name of the claim?" The witness answered, "Damned if I know." The lawyer, showing some irritation, repeated, "Sir, once again I ask you, what is the name of the claim?" The response, "Damned if I know." The judge cautioned, "Sir, remember that you are in court. You must watch your language." "But, your Honor, that is the name of the claim, 'Damned If I Know.'" There was laughter in the courtroom.

Palmquist: How long did you remain in the building with Mr. Wolfe?

Padilla: Oh, about nine months or so.

Palmquist: And then where did you go?

Padilla: That's when I came here, in the year 1970

Palmquist: You started working here in your home . . .

Padilla: Yes.

Palmquist: . . . in your office here at home?

Padilla: Yes.

Palmquist: And what types of cases have you maintained since you've maintained your home office?

Padilla: I tell you. I try not to take contested cases.

But sometimes cases start as non-contested matters and before you know it you are involved in litigation. This particular case that I have here was a probate, and probates ordinarily go through without any hitch. Before I knew it the firm of Schorr and somebody else--they're over here at the new center, Williams Center--they filed a will contest and served me in open court when I appeared at the hearing to have my personal representative appointed. A sister was contesting the will. So I propounded interrogatories to the sister and on the basis of her response I filed an action for summary judgment. The attorney then called me up and he said, "We'll stipulate for dismissal." So it was dismissed. We didn't have to go to trial. And later on I found out that there was a civil action pending against the decedent. I knew nothing about it then. So now, the plaintiffs are fighting for substitution of parties. Under our rules they were supposed to have done that within a certain time. They didn't do it and I got a summary judgment in superior court. And now that judgment is up on appeal. In that same case, the insurance company was defending. That's why I didn't know about the existence of that case at the beginning. They were representing the decedent.

When she died and after I filed for probate, they decided they wanted to withdraw. So I'm filing a motion for summary judgment against them. So before you know it you're involved in prolonged litigation. (laughs)

Palmquist: It kind of grows. Have you been involved or done business with many female attorneys during your practice?

Padilla: Well, the only female attorney that I've done business with is Mrs. [Mary Stella Rosenberg] Cota-Robles, in a case where I represented her on her [deceased] brother's estate.

Palmquist: Oh.

Padilla: Her brother used to work for the city. He was an engineer for the city. When he died Mrs. Cota-Robles, who is an attorney, was appointed as [the estate's] personal representative. She asked me to represent her. I filed an action against the city because they were denying [payment of the decedent's full share of] his pension. They were offering to refund only what William [Rosenberg] had contributed. I went to the court and got judgment against the city for a little over three times what they were offering.

Palmquist: How has the practice of law changed during your career? What do you think the major . . .

Padilla: Well . . .

Palmquist: . . . change has been?

Padilla: . . . it's gotten to be quite complex. For instance, on divorces, mostly, and especially if there are children involved, you have to go to an arbitrator and there's arbitration of property rights and so forth. Before this, it used to be very simple.

Palmquist: You think there's a lot more paperwork involved now than there was before no-fault. . . ?

Padilla: Well, there's a lot more time. I don't handle any divorce cases [now, although I did handle many such cases in the course of my practice].

Palmquist: Tim, do you have any questions?

McIntire: No.

Palmquist: O.K., Mr. Padilla, we want to thank you very much for telling us about your practice and about your experiences. I think this will be a good interview to add to our collection. We really appreciate your assistance.

Padilla: Well, you're quite welcome. And I was only too pleased to be able to accommodate you.

Palmquist: Thank you.

End of Interview.

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