INTERVIEW WITH MR. HOWARD K. BERRY
OCTOBER 4, 2008

KEK: Well, good afternoon my name is Karen Kalnins and I am a reference librarian at the Oklahoma City University Law Library in Oklahoma City, Oklahoma. Today is Friday, October the 4th 2008 and it is about twenty minutes to 2 p.m. in the afternoon and I am sitting here with Mr. Howard K. Berry of the Berry Law Firm in Oklahoma City, Oklahoma. And, today we’ll be doing an interview with Mr. Berry as part of the oral history project where the OCU Law Library is interviewing attorneys and judges throughout the state of Oklahoma. So, good afternoon Mr. Berry.

HB: How are you?

KEK: Fine, how are you doing this afternoon?

HB: Very well.

KEK: Very good. Well, I’m so pleased that you agreed to this interview today. And I just wanted to start off just basically asking you what, what drew you to the law?

HB: Well, let me, um, tell you that I am Howard K. Berry Jr. so the significance of it is that my father, Howard K. Berry Sr. was a lawyer and we’re in the law offices or the Berry law building where my son, Howard K. Berry the Third practices law. So obviously the fact that my father was a lawyer was very, very instrumental. And, here in this room, we’re in the Berry law building which was built in 1906, so it has a lot of history. But here in this room, behind me, is a picture of the Oklahoma County Courthouse that was built in 1907. Then over on this wall, we see a, the present Oklahoma County Courthouse that was built in nineteen and thirty-seven. Then, at a period of time which I don’t know when, the old courthouse where my father practiced law and I was born in nineteen and thirty-one, so there was six years of my life that my father practiced in this old courthouse. And I can remember my mother and I and my sister in our car going down and picking up my father at that building. So, I can remember this old building. When that was torn down, I could not tell you but where it is now in Oklahoma City is at Main Street and Walker, where the Montgomery Ward Department Store was for most of Oklahoma City’s early history. It’s now called, it’s been converted to a, an apartment, it’s called the Montgomery. But right next to it where this old courthouse was, is now, a, we’ll call it a retirement home. So, that’s what drew me to the law, was my father and just growing up at that courthouse over there which is now the present county courthouse.

KEK: Well, very interesting, did he, did your dad take you with him to court?

HB: Well, uh, not as much as I might go down there myself. Occasionally I might have gone down there as a teenager who got into some trouble. But, most of the time I would just go down there because I knew he was in a trial of a case and I’d hear him talk about the case, so. One of the most significant changes in the practice of law now is that about
two years ago they required you have a badge, a security badge to get into that courthouse. And now, um, I have one so I have to go through and flash the badge to get into the courthouse that as a lawyer for fifty years I had freedom, come and go.

KEK: What do you think caused the change?

HB: Well it was security, terrorists, I think. There have been reported cases of where litigants have killed judges. There’s been shootings in the courthouse and to prevent that type of blame being put on a sheriff for not securing the courthouse, that’s why we have that.

KEK: Are there also, are there metal detectors down there now?

HB: Yes. You have to do just like the airport, it’s just the same. The only thing is this, you pay fifty dollars a year to the Oklahoma County Bar Association and you get that security badge and you can wear it, of course nobody does, but they just put it on there and the gates open and you can get through without having to go through the regular traffic of everyday litigants who are coming and going doing business at the courthouse.

KEK: Well, that is one good thing I guess to be an attorney down there and you have that badge.

HB: Distinct advantage.

KEK: That’s right, that’s right, that’s right. Now what kind of law did your dad practice?

HB: He practiced personal injury case, cases. He was a, um, policeman and um he never graduated from any college. He did spend one year at the University of Missouri and wanted to major in journalism. But that was in 1930 and 1931 and we’re hearing today the old word depression may be coming back but that’s where he first started and of course economics just prevented him from continuing in that career so he came down here where his father was the county clerk of Oklahoma County, my grandfather. So he then became a policeman and he what they called “read for the law.” And, it required that you of course study it. He never went to law school but he studied the law and you got affidavits from members of the bar who said this man has sufficient knowledge to take the bar exam, which you had to do. And so he was admitted. And started off in the practice of personal injury law.

KEK: Very interesting, now are attorneys office trained now?

HB: No, no. I have an uncle who, um, we practiced law, who was a World War II veteran and he had a major injury in combat. And he was granted a, he never graduated from school either, he brags about he graduated from glider school in World War II. But he was admitted on motion by reason of having a disability and being a veteran. But, um, that gratuity has, was subsequently phased out. And um, another major change is that when I went to law school you did not have to take the LSAT test, an aptitude test. You
had the absolute right to go to law school. And, you had to be of course a graduate from a, you had to have an undergraduate degree and then you could go to law school and there the challenge was to not wash out. And, we were told that you’d shake hands with the person to your right and the person to your left and out of the three of you one of you would not be graduating. And it turned out to be even less than that. Now everybody that goes to law school has gotten where they’re not going to wash out but their challenge now is to be in the top 10 of their class so that they get offers from Wall Street, well it used to be popular, Dallas law firms, big city law firms with these large salaries.

**KEK:** Now, where did you go to law school Mr. Berry?

**HB:** University of Oklahoma.

**KEK:** And, what year did you graduate?

**HB:** Nineteen and fifty-eight.

**KEK:** And did the, when you were admitted to law school, did the law school look at your grades, you said they didn’t require the LSAT but did they look at your undergraduate grades?

**HB:** Well, they would look at it to make sure you just had a C average.

**KEK:** Was there anything in particular that you liked the best about going to OU or was there any particular reason why you went to OU as opposed to somewhere else?

**HB:** Well, it was, at the time that I went to law school I was married with two children so I had a certain limitation as far as going off to places like Harvard or Yale or any other schools, Michigan, um, was a high-ranked school. But, um, because I was born, reared in Oklahoma City, I had no real reason to go anywhere but OU. Now, OCU at that time, as you may have read that book that Von Creel, you know what I’m talking about?

**KEK:** Um, hm.

**HB:** I did at one time teach out there when they had those barracks, that was about 1964.

**KEK:** And what subjects did you teach at OCU?

**HB:** Evidence, something related to trial practice.

**KEK:** And did you teach, you obviously, did you teach full-time or part-time?

**HB:** Part-time.

**KEK:** Do you still teach there?
HB: No.

KEK: And what was your class make-up or who were the members of your class? Were they mostly males, were there any females?

HB: There were, there was one female in the class. Our graduating class, we started off with I think about 129, and there were 90 something. We recently had our fiftieth OU class reunion and um, there were about thirty-five there and about five or six that could not come. So we were less than fifty survivors.

KEK: And, how was the reunion?

HB: One of the most interesting experiences I’ve had in a long time because the OU Law School, when I went, was Monnett Hall, called the Law Barn. Then after that, in which year it was I don’t know, they built the new law school. And now they have the addition with the Andy Coats wing. So, but it was just a wonderful experience to see the changes of how, uh, the, um, we walked into a room in the new law school probably forty to fifty computers. And that’s how all the research is done, all of the typing is done, all of the, and the students have their computers in class. And uh, we were briefed on how now they teach a course with um, classes in other countries by some kind of an electronic, um method. And, you probably know what I’m speaking of.

KEK: What do you think about how they teach law school now as opposed to when you went?

HB: Well, I wouldn’t have any way to gauge that, to tell.

KEK: Well, after you graduated from law school, what, what did you do?

HB: Well, I joined my father and his brother, younger brother, my uncle who at that time had just finished off kind of a young career in politics. Um, I’m referring to Bill Berry, James W. Bill Berry. And when I, Bill and I, and my father started off downtown Oklahoma City, Bill had just lost a race for State Senator. At that time in 1958 Oklahoma County had only one senator. Now, I’m, I’m speculating that there’s probably four or five because at that time Oklahoma County had one senator and Tulsa had one senator. And you can imagine the power, um, that a person like that would have. Well, Bill had been elected county attorney which means that Oklahoma had seventy-seven county attorneys. Each county had their own county attorney, elected. Since that time, they consolidated them into districts and it just happens to be that Oklahoma County has one district attorney because of population but you go out to the western part of the state, a district attorney out there may have seven or eight counties. But um, so Bill had been in politics and then the three of us practiced law for many years that way.

KEK: And when did your father found the, when did he, when did he, start the Berry Law Firm?
HB: He started practicing law in about 19 and, I could go out there and look and see because you look in the hallway you’ll see his license to practice law, guess whose underneath there?

KEK: Probably yours.

HB: And, guess whose at the bottom?

KEK: Your son’s. That’s okay.

HB: I guess it’s about 1933, something like that.

KEK: That’s fine, don’t worry. And did he start off by himself or did he start off with your uncle?

HB: He did not, no, when my father started practicing Bill was just a squirt, um, 1932, Bill was probably ten, twelve, fourteen years old. Doing the same thing I had later done which is just sort of learn from my father. But, um, my father practiced and you might um, learn something here, early on with a man named O.A. Cargill, C-a-r-g-i-l-l. And they practiced law together in the Hayles Building which has now been destroyed and they have, I mean it’s, it’s now part of urban renewal but they practiced for about five or six years together. Subsequently, in about, I really can’t tell you the year, O.A. Cargill was one of the leading, named lawyers in the scandal. So, you’re familiar with what I’m speaking of?

KEK: Absolutely, but I’d like you to, if, if you know about the scandal or if you can talk more about O.A. Cargill that would be very interesting.

HB: Yeah, of course I can remember going up to the office of Mr. Cargill and he was practicing with his son, O.A. Buck Cargill. And, um, there were a couple of other lawyers there and they, that’s really how my father got into the personal injury work because Mr. Cargill had been mayor of Oklahoma City and he always bragged about being a street car conductor, which he was. Um, but a very, very, um, commanding personality. He was about six foot four or six foot five and when he came into the courtroom you knew you were up against somebody who was, but he turned out to be, he was pretty devious. He was convicted.

KEK: What was he convicted of?

HB: It could have been for either income tax evasion, but it was, uh, being in the scandal of corrupt Supreme Court Justices. Justice Corn who went to the penitentiary, whether Mr. Cargill went to the penitentiary or not I don’t know but he was in bad health by the time all of that was over but ended up in utter disgrace.

KEK: And these were Oklahoma Supreme Court Justices?
**KEK:** And, was this, this was, I want to say it was sometime in the fifties?

**HB:** I just can’t, it would probably be closer in the sixties because I was practicing law when all of that occurred and G.T. Blankenship was the Attorney General, and um, maybe he was in the House of Representatives I’m not too sure about that. But that would have to be in the sixties or early seventies.

**KEK:** Were there any, from that scandal, what were the effects on the Oklahoma, on the, either on the judiciary or on practicing attorneys?

**HB:** Well, I don’t know of any, like changes in policy, or nothing that I know of, other than that it was just scandalous. He was convicted basically of bribery for writing favorable opinions. Um, and Cargill was the man that was, I guess a better expression was the bag man, it’d be his cases. But, I can remember Mr. Cargill very, very well because he was such a pronounced person.

**KEK:** Is his son still practicing?

**HB:** No, he’s deceased.

**KEK:** So, you, the three of you practiced law together and you said that you focused mostly on personal injury cases. How did, how did you decide on handling personal injury cases?

**HB:** Well, it’s just inherited, you just learn how to handle that, just like my son is doing the same thing. It’s a trade, a skill, it’s a niche. And from my father handling medical negligence cases which at that time, very few lawyers took those cases because you could never get a doctor to testify against another doctor. And, uh, the law developed, the law could see what was going on, and was starting to make erosions in the strict requirements that um, the judges would require. Then as that became larger, then experts from other states were permitted to testify. And, it’s gotten to where it now is almost pretty much my specialty when I was practicing and I think my son is doing a lot of medical negligence cases.

**KEK:** What do you think an attorney who wants to go into this area of the law, what do you suggest or what do you think are the most, the most important skills that someone possess?

**HB:** Well, you’d have to have the skill to be a trial lawyer, that would be required. You can’t say I’m going to be an office lawyer and handle malpractice cases because the physicians are insured and they’re heavily insured and they will take you to the very limit which means you’re going to trial and you want to hear the knock on the jury door that they’ve got a verdict you’ve got to be able to go that far. And if you’ve got a reputation
for never being down at the courthouse, so that’d the first thing you have to know, is learn how to try lawsuits.

KEK: And, what else, do you think?

HB: Well, it would help if you were a doctor, knew your medicine.

KEK: Did you ever have any kind of medical training?

HB: Yes, only through what was offered in the legal community which would be classes. They had some classes down there on basic anatomy and then there would be seminars on brain injuries. I went down within the last year to San Antonio for an institute on traumatic brain injuries. And the surprising thing that I came back with besides a world of knowledge on how a major impact um, can cause brain damage, were the amount of military people that were there by reason of the war in Iraq. And the explosions that have caused traumatic brain injuries.

KEK: Are you still practicing now Mr. Berry?

HB: Yes and no. Um, I tried a case in 2000, the year 2000. Went down to the courthouse and I sued, for reference here two, a hospital and a doctor. After I had presented my case the trial judge says very courteously, “Mr. Berry, you’ve made a case here against the physician but you haven’t made a case against the doctor, the hospital,” I’m sorry. Um, so, that defendant basically was excused. I’m trying to be in layman’s terms, it sustained a demur to the evidence. So, I went ahead, the jury, I went ahead and completed the case against the physician and had a favorable verdict. So, I then after that was settled, I asked the trial judge to change her mind, that you had committed error there and you should grant me a new trial against that one, the hospital that was excused. And that was denied so I appealed it. You’re entitled to an automatic appeal to the Court of Appeals. So, I appealed that and that court affirmed the trial judge and said that she was correct in my case. So I then filed a Petition for Certiorari which the court, the Supreme Court of Oklahoma, has discretion, it’s not mandatory that they have to hear your case. And, after a period of time they granted the Certiorari, that means they decided to review it, that it had an interesting question I guess. And, they had it for a long time out there, and in, on January the 16th of 2007 they rendered an opinion.

KEK: What was the opinion?

HB: Well, they reversed and remanded. So I was back out of retirement now and that case is gone on and was set for trial on September the eighth of 2008, we’re talking about a month ago, less than a month ago. But on August the eighteenth, we had a mediation and it got compromised, settled and compromised. But the, it hasn’t closed yet.

KEK: So, what’s holding it up?
HB: Well, we agreed in the mediation that the terms of the settlement would be confidential and that they did not need to come to the table with the money until October the tenth, a week from today.

KEK: And what do you think, do you think that they will…?

HB: Oh definitely, because they entered into an agreement, oh yes.

KEK: Well, that is very interesting. So, you are still, you’ve still got one case in the hopper.

HB: That case is just about to end and then I will be fully retired.

KEK: And, speaking of cases, what, can you talk about any of the larger cases that you’ve had or well-known cases that you’ve had or what was for you, I guess, the most significant case?

HB: This case. I’d have to say it’s a wonderful case to end a career because I can say that the last case I tried to a jury I won with a very, very significant verdict and it’s reported. That case is reported in the, from my memory it’s 3 Pacific second, 254, I’m sorry, it’s Pacific third. It would be 2007. So, then I can say the last case I appealed I won so, you’d have to google to get the cases and they were all significant.

KEK: Have you had other cases go up on appeal?

HB: Yes.

KEK: And, have you ever been to, say like the U.S. Supreme Court on any of your cases?

HB: No, no but what I did do I’ve been to the United States Supreme Court, that was your question. But it was only as a visitor. And I told you that this case, that the Oklahoma Supreme Court reversed was January the sixteenth of 2007. Well, the law permits the losing party, the hospital in this case, to ask for a rehearing, which they did. I think within ten days of when the decision is final. Well, in the period of time while the Supreme Court was considering the motion for rehearing, I was in the United States Supreme Court as a visitor and have you been there?

KEK: No, I’ve, I’ve never been there. Yeah, but, how did you, how did you, get to go as a visitor?

HB: Well, it’s open to the public and I was in Washington. So, it’s a beautiful structure, it’s quite an event, I’ve been up there when I was admitted to the United States Supreme Court of course I visited, then I’ve been up there and listened to some oral arguments in a case. But, in the, in the, next to the clerk’s office there is a gigantic, sitting John Marshall. John Marshall, probably the most famous Supreme Court Justice. It’s quite a
sitting Abraham Lincoln type of statue and it’s right by the clerk’s office and I watched this gentleman come out of the clerk’s office and I knew he wasn’t a judge but I knew he wasn’t a visitor. I could tell he was a lawyer, he’s just been in the clerk’s office and he came out and he went over and he rubbed John Marshall’s toe. Well, when he got out of sight I went over there and looked and it was very tarnished. I mean, it had been rubbed before and I asked this security man what was, what did he do that for? And he said, “well, that’s just tradition that lawyers do that for good luck.”

KEK: Huh.

HB: Well, that afternoon I got in a cab and went to Ronald Reagan Airport and when I was getting out of the cab my cell phone rang and it was a person in my case saying, “Well, HK (that’s what they call me) the petition for rehearing has been denied.” So I said hallelujah!

KEK: Well, and maybe it was because you rubbed John Marshall’s toe.

HB: I’m going back to rub his toe again.

KEK: Yes. When you’ve been, since I’ve never been to the United States Supreme Court I have no idea, how, how formal is, are the oral arguments?

HB: Uh, very formal. Um, and of course a lot of security there, but it’s open to the public. And, um, it’s something everybody ought to do. Of course you can now get it orally, I think on NPR or there’s other ways in which you can listen to those arguments.

KEK: Yeah, I know there’s a Web site, oyez or oyez, but I think going there would be a great experience.

HB: It would be. One of the things that I wanted to tell you about changes was the changes in, and this you’re not going to be able to see this, but this is an old, old document um, I say old, let me see the date on it. Um, yeah, that’s 1971 but even in 1971 you had, when you filed something you had to put that blue cover on.

KEK: Oh, so you had to attach this before you filed?

HB: Yeah.

KEK: And then they file stamped your pleading?

HB: Oh yeah. And this one hasn’t been folded but back in the really old days they would fold em about four ways and then they would stick them into a, a bin down at that old courthouse. The point is that now in federal court everything is electronic. And will move into the state courts where that will be electronic. And that’s a major change.
KEK: It is, and what do you think about that change, about electronic filing of pleadings?

HB: Um, well, if there’s anything that I um, don’t miss about retirement, it is the deadlines. You had deadlines to, which you had to get things filed and especially in federal court and so many times it was a rush, traffic wise just to leave here, get your car parked, and get there by four-thirty. Well now you have still deadlines but you don’t have to do that, it’s just so easy.

KEK: Absolutely, yeah I think electronic filing makes it easier for the attorneys, and now with gas prices as high as they are, it cuts down on travel as well.

HB: I made a note here that another big change is in the, what used to be the State Industrial Commission. Would you know what that is?

KEK: I don’t. I am not familiar with that particular commission.

HB: Well, we have a constitutional provision that says that all persons have a right to a trial by jury. But somewhere along the line the worker’s compensation law came into effect and um, which if you were in a hazardous employment and you were injured while on the job, you could not sue your employer in a state court action. You were not entitled to a jury trial. And, so they, it’s been an evolution from a State Industrial Commission then when I started practicing in the early sixties you went down to the State Capitol where the Rotunda is and in one of those office arrangements right off of the Rotunda you would have, they’d call a docket and then you’d go into an office almost smaller than this office, and there would be a person sitting at the, behind the desk who would be the judge. And then you would present your case under the rules of the State Industrial Commission. The point being that that’s now evolved into this very elaborate, they have their own structure up at the State Capitol. It’s a building and I think it’s called the um, well, you can tell I don’t practice out there.

KEK: That’s okay, don’t worry.

HB: But, they, they now wear robes, they have courtrooms, and uh, it’s a lot more formal although it’s still the same basic principle. Big change there.

KEK: That does sound like a big change. Okay, I think I will stop the recorder now so that, again so that, because we’ve been going for about forty minutes so we’ll go ahead and stop it just so again so the file size does not get overly large.

KEK: I am a reference, my name is Karen Kalnins and I am a reference librarian at the Oklahoma City University Law Library and this is the second half of the interview with Mr. Howard K. Berry. And again we are speaking on Friday, October fourth, 2008 in Oklahoma City, Oklahoma and we are in his law offices. And in the first part of the interview we talked about some of his experiences as an attorney and why he went to law school and why he became an attorney, and now I wanted to focus on, or ask him, about
some of these historical pictures in his office because although you can’t see it obviously, because we’re doing just simply an audio interview, the building itself is very, the building where the law office is or the law firm is, is historical. And there are many historical photographs or pictures along the walls. So, I guess I will just give the floor to you, however, whatever order you wanted to talk about the various photographs or?

HB: What about the building?

KEK: Yes, what about the building?

HB: The building was erected in 1906 and there’s plenty of pictures around here that shows it as the only building along what is now Classen Boulevard. At that time Mr. Classen was a real estate developer and like all good entrepreneurs he knew to develop the real estate he would need to put some way in which people could get to where he wanted them to go. So he was one of the founders of the streetcar that went on out to what is now the Penn Square Shopping Mall. That’s now Belle Isle Lake and that’s where the streetcar would go from downtown Oklahoma City past this property here. But this property was built by the United States Department of Agriculture because it was all farm land and it became a weather station and that was what it was built to be and that’s what it remained until the early nineteen fifties. And at that time, we have plenty of pictures around here, showing that on top of this building there was a big doghouse I’d call it in which the weather man would get on top and use all of his paraphernalia that they had early to make weather predictions and they would signal to the farmers what the weather was going to be by flags. They still do the same thing out at Lake Hefner to boaters in which they give warning signs and various things like that. And then after that got more sophisticated the Department of Agriculture weather people continued that and during World War II there were um, the weather man lived upstairs. His offices were on this floor and there were working rooms in the basement. And, United States Navy assigned some sailors to do whatever the Navy was doing during World War II in Oklahoma City and the weather man had a couple of daughters. And these daughters had come back here at various times and told us about living upstairs with these sailors down in the basement and how the parents were of course very, very guarded about their daughters. But I bought it in 1981 and before that it had been a charm school in Oklahoma City and it had also been a business school and then it became an insurance building. In uh, 1981 I was driving down the street and there were a bunch of these flags out here, the property was for sale and I had just settled a case. And I said I think that’s what I want to do is move from downtown and I’m going to buy that and either I or my son have been here ever since.

KEK: And what, what drew you to the building?

HB: Well, it looks like a courthouse from the outside, a small, county, courthouse it just had the effect of stability, of longevity, the type of things that lawyers like to think they have. And it gave me the right to do along with the things I had to do which is change light bulbs and matters like that but all in all it was a decision that I never, ever regretted. Now, my father was President of the Oklahoma County Bar when he got back from
World War II. He was elected County Bar in nineteen, President so then I, at a point, succeeded him as Oklahoma County Bar President so that’s where my interests have always been. And my, we have a couple of pictures here of a County Bar, Oklahoma County Bar in 1919 and you can see the group there. And then, what year is that one over there?

KEK: This one is from 1940.

HB: Okay. 1940 and my father’s picture is in there, somewhere. But, when I became County Bar President we had about 750 lawyers. Now, it’s over two thousand.

KEK: What do you think about that, about the explosive growth of attorneys or the number of attorneys?

HB: Well, I, I think the Bar Association has kind of kept up with the needs. I don’t think there’s been any suggestion that there’s too many. Obviously there’s not because when I’m told that because I’ve never hardly billed a client on an hourly basis, our work is all contingency. But I’ve been told that lawyers are getting as much as four hundred dollars an hour. So obviously it’s not an abundance.

KEK: What did you like best about being the, the Bar Association President?

HB: Just um, kind of enjoying the fact that I was elected. And, we were very small, we had a, we did have an executive secretary so that took care of all the work. We had a small office in one of the downtown buildings and they’re downtown now but in a much larger office. I just enjoyed the programs doing, helping in the seminars and we had parties. We had a dance here, I guess it was last Friday night at the Skirvin Hotel inaugurating the new president.

KEK: What did you, now that you’re, well you will be retired I guess in a week after your case is finished, what did you like best about practicing law?

HB: Well, I’m not so sure I liked it all that much because of just the tremendous pressure, deadlines, and it’s not like being in an office where you kind of set your own work patterns. You have to be there in court at nine o’clock and um I just have enjoyed the thrill of, along with the defeat, I’ve lost cases and lost major amounts of money that I’ve put in cases. But it’s certainly an exciting type of practice. I’ve been in the famous J.D. McCardee criminal trial, you would not recognize that name but he was a politician and turned out to be Speaker of the House and then he was indicted. So, I’ve been in some criminal cases and I was in the case of where a very popular lawyer’s son was involved in a serious matter so there’s a lot of publicity, name recognition.

KEK: Do you have any regrets?

HB: Well, yeah I wished I could have been an entrepreneur, things like that, knowing the things I know now, there or a professional golfer. Those kind of things but certainly no
regrets for the, the law is a jealous mistress and it’s taken its toll. But no regrets, none. I’m just so happy that I’m going to be able to hopefully give some contributions to the Oklahoma County Bar Foundation, the Oklahoma Chapter of the American Civil Liberties Union, and continue to support them, those kind of organizations, Planned Parenthood.

KEK: Why do you think supporting those types of organizations for you anyway, why is that important?

HB: Well, because they do such good work. They don’t get paid four hundred dollars an hour for representing people who are abused by reason of whatever fate that they’ve had played in their life, and so it’s important to me that there continue to be those groups out there who fight the establishment.

KEK: Now Mr. Berry have you had a chance to work with younger attorneys or recent graduates from law school?

HB: I have in my career, not lately other than my son, he’s not young anymore. He’s been out since the seventies.

KEK: Okay, okay, well because I was going to ask you if you’ve seen changes in, either for the better or for the worse in recent law graduates?

HB: I hear about it, that younger lawyers are, I hear this from older lawyers, who tell me that younger lawyers can’t be trusted now, that and this is a major change and I’ll, you’ll understand it. When I go to OCU Law Library, if I go to the University of Oklahoma Law Library, I have occasion to go out to New Mexico where they have the Oklahoma, the New Mexico Supreme Court has their own library. And you see signs that say “Don’t leave things unattended” and now when I think about leaving a briefcase and going down into the bowels of the law library to get a book that somebody’s going to steal it. And I hear that happens.

KEK: It does, well, that’s why we have signs up over at the law library because it happens.

HB: I never encountered that down at the Oklahoma, the Oklahoma Courthouse has a library down there on their, I guess it’s their first floor, you know what I’m speaking? And never, of course that’s just one space you can’t get too far. But, then I hear from other lawyers that civility and people’s word is not to be trusted.

KEK: What do you think? Do you think that civility is gone from the law?

HB: I just can’t really tell you because I’ve been far removed.

KEK: Understandable, understandable. Now, tell me about this picture that is above the picture of the current Oklahoma County Courthouse. What is that a picture of?
HB: Well, that’s of the Oklahoma Supreme Court and the year 1918. I had done a little bit of work, in fact at the OCU Law Library. I went down and you’re familiar of course with the Pacific Reporter? So I went to the very, number one Pacific Reporter and I think it was not a, I’m trying to remember what year it was of the first Oklahoma reported case. And it was, I’ve got it around here somewhere, but it was in the 1890’s. Now Oklahoma became a state in 1907 and this was an Indian Territory case. But, uh, all that is showing is, what have we got, we have nine justices there. And I can’t remember where that picture came from. I ended up with it.

KEK: It’s a great, it’s a great picture. And what about this gentleman here above the desk?

HB: That’s Howard Berry Senior and then the other picture is his father, James W. Berry who was on the Oklahoma City Board of Education and was the Oklahoma County Clerk down at this old courthouse here. Various memorabilia here.

KEK: And both of those look like obituaries.

HB: Yes, right. Just various things that we’ve accumulated all through the various rooms of careers and family. Things like that.

KEK: And who is this, tell me about this picture that is on this table where we have the microphone?

HB: Well, that’s Moman Pruitt, the man who was the object of the book my father wrote.

KEK: And tell me about the book.

HB: Well, my father wrote it nineteen and forty-five, 1946, so I knew him. And, if I was in, had control of this building his picture would not be anywhere. He was a corrupt, despicable, drunkard died penniless. Bragged about bribing judges and bribing jurors. I met him when I was very, very, young. But, um, my son has sort of carved out a niche by being an authority on this guy because he’s got some notoriety around here.

KEK: And obviously your dad thought he was interesting.

HB: Enough to write a book.

KEK: Right.

HB: Yeah.

KEK: Yeah.
HB: Very much so. But the family turned on him, on my father and um, claimed that, it really wasn’t a book, it was just more of what my dad did was a composition of a book that Pruitt had written. And that went all the way to the Oklahoma Supreme Court and resolved in my father’s favor as that he was the author. And that gets back to my father’s interest in journalism, remember I told you that he went to the University of Missouri but after that my dad never wrote again.

KEK: Have you ever written anything or have an interest in?

HB: No.

KEK: Well, Mr. Berry, what can you tell me, what is the best piece of advice that anyone has given you during your career?

HB: The best advice? Well, when they put you out to pasture, make sure you own it. That’s been some good advice. Kind of, save for the rainy day, like we’re having here in the last few weeks. Um, I would have some side investments for retirement. Anybody tells me that, I think that’s always been good advice. They don’t go around giving lawyers advice, people don’t. We give them advice.

KEK: That’s right, after all why do people go see attorneys?

HB: That’s right.

KEK: And do you have any advice for new graduates of law school?

HB: Yeah, it would be to be stable and not move around. Carve out a niche, I’m very much on that theory. If, one time I read an obituary in the New York Times on a person who was the world’s leading authority on the black voodoo orchid. And, to find it in the law, there are specialties that are coming out like in this collaborative law I’m hearing about. And I really can’t explain it but I’ve heard that it is lawyers who take a case with the idea that it’s going to be mediated, we’re not going to go to court. And what I’m hearing about it is that if you’re a collaborative lawyer, like in divorce, then that lawyer is going to do his best to, or her, to settle your case so you won’t go to court. And if you do go to court, as I’m understanding it, you have to fire the lawyer and get them a trial lawyer, sort of like the English system where they have the solicitors and the barristers. But the point is to get some specialty, um, in my class reunion that we had not too long ago there was a guy in my class that had carved out a specialty of municipal bonds. And, I’ve learned he’s one of a few. So, if you just go from office to office changing and you just sort of get whatever comes over the telephone …

KEK: Well, again, this is Karen Kalnins speaking with Mr. Howard Berry and this is sort of the last part of the interview and I just wanted to ask Mr. Berry if there was something that I did not ask him that you, is there something that I did not ask you that you wanted to talk about Mr. Berry?
HB: No, you just expect there to be change, there will always be change and it will always be different.

KEK: Well, thank you so much for your time today, I really appreciated this and I really enjoyed my time here with you.

HB: Okay, fine.

KEK: Thank you.