Interview with Mr. Leslie L. Conner

January 21, 2009

KEK: Hello, this is Karen Kalnins and I am a reference librarian at the Oklahoma City University Law Library and today is Wednesday, January 21st, 2009. It is right about ten o’clock in the morning and I am out here at Epworth Villa in Oklahoma City, Oklahoma and today I’ll be speaking with Mr. Leslie L. Conner Junior. He is an attorney in Oklahoma City and he has been gracious enough to agree to an oral history interview today. And this interview is part of the larger oral history project that the Oklahoma City University Law Library is sponsoring where we are interviewing attorneys and judges throughout the state of Oklahoma. So, welcome Mr. Conner.

LLC: Hi Karen.

KEK: I’m just so pleased that you agreed to an interview today.

LLC: More than pleased to help.

KEK: Wonderful, wonderful. Well, thank you so much for your time today. Let’s just start off, what drew you to the law Mr. Conner?

LLC: I grew up in a household that, my father was a lawyer. He was one of two lawyers that came out of Kiowa County. He was born in a dugout down there and graduated from Hobart High School and then went to the University of Oklahoma, worked his way through. He worked his way through law school and was actually admitted to practice law, took the exam, at that time you didn’t have to graduate to take the exam. He took the exam at the end of his freshman year and then his last two years he was practicing law while he was finishing law school. And so, it was a bit of learning just there at the house.

KEK: So, when, when did he graduate or when did he eventually graduate?

LLC: He graduated in 1927, the class of 1927 with Luther Bohannon and there were some stars in that class.

KEK: It sounds like it. And what kind of law did he practice?

LLC: He was a general practitioner. He tried cases of all types, he tried personal injury cases, he did probate, he did real estate, and at those times he examined a lot of abstracts for land titles.

KEK: So he did a lot of sort of land title work and just generally….

LLC: He was a general practitioner. He was at the courthouse at least two days a week on motion dockets or trials.
KEK: Did you ever go with him to the courthouse?

LLC: Oh, yes ma’am when I was eight years old I started working summers in his office clerking. And he used to run me all over town to pick up forms. In those days, they had justice of the peace courts and if you were going to have a case in one of the JP courts you had to use their forms. And so I spent a lot of time walking around downtown Oklahoma City picking up different forms for different JPs.

KEK: And tell me about the Justice of the Peace courts.

LLC: Oh, these were, they were usually called justice for bucks or something, I forget exactly what they called them because they had very limited trial jurisdiction and they were really replaced by the small claims courts that came with court reform in 1969. But they were, they used to just go out on the streets and pick up people walking by to get a six man jury to hear a case. They had a marshal, I think he was the justice of the peace marshal that was appointed and had arrest powers. He could just go out and say, “I need you, you, you, and you in here now.” And if you didn’t go, they would throw you in the county jail.

KEK: Huh.

LLC: It was interesting.

KEK: That is interesting. So these were not part of the district courts?

LLC: Oh, no ma’am. It was part of the judicial system, but they were not part of the district courts, they were not courts of record. But, they could put you in a place.

KEK: Could someone appeal from a justice of the peace court, file an appeal?

LLC: Yes, oh yeah. It went up to the county court at that time.

KEK: Okay, so that was the appeals process. And what, what finally or who finally, I guess, decided to abolish those justice of the peace courts?

LLC: It was court reform in 1969. Actually, to my recollection, put them down. I think they still have JP courts in Texas, I’m not sure.

KEK: Do you think that’s a good thing?

LLC: Oh, yes ma’am.

KEK: Why do you think that?

LLC: They were very easy to convict in criminal cases. And Highway Patrol used them a lot.
KEK: And where did your dad practice?

LLC: He practiced in the Hightower Building, at Main and Hudson. When he first graduated in 1927 he went to work, can’t recall the gentleman’s name and then his brother, Charlie Conner came out of law school and Charlie didn’t go to OU he went somewhere in Tennessee. There’s a school that actually wound up in Kansas and then Charlie graduated and Dad ran for the legislature and wrote the Court of Common Pleas Bill. And Charlie was elected the first judge in Oklahoma County. Oklahoma County and Tulsa County had courts of common plea, P-L-E-A, and they had jurisdiction I think up to $2500 in civil cases, some misdemeanor criminal work. And I think Charles Trawl was the last judge of the Court of Common Pleas in Oklahoma County before it was also abolished in 1969.

KEK: And you said your dad served in the legislature and what, what political party was he?

LLC: Democrat.

KEK: He was a democrat.

LLC: Ran for attorney general twice, I think twice.

KEK: And did he, did he, was he elected attorney general?

LLC: No, no. He ran against a gentleman who had been attorney general for many, many years.

KEK: And, was your Dad in the House or in the Senate?

LLC: In the House.

KEK: In the house.

LLC: I forget the years.

KEK: That’s okay. Do you have any recollection as to how long he served?

LLC: I think he served maybe four years, two terms.

KEK: Did he continue his law practice at the same time?

LLC: Oh yes. In fact he was practicing law when he was called into the service, World War II. He went through ROTC down at the university and at that time it was the horse-drawn artillery. And their drills were mounted on horseback.

KEK: So, he served in World War II as well?

LLC: Yes. And when he came back, of course he lost his practice at that time because he was a sole practitioner. When he came back he started it up again.
KEK: Did he have any difficulty starting it up?

LLC: Oh yeah. A lot of lawyers came back

KEK: And how was he able to get it going again?

LLC: Oh, he had some contacts and some old clients that came back to him as clients in those days did. You couldn’t advertise of course in those days. You obtained clients by satisfying your current clients and word of mouth.

KEK: And, when did you finally, at what age did you finally decide to become an attorney?

LLC: I never really made a conscious decision to do that, I just followed. It was the right thing to do. Now I had a preacher that was very disappointed. C. Ralston Smith at the First Presbyterian Church where we attended, he always picked out one person out of each class that he was going to get on a bus to Princeton Seminary in Princeton, New Jersey, a Presbyterian school. And, Andy Haswell was a year ahead of me and he got Andy up there. And Andy came back, went to law school, and became a lawyer. And I disappointed him because I, I said “You know, I really want to stay here and go to school here; I think I’ll be a lawyer.” And I don’t know if that was the decision point or what. I went down to the university and majored in government and minored in history and got my B.A. In those days you could go through law school and undergraduate school in six years on what was called a combined degree program.

KEK: Oh, tell me about that.

LLC: Well, your senior year of college, your fourth year of college, was your first year of law school. And you got credit towards both degrees so at the end of your freshman year of law school; you graduated with your B.A.

KEK: That is wonderful.

LLC: Oh, it was a neat program. And then at the end of two more years you graduated with your, in those days LLB, which I kept to this day. They offered us the opportunity to trade them in for an SJD but, when they went to SJDs, but there were several of us that said, hey, you know, we got double LBs, we’ll keep them.

KEK: And what does the LLB stand for, just for the record?

LLC: Hey, you got me. You really do, I have no idea.

KEK: I know the LLM is the Master of Laws but I’m not 100% sure.....
LLC: I have no idea, just it’s a Bachelors of Law, but I don’t know what the LL is.¹

KEK: Okay, okay, that’s fine, I can always….

LLC: I’m sure there is someone who does, especially at your school.

KEK: I’m sure there is.

LLC: In fact, Tom McDaniel who is President of OCU was in that class of ‘63, came out of OU Law, Andy Coats, who’s the Dean of the OU Law School, Larry Derryberry who was Attorney General, ran for governor.

KEK: Wonderful. So what year then did you graduate from this combined program?

LLC: ‘63, 1963. I went immediately to the service, spent three years in Tucson, Arizona trying court martial cases.

KEK: Why, why did you decide to go into the service after graduating?

LLC: Well, I had gone through ROTC also. And really my commitment started, I made my election, in those days you had to take first two years of mandatory ROTC. All land-grant colleges which OU was one, Oklahoma State University was one, that meant that the United States, when they laid out the state of Oklahoma designated one section in every township for school purposes. And that’s what the school land commission now takes care of and leases, but each one of those sections could be used for a university. And if it was used for a university, it had to have a reserve officer training corps program. So, the only selection was, did you want Army, Air Force, or Navy.

KEK: And which did you choose?

LLC: I chose the Air Force because that was what my dad had coming out of World War II, with the Army Air Corps. In fact they tried to call him up in Korea.

KEK: You’re kidding.

LLC: No.

KEK: Did he, did he go?

LLC: No, we got on a, I think he took me along as this is my poor son, you don’t want to leave him, type of example. We got on American Airlines C-47, which was a DC3 and flew to

¹ According to the Black’s Law Dictionary (6th ed. 1990) LL.B was an abbreviation used to denote the bachelor degree in law. An S.J.D. is a Doctor of Judicial Science.
Dayton, Ohio to Wright Patterson Air Force Base. And he had his interview and he convinced them that they didn’t need him.

KEK: So, he did not have to serve again?

LLC: He didn’t have to serve again but he stayed in the reserves.

KEK: And so you said you went on to Tucson….

LLC: Tucson Arizona, see when I graduated with my B.A., I was commissioned at that time as a Second Lieutenant and because I was still in school I was assigned to the Air Force Institute of Technology out of Dayton, Ohio as a student. And I had to report my grades to them every six months and had to make at least a B average or I would be immediately called into active duty.

KEK: You’re kidding.

LLC: No ma’am.

KEK: So there were very, it sounds like there were very strict requirements?

LLC: Oh yes ma’am there were. And so I reported my grades every six months and thank the Good Lord I kept my B average and….

KEK: So, if you had been called to active duty, let’s just say that as a hypothetical, would you have been given the opportunity to finish law school or no?

LLC: No, no. When I came back I could but if I blew that grade requirement, of course I could appeal it but…. So, when we graduated I got married in 1960 and the idea was that my wife was going to work and put me through law school. And then, as the saying goes, I hung my pants on the bedpost and she got pregnant and so I worked, took care of her, the baby, and went to law school.

KEK: My gosh, it sounds like a very heavy burden to bear.

LLC: It was just what you did.

KEK: Right. Now, in those days what was, what was kind of the composition of your class, in terms of gender and…..

LLC: It was primarily male, white. I don’t believe we had an African-American in that class that I can call to mind. We had, we started with two or three ladies and of course we got that speech from Earl Sneed, “Look to your right, look to your left, because when you graduate, one of those people won’t be here.” And I think only one of the ladies graduated. And I’m trying like the dickens to call her name up but I can’t do it.
KEK: That’s okay, that’s okay. That is interesting. So what do you feel like you learned in that first job out there in Tucson, trying court-martial cases?

LLC: Oh, that’s where I cut my trial teeth, no question about that. And one of my first jobs I had out there was as an Article 32 investigating officer which is basically the military grand jury. And I investigated a case that involved a Master Sergeant working on the post off-duty in a nursery where he was accused of fondling a child.

KEK: Oh my gosh, and what were your duties in terms of being that investigator?

LLC: Well you had a court reporter and you called witnesses and the accused was there with you and you called him and then you made a decision, wrote a report, presented it to the commanding officer. In that situation, it was my determination that he hadn’t done anything. And the key to it had been that just one of those lawyer questions to the mother of this child, “Anything like this ever happen to you?” “Oh yes,” and she went off on a speech that was exactly what her daughter was telling me.

KEK: You’re kidding.

LLC: No.

KEK: So that kind of decided in your mind…..

LLC: Yeah, that and the fact that there hadn’t been a fresh complaint because the daughter hadn’t said anything for I think three months. And this was one incident, so…. But it’s a grand jury, you make the decision and the general can overrule you and bring charges anyway but in this case he didn’t.

KEK: Were you, besides being the investigator in that case, were you a prosecutor or were you a defense attorney?

LLC: No, ma’am, if you’re an Article 32 officer you cannot prosecute or defend. And under their system, at that time, you had to be an Assistant Trial Judge Advocate which is the prosecutor, on I think four or six special court-martials before you could act by yourself. In other words, it was a mentoring program.

KEK: Do you feel like that that was effective?

LLC: Oh yes ma’am. I had some fine trial lawyers that were, that took me under their wing.

KEK: What, what kinds of qualities did these trial lawyers have that…..
LLC: Just the same qualities that every good trial lawyer has. They have the ability to think on their feet, they have the ability to organize their case prior to going into the courtroom, and they have the ability to make convincing arguments with a background in the law.

KEK: Do you think that those qualities still are essential for trial attorneys?

LLC: I don’t think there is any question about it. I don’t think there’s any question about it.

KEK: And what did you do then after Tucson?

LLC: I came back, would probably have made a career of the Air Force because when my three years were up they offered me a five year hitch at Hickam Air Force Base, Hawaii as Chief of Claims for the Pacific Air Force Command. And I was thinking long and hard about that because I also received a distinguished military graduate certificate out of OU which made me eligible for a regular commission if I wanted it. And I would come in as a reserve officer and I could have gone regular Air Force and stayed in for twenty years and retired. At that time however, my dad had an automobile accident and I had to come home and run the firm.

KEK: So you, at that point, you had to kind of say good-by to the Navy..

LLC: Air Force

KEK: Oh sorry…

LLC: Well, I said good-by to active duty, I came back and I think I left Tucson on the 20th of August in ‘66 and had my first day of reserve duty for training August the 28th at Tinker Air Force Base.

KEK: And how long did you stay in the reserves?

LLC: I stayed a total of 26 years, active and reserve. Retired as a Lieutenant Colonel and it’s probably the smartest thing I ever did.

KEK: Why do you say that?

LLC: Well, in the first place you taxpayers send me a check for a little over $1100 every month for which I am eternally grateful. You also, I became eligible at age 60 for that check plus Tricare medical care which was an 80 percent, basically major medical policy so I terminated my commercial insurance, health insurance on my wife and I, that I had at that time which was costing me $1400 a month and went on the Tricare program which was costing me nothing except the twenty percent difference. And then when I became eligible for Medicare, oh, also at age 60 I could go out to Tinker Field and get all my drugs for free.

KEK: You’re kidding.
LLC: No, and my wife’s drugs too.

KEK: That’s wonderful.

LLC: And at 65 when we went on Medicare as our primary carrier, now we’re on Tricare for Life that picks up our supplemental Medicare, pays all our expenses that Medicare doesn’t pay. In fact, during my chemotherapy treatment, it has paid some of the chemotherapy drugs that Medicare wouldn’t pay for.

KEK: Wow, that is really wonderful, I mean I’m really glad to hear that the reservists…..

LLC: Listen, there was a benefit, believe me. And anybody that you know, wants to get in the reserve, should stay in it.

KEK: Because of those….

LLC: It pays.

KEK: Yeah, absolutely. Of course, the risk now with our two wars is that the reservists will get called up, but…..

LLC: That’s true. And I’ll never forget sitting in that, I was taking Constitutional Law one summer from Dr. Merrill and it was an early morning class, it was like a 7:30 class and we were sitting there down at the old law barn, the windows were all open, and somebody’s wife had a radio and we were all trying to listen in and to Merrill at the same time because that is when Kennedy invaded…..

KEK: Cuba.

LLC: No it wasn’t. There was some crisis.

KEK: Was it the Cuban Missile Crisis?²

LLC: It had to be Cuba because I was on active duty when Kennedy was assassinated. And we were all, there were a lot of Air National Guard guys sitting in that classroom just knowing they were going to get called up.

KEK: Were you afraid that you were going to get called up?

LLC: Oh yeah, I could have been activated too.

KEK: But you were not.

² According to Encyclopedia Britannica, the Cuban Missile Crisis happened in October 1962.
LLC: No, no, none of us were.

KEK: Well, you lucked out that way.

LLC: Yeah, but you’re right now, there’s more risk to it but there’s also more gain. They’ve got educational programs we never had access to and, it’s a lot to think about.

KEK: It is. So now, so you went back and ran your dad’s firm, how long did you do that?

LLC: Oh, until, let’s see, it was Conner, Little, and Conner and I was a Conner and James Monroe Little was dad’s associate and then we actually formed Conner, Little, and Conner when I went into the service but I didn’t practice there until I came out. And we were in the Hightower Building and dad passed in, he passed in ‘80. And so we practiced together until ‘80, John Goodman joined us. And we bought a building down across from the Civic Center Music Hall and redid it. Dad never got to be in it but we did it. And then we bought another building down on California and moved in, rehabbed it and moved into it, a little bit bigger. Had three more associates at that time and then somewhere we formed a partnership with Erwin and Maynard Ungerman out of Tulsa and we had offices at both ends of the turnpike. In fact we were the first firm, to my recollection, that did that. And we furnished clients back and forth to each other that had, we did their Oklahoma City work, they did our Tulsa work. It worked out very well. But then Erwin passed and Maynard wanted to go in a different direction and so we split back apart. And I left down there, I went of-counsel in 1990 and then in 1992 I left down there and moved up to 6801 North Broadway and opened my PC. I shared offices with Todd Mark.

KEK: Okay, and what kind of word did you do up until 1980?

LLC: Well, when I came back from the service of course I did anything I could walk in the door with. I did divorces, criminal work, and some personal injury work, and probate, and guardianships, and conservatorships when they came along, and did some title work. Dad had picked up three banks in eastern Oklahoma County as clients and so as he, he always went out there every Saturday, made a circuit. Spencer, Jones, and Harrah and the bankers would set up clients for him to meet at their banks and so we picked up a lot of title work and probate work that way. And that’s primarily what I did in fact, I got out of the criminal work when I got a call at three o’clock one morning from an airman out at Tinker Field who had gotten my name from the duty officer as a reserve officer who was a lawyer and judge advocate. I went down and sprung him out of the jailhouse on my own recognizance and I was in my wife’s brand new red Thunderbird driving home at three o’clock in the morning in the middle of a hail storm. And I had to pull into a carwash because it was the only place that I could find to try to get out from under the storm. Thank goodness we didn’t get a lot of dents in the car but then the hail started to clog up the drain the carwash and the water started rising up and it came inside the car so that was when I said, “No more criminal work.”
KEK: So, criminal work, in your mind, at that point, was no longer viable?

LLC: No. In fact, I told them to take me off the referral list for criminal work. And it was just you know, DUIs and things like that, I never handled anything big in the criminal field. Did a lot of divorce work, finally got out of that when two couples came to me at one time and sat down in my office, the four of them and said, “We want to divorce our current spouses and marry each other.” And I said, “No, sorry, go find somebody else, I’m done.”

KEK: So, that was the case sort of that broke your back, that broke the camel’s back for divorces.

LLC: Yeah, you know, I had to sit there and listen to my preacher say every Sunday or whenever he married somebody, “What God has joined together let no man put asunder.” And I was putting them asunder every week and when that happened, when those four people came in I said, “I won’t do that, that’s just morally reprehensible, I won’t do it, good-by.” And I quit the divorce work. I did a lot of probates, guardianships.

KEK: What was, if you can remember any memorable cases?

LLC: Didn’t do a lot of appellate work, I have some cases that are reported that were more in the commercial collection fields because that’s what my partner Jim Little got into and I did the hourly side of that and he did the percentage fee side of that. But I think probably the most memorable was the fee case my dad had over an estate fee. It occurred right, in fact I came home on leave a couple of times from the service. He had been hired by the brother of a widow woman who had, who was a lapsed Catholic but who had been admitted to St. Anthony’s Hospital and within three days had changed her will giving everything to the Sisters of St. Francis, or I forget, the sisters at the hospital, and died within two more days. And this brother out of north Little Rock, Arkansas would have been the only heir to a 160 acre farm down in Anadarko that had nine producing oil wells on it under which she owned all the oil rights.

KEK: Oh my gosh.

LLC: So he hired my dad on a contingent fee contract to break that will. And dad had taught me and his own style was you first go to the statutes and constitution to see if your problem can be solved. And the first thing he read in the constitution at that time was that no foreign corporation can own land outside of the incorporated limits of a city or town. Well, these sisters were a Missouri corporation and he thought this was a slam dunk.

KEK: He thought that this clause in the constitution…

LLC: Slam dunk. And so they go into probate and he files an objection and cites that statute, I mean that constitution, and attaches it and they throw him out of the probate court, throw him out of county court.
KEK: You’re kidding.

LLC: No, he appeals to district court, they throw him out of the district court.

KEK: What was their argument, their argument?

LLC: I don’t remember at this time but then he filed it in the federal court, you know, that there is a misinterpretation of the constitution going on here and they won’t do anything about it. I take that back, he took it all the way up to the Supreme Court of Oklahoma and they threw it out. So, we went into federal court and the feds, in fact Luther Bohannon heard the case, and Luther said, “There’s no question, they cannot take title to that farm.”

KEK: Because it’s a foreign corporation, they’re incorporated in Missouri.

LLC: So, they take it to the Tenth Circuit, Tenth Circuit overrules Judge Bohannon. Dad appeals to the Supreme Court of the United States, they refuse certiorari, he files for reconsideration, which they do maybe ten cases a year. They reconsider it, he goes up and argues it and they throw over the Tenth Circuit and reinstate Bohannon’s decision.

KEK: You’re kidding.

LLC: No. And I did some of the brief writing on that. That’s probably the most memorable thing and then we come back down here, we get the farm for this guy, and this guy won’t give us a fee.

KEK: So, after all of your work, all of these years of work.

LLC: We have to take this, we have to take him into the district court of Oklahoma, oh no, we took him into the federal court system.

KEK: To collect your fee…

LLC: To collect the fee and it goes all the way to the Supreme Court.

KEK: What did the Supreme Court finally decide?

LLC: That we were entitled to our fee. So, that’s probably the most memorable, Conner versus Simmer. And Burdine Fletcher was the name of the lady who passed away.

KEK: Who knew that such a, you know, case could go on and it probably went on for years?

LLC: Oh yeah.

KEK: Now, did you go with your dad to the U.S. Supreme Court when he made the arguments?

LLC: No, I was still in the service.
KEK: Okay, okay. Wow, what a case.

LLC: Isn’t that something?

KEK: That is something, that is really something.

LLC: And the legislature in the meantime got a petition up and changed the constitution.

KEK: So now the constitution does allow foreign corporations…..

LLC: Yeah.

KEK: But at that point it was fairly cut and dry.

LLC: And I think the argument on the other side was that it’s an interference with commerce and you can’t interfere with interstate commerce. It was pretty cut and dry.

KEK: Well, your argument was pretty cut and dry.

LLC: Well, you have to remember that the constitution in this state was written by a very populist constitutional convention, that’s why it’s so wordy, so long.

KEK: Right, right. Well, that’s, from what I’ve seen of the constitution, from the Oklahoma constitution and what I’ve heard of it, it is very long and there’s no way really to change it without adding ……

LLC: Initiative petitions. But that’s probably the most memorable case.

KEK: Well, that is quite, quite an interesting case. So, you practiced until ‘80 down there in your dad’s firm and then you said you formed another law firm.

LLC: Well, we just, it just became Conner and Little.

KEK: Conner and Little. And at that point you had decided no criminal cases.

LLC: No, in fact I decided no criminal cases in ‘68 or ‘69. I quit criminal practice and I quit divorce work it would have been right along 1985, somewhere along in there.

KEK: Do you think it takes a certain type of person to do criminal cases or to do domestic work?

LLC: Not necessarily. I’ve known some very good lawyers in both fields, honest, ethical. I just think it has to be a field of interest for you.

KEK: That’s true. What then did you focus your practice on?
LLC: I started getting involved in ‘89, well, let me put it this way. I came back from the service in ‘66 and in 1968 or ’69 I sat on my first American Arbitration Association cases as an arbitrator with a three person arbitration panel. And then later on, then I started doing a lot of arbitrations for them. I probably did two, three, four, five a year. Construction cases primarily and then they brought me down to Dallas and taught me mediation, which was very new at that time. In fact I am trying to think when it was, I want to say it was 19, I want to say that they trained me around ‘85 or ‘86. And so I started doing mediations for them, then I started training for them in the early ‘90s and trained up here. Then I got into early neutral evaluation and trained in the federal court system in Puerto Rico in February one year.

KEK: Oh my gosh.

LLC: Which was a great job.

KEK: Oh, you picked the right time of year to go to Puerto Rico.

LLC: Oh, I didn’t pick it, I didn’t have anything to say about it. They called me up and said, “Les, we need somebody to come take a team, go down and teach early neutral evaluation down in Puerto Rico in February, think you could go?” I said, “Well, I’ll try to clear my busy schedule.” So we spent, I think ten days down there. And the interesting thing about that, and this is just an aside, the first question I asked them, “But I don’t speak Spanish.” And they said, “Don’t worry because the required language in the federal courts in Puerto Rico is English.” They conduct all of their business in the United States Federal District Court for the District of Puerto Rico in English.

KEK: Interesting, I didn’t even know that.

LLC: It was fascinating because we’d spend all day, you know, training in English and then we’d go back to our hotel and it would all be Spanish. And of course I took two years of it but I only know “Habla Espanol.”

KEK: And is English the official language of the District Courts because it’s a U.S. District Court or because it’s a …..

LLC: That's what they told us.

KEK: That is very interesting because obviously, Puerto Rico, the primary language is Spanish. So all the attorneys down there must be fluent.

LLC: Must be, yes ma’am. And they are very fluent. In fact, they had a hard time understanding my Oklahoma accent to be very truthful.

KEK: Oh really. I wonder why that would be.
LLC: A little twangy they said, and it is.

KEK: But it’s not overly, I don’t sense it. I think we’ll take a quick break here and then we’ll continue on with the second half of the interview.

LLC: Okay.

KEK: Hello, this is Karen Kalnins again, I’m a reference librarian at the Oklahoma City University Law Library and it is still Wednesday, January 21st, 2009, and it’s about twenty minutes to eleven in the morning and I am still here with Mr. Leslie L. Conner Junior and this is, this will be the second half of the interview with Mr. Conner. And, when we took a break, Mr. Conner had been talking about his experiences with arbitration and mediation and I wanted to ask him about that and what drew him to that particular side.

LLC: I found that basically in my practice that’s basically how I was settling cases. First, talking to the other lawyer, and then basically suggesting, “Why don’t we just get our clients together, sit down at the table and see if we can’t work this thing out?” Started really when we were doing divorce work, and then was just, I started representing a couple of developers, land developers, of course they were always having fusses with their sub-contractors and it was a perfect situation there. In fact, I remember one time before I even knew what mediation was, we were in a conference room, it was much the size of this, probably twelve, fourteen chairs around a table, and we had the general contractor, the subs, and the architect there and the owner and just basically worked everybody’s problems out where everybody was satisfied and settled a big lawsuit that was pending and still made a pretty good fee. So, you know, I can’t complain, other side didn’t complain so then I realized that’s, maybe that’s something I ought to start doing.

KEK: Wonderful. And what do you think are some of the benefits of mediation as opposed to going to trial?

LLC: Well, of course it’s, any time you can, there’s a continuum that begins with a dispute, begins with the parties doing their own negotiation and failing, continues with the dispute continuing until one party says, “I’ve had enough, you’ve stepped on my boots enough, I’m going to get a lawyer and I’m going to hit you in the face.” And, they file a lawsuit, the other side says, “Okay, I’m not going to take this, I’m going to get myself a lawyer.” So then you move that dispute into the courthouse, now that dispute in the courthouse is going to do nothing but grow because lawyers are knights that you hire to joust for you. And that’s their job. And so they are going to investigate the case, they are going to deposite the witnesses so when they go to trial they know what the witness is going to say and the expense is going to continue to build. Now, if we can get that case resolved somewhere before that trial takes place and before all that expense builds, the client gets better service. Selling that to the trial bar was very difficult. Selling the trial bar on arbitration was difficult because in arbitration you have a decision made but you have it made by a person that knows the business that the dispute is involved in.
Arbitration started in the docks in New York City over olive oil. It really did because a shipment of olive oil would come in and the consignee would refuse the oil because he would say it’s rancid. And the shipper would say, there’s nothing wrong with that oil, and they would say okay, let’s go get Pete, down the street, who knows olive oil to come here and taste it and decide. And Pete would come, taste it, and say it’s rancid or it’s not rancid and they’d take his decision to the bank.

KEK: And then that’s how arbitration….  

LLC: That’s how arbitration began. It was in the business area and frankly, it was very inexpensive, but when lawyers got a hold of it, it became, in some instances, worse than federal cases.

KEK: Why do you say that?

LLC: Well, it’s just grown and grown and grown.

KEK: And so, you sort of alluded to some of the differences between mediation and arbitration, but in your mind, what are the differences between the two?

LLC: In arbitration there is a, there’s basically a hearing and a decision made. Arbitration disputes are settled by a decision maker. In mediation you come to a facilitator who helps the parties negotiate their own agreement. And the parties then walk away, one saying I paid too much, one saying I took too little but both saying, boy, I’m glad that’s over and let’s get on with life. I’ve seen people shake hands, and come around and hug each other at the end of mediations.

KEK: Which do you think is better or in your mind….  

LLC: Some people have to have their quote day in court end quote so some people have, they can’t make the decision that they have to make. So they need a decision maker. Now, some of those people have to go to the courthouse, they don’t feel like they’ve had a decision until either a jury or a judge decides it for them. A lot of those people can get their same decision out of an arbitration in a conference room where a single arbitrator or a panel of arbitrators, of three, never two, three or a single arbitrator will make a decision. And make an award which the parties can walk down the street to the nearest courthouse, file, and enforce. And in mediation, the parties negotiate their own agreement, and they buy it, and it’s comforting work frankly because lawyers don’t usually get to see the result. That’s the reason I like guardianship work and adoption work because, especially adoptions are great because you walked people into a courtroom that were emotionally connected but not legally connected. And they walked out legally connected and little children would say, “This is my new mommy.” And they’d give you a hug.

KEK: Do you still do adoptions?
LLC: No.

KEK: So, it sounds like in your mind, in terms of arbitrations and mediations it really is going to depend on the parties and what they want.

LLC: That’s exactly right, that’s what they have to have.

KEK: So, at this point, do you do both, do you do arbitrations….

LLC: Yes ma’am. I don’t do much private work anymore, I do it primarily for the stock exchanges.

KEK: And how did you get involved with that?

LLC: Oh, like I said, I had my first triple A arbitration shortly after I got back from the service, and that came about because the executive director at the bar association was called by the triple A saying they needed arbitrators in Oklahoma and so he looked at his roster of young attorneys and he picked up the phone and called a couple of people. And we wound up on their panels and then from those construction cases I moved into partnership matters, I moved into some stock matters, and from those stock matters was asked to join the arbitration panels of the then New York Stock Exchange. And then later the National Association of Securities Dealers, and the Association of Bond Underwriters, no the Association of Municipal Bond Underwriters which was later absorbed into the NASD. It was fascinating work and you traveled all over the country and stayed in good hotels and they picked up the tab. And they paid you a day rate to boot.

KEK: So, that is not bad.

LLC: No.

KEK: So, did you have to learn or do some learning on your own to get up to snuff with the securities laws and regulations?

LLC: No, because I had been investing in the stock market since I was in the Air Force.

KEK: So, at that point you were pretty familiar with that area of the law?

LLC: Very familiar, yes ma’am.

KEK: What about when you did the construction cases, were you pretty familiar with that?

LLC: No, I really wasn’t. But I sure learned a lot real quick hearing those cases. The highway cases, that was fascinating work. And, commercial buildings I think the biggest one I worked on was twenty some odd million dollars.

KEK: That’s quite a case.
LLC: That’s a lot of money.

KEK: That’s a lot of money at stake. Absolutely. Now what about your mediation work, do you do, what types of cases do you do there?

LLC: Again, I don’t do much private work, I’ve got a couple of lawyers that will call me down to do some things. Judge Bohannon down at bankruptcy court has asked me to mediate a couple of things for him and again, I do primarily mediation work for the stock exchanges. I don’t do it for the triple A anymore.

KEK: You said you also did training, do you still train other attorneys?

LLC: No, I haven’t trained, I think the last time I trained was in United States District Court here on early neutral evaluation and that was I don’t know, six, eight years ago. I wrote a couple articles for the bar journal.

KEK: Have you ever taught at any of the local law schools?

LLC: I’ve taught down at the OU law school, I’ve taught down at Baylor. At Baylor it was arbitration, mediation, OU has been arbitration, mediation, and administrative law judge work, the Oklahoma Administrative Procedures Act.

KEK: Do you think mediation and arbitration is a viable field for young attorneys to go into?

LLC: I think you need some experience in the courtroom and in dealing with clients and in negotiation with clients and between clients because you take that as a mediator, as an arbitrator, you take that expertise with you to the table. I think it’s very important to get some experience. Now you can be getting the experience at the same time but to come out of law school and hang a shingle up as an arbitrator or a mediator, might be interesting.

KEK: But you think having some of that courtroom experience might help someone.

LLC: Oh, I don’t think there’s any question about it because it’s only in a courtroom that you learn how people lie, and when they’re lying, and what the ticks are. Take some body language classes and you know, there’s some science to it. I’ve lectured out at OCU too now that I think about it.

KEK: Oh, you have? Okay, on mediation, or…

LLC: They had, in fact it was one of the first law schools, gosh this was years ago because we did it over, this was when you were still in the Goldstar building and this was done over in the cafeteria somewhere. Hands across the table or handshakes or something like that it was called.
KEK: Wonderful. I noticed on your curriculum vitae you have, you are or were a member of the Cherokee Nation Bar Association, are you a member of the Cherokee Nation?

LLC: No. I joined that when I was a hearing officer for the Nation, they had a hearing and appeals tribunal.


LLC: That’s it.

KEK: Okay. What kinds of cases did you hear while you were there?

LLC: They were primarily employee disputes with the tribe. Very interesting experience.

KEK: What was that like, working for the tribe and not being a member?

LLC: Oh, it’s just a different way of doing business. They will set matters 9:30 and they may start at 10:30, 11:00 they don’t really care.

KEK: Why do you think that is?

LLC: I don’t know, I really don’t. I think they’re fine people, you know the Native American tribes in this country were into mediation long before we even knew what mediation was. They took their disputes to an elder in the tribe who sat down with them and helped them settle their dispute. So, they’re pretty wise people. But they advertised in the Bar Journal that they were looking for hearing officers and so I applied and they hired me and I would drive over to Tahlequah once a month or so and hear some cases and write an opinion or two.

KEK: Wonderful. What do you think you learned from that experience?

LLC: Just more, how to help people. I actually wound up probably settling more of the cases than I had to make a decision in because I just automatically went into that, “Well, let’s see what we got here and see if we can’t get this resolved without me having to tell which one of you is right and which one of you is wrong.” And, it usually would work out so…..

KEK: Very interesting.

LLC: But they were disputes, “I never should have been fired because…,” “I never should have been disciplined because….”

KEK: And I guess those kinds of disputes happen no matter….
LLC: They happen no matter. And the appeal from there is up to the Tribal District Court. And that job terminated when the sitting chief went out and Chad White,\(^3\) is that his name, came in as the new Chief of the Cherokee Nation and he wanted all Indians. Which is fine, and I think the only reason that I basically got on there was that they didn’t have enough Indian volunteers or lawyers, Indian background you know, blood, to fill all the slots. So, that’s fine.

KEK: Now, I see you have a long list of legal organizations that you are a part of, are you still active in bar associations?

LLC: Oh no, not really. I’ve really terminated a lot of these memberships. I was active in the American College of Trusts and Estate Counsels, I was active in the ABA for quite a long time and then let that go. Worked a lot in the Oklahoma Bar Association vineyard and the county bar and was in the Municipal Judges’ Association for five years when I was a special muni judge down in Oklahoma City.

KEK: What kinds of cases did you hear as a municipal court judge?

LLC: Well, I was a special municipal court judge which meant that we basically had arraignment dockets and we sat when the sitting judges were either on vacation or ill so it was, we would get called about two days before they needed somebody and we’d go down and take an 8 o’clock docket and even at that, even as sporadic as that was, on my second docket down there I had a repeat offender.

KEK: You’re kidding.

LLC: No. Because I called this guy’s name out and he stepped forward and I looked at him and I looked at his name and I said, “Weren’t you before me last month on a speeding complaint?” And he said, “Yes, Judge.” And I said, “Well, what are you here for now? Indecent exposure judge.” And I said, I read him the charge, “How do you plead?” He said, “Judge, I would just as soon plead guilty and get this over with.” I put him in the place for five days.

KEK: Oh my gosh. So, even in the municipal courts you had a repeat offender?

LLC: Yeah, and on the second docket, I mean, and these weren’t every Tuesday dockets or anything.

KEK: Right, these were monthly or bimonthly…..

LLC: Just whenever you’d get called and this guy is a repeater.

\(^3\) The current Chief of the Cherokee Nation is Chad Smith according to the Cherokee Nation’s Web site http://www.cherokee.org/Government/Default.aspx (last visited February 4, 2009).
KEK: Do you think that that happens quite often in circuit court……

LLC: Yes, I do and I think the municipal court system is one of the most important court systems in this country because it’s where probably 98% of the citizenry has contact with the judicial system. Traffic tickets and so forth.

KEK: Why do you think that that contact is so important?

LLC: Well, it’s the grassroots contact. I mean that’s where the person comes up there shaking and never having been in court before and here they have to go before the judge and they’re looking up at you because you’re up there on that high rise bench and you got a clerk on one side and a city marshal which is a police officer on the right side and the flags are there. I mean that’s pretty heady stuff when you get to thinking about it. Someone who works 9 to 5 digging ditches or whatever. And it’s very important how they’re treated.

KEK: What was your, what was your judicial philosophy I guess when you sat?

LLC: Well, I would always greet them, “Hello, how are you?” You know, smile, I would get two or three letters out of each docket. They were relieved that they didn’t get their head bitten off.

KEK: So you thought it was important to be kind?

LLC: I think it’s very important. I think it’s very important in whatever court you’re sitting in whether you are a muni judge or an arbitrator or a district judge or an administrative law judge to show some respect to the litigants.

KEK: So, not only to the attorneys…

LLC: Of course to the attorneys, I mean you know, but I’ve had to put some attorneys in their place too. Because a lot of them come in there with a swagger that you wouldn’t believe and start throwing their proposed weight around and you just, I just kind of beckon them forward and say, “Let’s have a little talk.”

KEK: And what do you usually tell them in that little talk?

LLC: That I expect a little bit more decorum from them and that they don’t address me as judge but you know, your Honor if I was sitting as a muni judge and when I’m sitting as a hearing officer, it’s just Mr. Hearing Officer or you don’t use my name, you wait until the other side finishes talking before you interrupt unless you’re going to make an objection and then tell me what the grounds are, don’t just object because I don’t want to have to ask you. You know, some of them you just have to, in fact I’ve found sitting out at the insurance commission as a hearing officer, as an administrative law judge, that the young lawyers coming out of law school now are
not, I didn’t know this until I talked to Andy about it, but they are not required to take trial practice nowadays as a required course. I don’t know about down at OCU.

KEK: I don’t think it’s required.

LLC: Well, that’s a shame because these young lawyers are coming into these hearings and they don’t even know how to mark a piece of evidence. They don’t know how to qualify an expert witness.

KEK: Do you think that trial practice should be a required course?

LLC: Yes, ma’am.

KEK: Why do you think that?

LLC: For that very reason because they can say, well I’m going to be a transactional lawyer, that’s fine and you may be for the first five years, ten years, two years, of your practice but you also may wind up in front of a judge sometime and a jury and you’d better have something to fall back on. You’d better know how to put a trial notebook together, you’d better know how to qualify that expert that you want to testify.

KEK: So you think those skills are essential.

LLC: Yes, ma’am I do, I’m sure that’s old school thinking but …

KEK: So, tell me now, you said that you work still down at the insurance commission, ….

LLC: Yeah, I’ve got a contract to furnish services as an administrative law judge or hearing officer at the insurance commission and I hear all the cases involving transfer of the control of domestic insurance companies. If you come in here and you want to buy an Oklahoma domestic insurance company, you have to jump through certain statutory hoops. And you have to be investigated by an outside investigating source as to your background, your moral qualifications, your legal qualifications, and so forth. And then you have to present all this to a hearing officer who has the right to say you can or cannot buy that company or transfer ownership. And I hear, I also hear discipline cases on agents and bail bondsmen, they also have control over bail bondsmen. I also hear cases about whether or not a company can continue to do business under their capital structure. It’s very interesting work.

KEK: That’s a pretty extensive process.

LLC: Yeah, it is.

KEK: Is that all set out in the Oklahoma Statutes then?

LLC: Title 36 and Title 57 I think it is for the bail bond code. Those are interesting people.
KEK: They sound like it. Now, in terms of hearing those cases, what kind of preparation do you need to do and then what kind of follow up do you need to do?

LLC: Oh, I don’t do any preparation. I just walk in and I’ll have a thirty case docket for the day. If it’s a bail bond forfeiture docket where a bail bond was forfeited and the bail bond was not paid nor was the defendant in the underlying criminal case returned to custody within the time allowed by statute, and because they have a certain time in which they can return the individual and then they have, I think it’s another three or four more days that they must pay the amount of the bail bond into the court. If they don’t do it, then the court clerk bundles up a packet of proof of all that, sends it to the insurance commissioner and they file a case and serve their agents and they come out and talk to me about it.

KEK: And then at that point, can you…..

LLC: I can lift their ticket, pardon me, I can cancel their license, I can suspend their license, I can fine them, I can charge them costs, I can fine them up to $1000 on each offense.

KEK: So you have a wide variety of options of what you can do.

LLC: And I’ve pulled some tickets before too. I just ask them, “Do you have your license on you? Yes, I do. Pull it out of your wallet and lay it out on the table.” They do. I say, “Slide it over to that Assistant General Counsel because you don’t have a license anymore.”

KEK: So you have the power to revoke their license?

LLC: Yes I do, I can break their bench as they used to say. And they of course can appeal me to the district court. I’ve been appealed to the district court. And from the district court that’s gone up to the court of appeals.

KEK: Now, do you have to write out your decisions, write out your findings of fact and your…

LLC: I have to. I usually dictate them into the record at the time, findings of fact and conclusions of law. Now, some of the cases will require some research and I have the parties brief it and I close the hearing upon receipt of the briefs because I have to have my opinion within so many days, I forget what it is.

KEK: And what has been your experience down there with the attorneys, you said, you mentioned just a moment ago how you thought the young attorneys weren’t properly schooled.

LLC: Well, just a lot of the young attorneys that go to work for state agencies and I’ve seen a lot of ladies and men come out of law school and go out there to work as Assistant General Counsels and then come in to try a case before me and not know how to mark a piece of evidence. And I’ve had to say, “Look,” the clerk who is usually an employee of the insurance commissioner, always has a roll of exhibit markers and “you ask that lady right there for an
exhibit sticker, she’ll give it to you.” And I say, “Now you put that in the lower right hand corner of that document and you mark that as respondent’s number one, it’s R, # sign, 1.” And they do it and I say, “Now you hand that over to the Assistant General Counsel so they can review it and they’ll hand it back to you. And when they hand it back to you, then you ask your witness to identify it. You ask them how they identify it. And then you decide at that point if you want to offer it to me as evidence and if you do then you offer it into evidence as respondent’s number one.” I mean, I had to walk them through it.

**KEK:** You’re kidding.

**LLC:** No. And I do it on the record.

**KEK:** Do you feel like it’s your obligation to walk them through it or do you feel like they should already know how to enter…?

**LLC:** I think they should know it but if they are going to, if they’re going to be in front of me for a while they might as well learn so we just have a little law schooling right there.

**KEK:** And what about the measure of decorum, I know you also said that there are some attorneys who swagger in and don’t show a great deal of respect..?

**LLC:** Well, Gene Stipe appeared before me when he still had his license out at the insurance commission one time. And he thought he owned the courtroom. And he started telling people what to do and I said, “Senator, I would appreciate it if you would sit right there where the attorneys sit and I’ll call your case when we reach it.” Well, you’d thought I’d hit him with a wet mop, but he sat down. And you’ve got to be able to do that if you’re going to sit as a judge.

**KEK:** Absolutely, absolutely. You have to take control of the courtroom.

**LLC:** Oh yes ma’am. Courtroom, hearing room, whatever it may be.

**KEK:** Do you feel like you have to do that also as an arbitrator?

**LLC:** Yes, ma’am. You have to do that as a lawyer with a client, you’re sympathetic, you want to hear what they have to say, but, you have to let them know that it’s your office, they came to you, you’re the white knight, now, let’s talk. And if they don’t want that, and you know this is one thing I tell my students all the time, you know it’s really hard when somebody brings you a mediation case that you know something about and you may have been involved in but your rent is due tomorrow and you could sure use that fee. And you’ve got a real ethical decision to make. Do you make your rent money or do you tell that person “I can’t do this because I know such and such. I know Joe on the other side,” or whatever it is. Now, that’s tough.

**KEK:** That is tough. What do you recommend to students to do in that kind of a case?
LLC: What is it we say in the Methodist church, remember your baptism. I tell them that they had better do the right thing. And the right thing is to turn the case down. I’ve gone through those 2:30 a.m. wake-ups when you wake up the day before payroll and you think, “My God payroll is due tomorrow and I don’t have it in the bank, where am I going to get it?” And then you’re awake from 2:30 on trying to figure it out.

KEK: Exactly, trying to figure out how you’re going to come up with the money to pay your employees. What kind of advice would you give to somebody just coming out of law school?

LLC: Well, of course they do so many different things now with law degrees and that’s fine. Even people in my class in ’63 went straight into banking and business, Joe Simron went down to Liberty Bank and he was head honcho out at some big bank in the Carolinas. I think you’ve got to have an idea of what you want to do and if you don’t you should get that idea clerking during the summertime and clerk for different types of businesses or practices if you can. And, see some trial. I mean, just go down to the courthouse during the trial docket, sit in the back of the courtroom, and watch some trial work. You’ll see some lousy lawyers, you’ll see some not too astute judges but you’ll also see some masters of the bench and you’ll see some masters of the bar. And, you know, if you can get a good mentor, work for a good mentor somebody that will take the time to tell you what’s going on and why, that’s probably the best thing you can do.

KEK: So you still think mentorship is important?

LLC: I think it’s very important. And I think it was going on before people even knew what to call it.

KEK: What was the best piece of advice that someone gave you along the way?

LLC: Go to the statutes. Get that green book down and look in there and don’t, just because you looked two months ago on the same thing, don’t assume it hasn’t changed. So, you go to the statute book.

KEK: So, it sounds like someone told you to be very thorough in your legal research.

LLC: And it was my daddy.

KEK: Now, Mr. Conner, at this point you could retire, you know, you could give it all up, hit the golf course every day what continues to motivate you in your practice and in your various roles?

LLC: Service. Service to people. That’s what the practice of law to me has always been all about, it’s just service to people. And it’s, I basically have retired from active practice, I just do the arbitrations and mediations and the hearing officer work. And I do a lot of volunteer work. Serve on boards, serve the church, serve out here.
KEK: Excellent, excellent. Well, is there anything that I have not asked you that you would like to say?

LLC: No, it’s been, it continues to be a very interesting life.

KEK: Would you recommend that somebody go into law practice?

LLC: If they want to serve and if they want to serve people and even corporations and partnerships and legal entities are people, there’s somebody driving the boat. Yeah, but that’s what motivated me and I think that’s what motivated a lot of the lawyers that I practiced with and I understand that the practice has changed. Another thing that I was told and it was very true and that was “You’re not going to make any money practicing law, you’re going to make money knowing people.” And the amount of cases they can bring you which will allow you to hire associates, which will help you make some money, and which will possibly open your eyes to some fields that you might want to get into. I learned more about oil and gas from one client than I did my oil and gas class.

KEK: You’re kidding.

LLC: No, and I took geology too down at the university because I thought it was important if you were going to be in this state to know geology. And I had one client who was a working landman, driller, producer who taught me more about the oil business than I could have learned anywhere I think. And he got me into investing with some people which turned out to be, well, made a little money.

KEK: So, you found your clients to be very educational?

LLC: Of course. Even the divorce clients, even the criminal clients, I mean not criminal clients, clients in criminal cases.

KEK: So, you felt like you could learn something at least from….

LLC: Oh, and I learned that from my first cases in the Air Force. We were prosecuting 18, 19 year old kids for purely military offenses. At that time we had B-47s out on our flight line that had nuclear weapons on board and so they were heavily guarded. We had 16 Titan II missile silos around Tucson that had nuclear loaded birds sitting in them. And I’ll tell you what, that’s something awesome to stand on that ninth level and reach your hand up there and pat that warhead that’s nine nuclear weapons in it and they could each go to a different target.

KEK: That is unbelievable.

LLC: It’s scary. And to think there’s two guys with keys around their necks sitting at consoles that are 20 feet apart so that one guy can’t turn both keys. That are in control of it all. Fascinating people.
KEK: Absolutely.

LLC: And you can learn from them.

KEK: Do you think that attorneys realize how much they can learn from their clients?

LLC: I have no way to judge that. I know I did, I would hope that they would open their minds to it because knowledge is power especially in negotiations, especially in the practice of law to know the factual background, to dig into it and to have that information available to you.

KEK: Do you think it helps you make a more educated decision?

LLC: Oh, there’s no question about it. Again, knowledge is power, if you know; you’ve got a better background upon which to base a decision to go forward and the direction of that decision.

KEK: Well, do you have anything else Mr. Conner?

LLC: No, ma’am.

KEK: Okay. Well, I just wanted to thank you so much for your time today. We’ve gone over the hour but I appreciate you being gracious enough….

LLC: You can talk to me anytime you want to, you’ll find that old men love to talk.

KEK: Well, it has been fascinating, thank you so much again for your time today.

LLC: You’re more than welcome.

KEK: Great.