INTERVIEW WITH DAVID K. PETTY
NOVEMBER 4, 2008

KEK: Well, good afternoon, my name is Karen Kalnins and I am a reference librarian at the Oklahoma City University Law Library and today is Election Day. It is Tuesday, November 4th, 2008. The time is about 1:10 p.m. in the afternoon or 1:05 or so in the afternoon and I am here in Guymon, Oklahoma. I am going to be speaking with David Petty. He’s an attorney here in Guymon, Oklahoma and this oral history interview is part of the oral history project that the Oklahoma City University Law Library is sponsoring. And we are interviewing attorneys and judges throughout the state of Oklahoma as a part of this project. So, let me first welcome you Mr. Petty, thank you so much for your, for your interest in this project.

DP: Well, I’m happy to participate. Feel honored to be invited.

KEK: Well, thank you again so much. Well, I just wanted to start off, how did you become interested in law and in the legal profession?

DP: That’s kind of an interesting question. I didn’t have anyone in my family that was in the law, no relatives, aunts, uncles, cousins, no one had been a lawyer. And when I was in college at Oklahoma State University, one Saturday morning my wife and I, what later became my wife, then my girlfriend, and I went down to the campus corner, to the drug store to eat breakfast. And while I was at OSU I probably did not, until that day, read any novel, fiction novel, non-fiction type book that was not classroom related or required. No pleasure reading at all, it was classroom work only and then the rest of my time was probably frittered away in some other activity. But on that Saturday morning, we ate breakfast and as we were getting ready to go why, I walked by the circular book stand that had paperback books on there and I just flipped it around just killing time, I don’t know whether I was waiting on her or what the reason was but, in any event I saw this book called Courtroom so, I picked it up, looked at it, and bought it and read it. And that was in the spring semester of my junior year. I was a business, in the business school there, marketing major. And I read that book and decided after that that I was going to go to law school. So, the book was Courtroom, matter of fact I have a hard copy of it in my office. I don’t know what happened to the original, somewhere along the way I lost it but I tracked down a, through a, it’s out of print, it’s been out of print a long time, but I tracked down and have that copy.

KEK: Well, very interesting. What about the book?

DP: Well, it was a book about a lawyer in New York, criminal lawyer by the name of Samuel Liebowitz. And he was a very well-known criminal lawyer and it was a book about him and had a series of chapters on various types of cases he had. One of the memorable cases that he was involved in was, were the Scottsboro boys. They were, there were nine, young, black men in the Deep South, I believe it was Alabama, accused of raping two white women. And they were represented at one point by Clarence Darrow, and eventually Samuel Liebowitz got involved in representing them. He was
just a fascinating individual and the stories were just, just captivated my interest and that was that. Got out of college and went to law school and that’s how it started.

**KEK:** Well, very interesting. So, after you read the book you decided to go to law school and where did you go to law school?

**DP:** I went to Oklahoma University. I was raised in Oklahoma City, born in eastern Oklahoma, in Muskogee, and lived in small towns in that area. Had a lot of family, aunts and uncles that still lived in that area but my folks moved to Oklahoma City just before the war ended, I was very young, I think I was probably four when we moved to Oklahoma City. So I was raised there, over on the northeast side of town, and went to, at that time the only, that was 1961 is when I started, and I think OCU was a, I believe a night law school at that time, evening law school, and OU was of course full-time and Tulsa probably was as well but anyway, OU is where I went.

**KEK:** And tell me about the composition of your law school class, how, what was it?

**DP:** I think there were, if I recall, there were a hundred and thirty-seven in my freshman class, my first year class and in that class there were two women, there were no African-Americans, not much ethnic diversity at all, if I don’t count myself, I’m a member of the Choctaw tribe. But that was it, there were two women, I think there were two other women in the entire law school. So there were a total of four in all of the three classes which is quite different from the way things are now.

**KEK:** Absolutely, absolutely. And what year did you graduate?

**DP:** I graduated in January of 1964, I started in fall of sixty-one and went year round, went to two summer schools and so I finished in two and a half years. And, January of 1964 is when I graduated.

**KEK:** And do you have any, any outstanding memories of law school, whether good or bad?

**DP:** Oh yes, I enjoyed it. You know it was quite different for me because in my undergraduate school there wasn’t the interaction for the most part to the degree that existed in law school between faculty and students, the direct contact and participation in class. You know, being called upon to recite and that kind of thing, that was a lot more then in law school than in my undergraduate work. So that was kind of different for me. I was not a, what I thought to be an outstanding scholar my first couple of years in college, I was young when I started, I was seventeen when I got out of high school and started college so I had a little maturing yet to do. I didn’t really catch on about how you study until probably the second semester of my sophomore year as an undergraduate. High school came very easy for me so I didn’t have to work too hard and I didn’t really develop the kind of study skills that I wish I had developed. But, by the time I reached my junior year in college why things were coming around a lot better and then when I got to law school, the level of academic ability of students, I thought was much higher and I
thought on average, probably higher than mine so I, as a result of that I worked, I worked a lot harder at it. And, successfully, my grades in law school were good. And, when I got out of college in May of 1961, I graduated on Saturday and got married on Sunday, and then about a week later went to work in the oilfields as a roughneck. So, I rough necked all summer to earn money to help with my law school. So, then I started law school, classes started in September. And, so I studied, I worked hard at it, had good results.

**KEK:** Sounds like it. Now, this is kind of an aside, but tell me about rough necking and what, what that is all about and does that still, is that still a career here in Oklahoma?

**DP:** Oh yeah, well it’s, in the oil field, and I think this probably holds true today although I haven’t spent much time around rigs but, at that time when you were drilling a well, you would have a crew of four people out there. There would be the driller, who was the individual in charge, kind of the management, supervisor if you will, but a hard-working laborer as well. Basically you are a laborer involved in just getting the oil well drilled. It was an interesting experience and it’s proved in later years to be helpful to me. I do a lot of oil and gas work and have some familiarity with what goes on out in the field too so it helps there.

**KEK:** Well, very interesting, thank you for that, I did not know what a rough neck was.

**DP:** You’re the guys that are just doing the labor work to drill the well.

**KEK:** Well, after you graduated from law school, what, what were your plans or did you have plans at that point?

**DP:** I did, I actually graduated, as I said in January of 1964. Well, in the fall of sixty-three I had decided what I was pretty sure I wanted to do was go back to eastern Oklahoma, to a county seat town, and practice law in a county seat town because I liked that area of the state. I had an interview set with Phillips Petroleum Company and it was set I believe for November the twenty-third or twenty-fourth, I don’t recall for sure now, I think it was the following Monday. But President Kennedy was assassinated on November the twenty-second so, I called them and told them, “I recognize things are probably hectic, do you want to reschedule?” They said, “yes, we’ll reschedule.” Fortunately, in the meantime the Dean of the law school had recommended me to a lawyer in McAlester that he knew. And so I interviewed with that firm and I liked the people and liked the town from what I could see, didn’t know anybody there, and they offered me a job and I took it. So I never did interview with Phillips which was probably a good deal because they were offering much more money than the private practice of law did. So, anyway, that’s how that worked.

**KEK:** And, what did you do for the firm there in McAlester?

**DP:** It was a firm that did, back in those days the insurance companies used rural or regional law firms to do a lot of their defense work in that geographic area of the state.
So, that firm did quite a lot of that work. The oldest partner there, I think he was probably sixty when I went there, was the one who had done most of the trial work. Well he had gotten to the age where he just didn’t want to do it anymore and the next lawyer in age was like fifty and he did title work and real estate work. He didn’t want to have anything to do with trial work. And then the next lawyer was like forty and he didn’t really enjoy trial work so when I got there I was kind of, I just fell heir to that work. And for most of the time I was there, in McAlester, that’s what I did, was defense work in that geographic southeast area of Oklahoma. And I would go to county seats and tried cases in of course McAlester, Wilburton, Poteau, and Atoka, just in that area. The first three cases I tried, I lost. And I thought, you know, I wondered if that job with the telephone company, when I got out of college I also interviewed with the telephone company and they’d offered me a job. I said no, I’m going to law school. So, when I got those three hits on the head, I thought, well, maybe I did the wrong thing, but that trend turned around and things picked up and we got that straight.

**KEK:** What did you learn the most from those first three trials that you said you lost?

**DP:** Probably just to keep on keeping on. They were all fender bender-type cases, there were no serious bodily injuries involved so fortunately I didn’t end up costing my client a whole lot of money in any one of the cases because we didn’t have that much involved. But, it was just to prepare, prepare, prepare, which I thought I had anyway but then I, I also began to understand that I needed to prepare my opponent’s case as well. So, I got much better at doing that. And that kind of turned things around.

**KEK:** And what did you enjoy most about trying cases there for that firm?

**DP:** Oh, I just enjoyed the courtroom, just the challenge of the courtroom and I was typically I think with very few exceptions, it was all defense work so you know, you start out, you start out on the defense side behind because the other people have, you know had time to evaluate their case and decide if they think it’s a winner or not and put together their stuff together and then file it. Well bingo, all of a sudden, they say, “hey, we’ve been sued, here it is, well, tell me about it.” You don’t know anything, so you have a lot of catching up to do. So, to me it was a little more challenging plus in that area of the state it was a more liberal philosophy or social mindset. The area had been inhabited early by a lot of immigrants that worked in coal mines, there were a lot of coal mines in that area so there were unions that represented the coal miners. So, there was the union influence and it is an area that historically, was economically depressed so it was known as a pretty liberal plaintiff’s venue. And there were some very, very good lawyers that represented the plaintiff’s bar there. So, it was a good place to get trained early by some people that knew what they were doing and I got most of my education from the other side of the bar, you know, the other side of the table by lawyers that were very good, good guys. It was just a real positive experience. In addition to that, the Pittsburgh County Bar, in Pittsburgh County, McAlester, that’s where the state prison is located. So, anytime a prisoner filed a petition for habeas corpus or some document that the courts treated as a petition for a writ of habeas corpus a member of the Pittsburgh County Bar was appointed to represent them pro bono basically. And so I caught quite a
few appointments for inmates. And, some of those cases were very good, interesting and memorable.

KEK: And what was the percentage between your civil and criminal cases?

DP: Oh, it was overwhelmingly civil down there. I never had to try, as I recall, I don’t think I ever tried to a jury, any criminal case. I got appointed to represent an inmate who had attacked another inmate with a hammer inside the walls. And, so I went out and talked to him and matter of fact, I handled the preliminary hearing for him and found out that he had money in his canteen account. He had accumulated, I think, around five hundred dollars in his canteen account and I, of course I had been appointed because he was supposedly indigent. When I found out he had money I said, “Say, I’m going to give you the best advice that anybody can, if you’ve got some money, you need to hire Willard Gotcher.” He was a criminal lawyer in McAlester that was an outstanding criminal lawyer. And I said, you need him, you don’t need me. And he did, so that was the way I got out of that case.

KEK: So, he took your advice?

DP: He took my advice.

KEK: Now you said you learned a lot from the other side, from the plaintiff’s side of the bar, was there anybody in particular who mentored you formally or informally?

DP: Not as a formal, just you know the lessons of hard knocks of watching what they did and how they did it, you know what to be on guard for. But, there were some outstanding lawyers there that were as good as you would find anywhere. I mean, just fine lawyers, and did just good work.

KEK: And what was one of your most memorable cases, if you can talk about it or?

DP: Oh, you mean in McAlester?

KEK: Yeah, in McAlester.

DP: Probably one, it was a criminal case that I got appointed to, guy named Jack Allen Barber. And he’d filed a petition for a writ of habeas corpus claiming that he had been denied the right to be confronted by witnesses against him. And, the reason was that he, along with three others, had been charged with robbery of Oertle’s Department Store in Tulsa. The same attorney represented him and a co-defendant at a preliminary hearing and the co-defendant elected to testify at the preliminary hearing so, the lawyer then did not cross-examine the co-defendant. Well, they all got found guilty, they all went to prison and Mr. Barber filed a petition for a writ of habeas corpus saying he was denied his, oh, at the trial, the co-defendant had been shipped on another charge, he was under a hold from Texas so he had been shipped back to prison in Texas. They didn’t bring up to testify at the trial so they introduced a transcript of his testimony at the preliminary hearing.
hearing against Mr. Barber. So, Mr. Barber says, “I was denied my opportunity to confront a witness.” And, he filed his petition on that basis. So I got appointed and went out to talk to him, he told me the story, and he said, he said, “I, it’s clear, they can’t do that, the case is Pointer versus Texas, you find that.” I said, “Well, I’ll go look it up.” So I go back to the library over at the courthouse and there is no Pointer versus Texas, the case doesn’t exist. So I go back out there and tell him that, there is no Pointer versus Texas. He said, “well, it’s a slip opinion, they haven’t published it yet.” He knew all about it. So, sure enough, I located a copy of the opinion and it was right on target. So, I presented it to the court and the district court ruled against me, the federal district court ruled against me so I appealed it. And, it was the appeal, because the Tenth Circuit was then sitting in, at that session was going to be in Denver, they appointed a lawyer in Denver to handle that part of it. Well, he called me. And he said, “Well, tell me about this case” and I said, “Let me tell you, this guy that we’re representing knows more about the law than I do and he’s right” so, yeah, move forward. Well, he did, he presented it to the Tenth Circuit, and he lost it. So, he called me and asked, “What should I do?” and I said, “Appeal it.” So, he appealed it, goes to the U.S. Supreme Court, well, then they appoint a lawyer in Washington, DC and I get a call from him. Same thing, and I told him the same story, I said “this guy’s right,” so he handled it and sure enough after three years or so down the road now the U.S. Supreme Court issued an opinion that said give him a new trial or turn him loose. Well, by that time all of his co-defendants had already been released on parole and so they, they let him out. So, that was, that was most memorable and I, he, while he was, before he got let out, one day I get a package at the office addressed to me from some lady I didn’t know. Come to find out it was his mother, but it was a purse he had made, hand-tooled leather, westerny-looking thing that had SP on it and one of the secretaries said, “oh isn’t this neat, he’s put State Penitentiary.” Well, my wife’s name is Sharon so it was for her. So that was my payment for three years of work.

KEK: Well, it sounds like it was a sincere gift.

DP: Oh yeah, oh yeah, it was. But I don’t believe I ever had to try, down, while I was there in McAlester, try a criminal case. Now, I tried a number out here.

KEK: And how long were you in McAlester?

DP: Six years, I was there six years. And, I got out here because a fraternity brother of mine was from this area and he was in the fraternity with me in college and then in law school at the same time and he was in a firm here with four, three older lawyers and they were looking for another lawyer and he called me and caught me at the right time and the economics looked right so I got recruited out here from McAlester. The country is quite different, that’s mountainous territory, I don’t know if you’ve been to southeast Oklahoma yet but trees and mountains and lakes and water and so it’s quite different from here.

KEK: Absolutely, absolutely. The landscape here is very different than that. And so what was the year then that you moved out here?

KEK: And you’ve been here ever since?

DP: Been here ever since, I’m almost not the new guy anymore.

KEK: And what, what kind of law did that law firm practice, the one that you moved here for?

DP: It was a general kind of a practice. They had, used to have an attorney there that left just before I came that also did insurance defense work. But they were primarily estate, probate, real estate practice for the older fellas. The contemporary of mine that recruited me out here, he had some business practice, they represented a local bank, and so when I came why I had done real estate work, some real estate work, title examinations, that kind of thing in McAlester as well. But I also, when I came here, the companies that I had represented down there started funneling their business out here to me in the defense area. And the social-economics out here are much different than down there, much higher standard of living and much more conservative so defending cases here was, I thought, like shooting fish in a barrel compared to what it had been in McAlester because you had a much more conservative jury pool. And, a lot different.

KEK: Why do you think the jury pool is so much more conservative here as opposed to McAlester?

DP: Well, the demographics. A lot of poverty in the southeast area of the state, a lot of social services provided there. Here, a lot of, at that time particularly, we changed a lot now because a little bit more diverse economy and that kind of thing, but at that time, a lot of very large land units here, you know, a lot of farmers and ranchers. And, just a conservative, you know, kind of, we dug this out of the dirt on our own and you know, everybody ought to be able to stand up and carry their own weight, no welfare, very low unemployment rates here, that kind of thing. And, the jurors were selected from, at that time, from ad valorem tax rolls so to even qualify to be called for jury duty why you had to be, you had to own land of some type. You might be a householder, a homeowner in town or a rancher but you had to own land. In other words, you had to have some wherewithal basically to be on a jury. So, I think that was what it was.

KEK: And has that changed, in terms of where the jury pool comes from?

DP: Yes, now they’re selected from driver licenses. So, you don’t have to be a property owner, you might be unemployed, you might be on welfare, of course out here, there’s not a whole lot of that because our economy is so, so strong but it has changed, quite a lot. And so has my practice, I don’t, I think currently I don’t represent a single insurance company. On very rare occasions in recent years I do. In that area, I’m on the plaintiff’s side of the bench now. I do a lot of work for oil companies. I do a lot of oil and gas work and I do work for landowners who have problems with oil companies as well, so,
but the oil and gas, so much of my work, one way or the other, I don’t know what the percentage would be, but a majority is related to oil and gas type work.

KEK: And how did you get into oil and gas law?

DP: Well, it just kind of evolved over the years. I think probably first in representing companies who were sued for damages from an oil installation, an oil or gas well, landowner complaining about hydrocarbons spraying out on their grass. And then, damages at drill sites when a company would come in and drill a well and the landowner would sue them for damages to their land. And so, I would be hired by a few companies along the way and then eventually one company that operates about one hundred and thirty wells in this area, that’s not a big company comparatively, but a substantial operation. And so I started working for them, they just, they use me all the time for all manner of things and then eventually one company that operates about one hundred and thirty wells in this area, that’s not a big company comparatively, but a substantial operation. And so I started working for them, they just, they use me all the time for all manner of things and then that just led to other companies, when they had a problem in the area, hiring me and so it kind of evolved in that, in that manner. And I’ve been involved in several class actions representing companies that, defending oil companies so that’s been kind of interesting. Six or eight years ago I couldn’t spell class action and now I’ve probably been involved in certainly more than any lawyer within a hundred miles of here. But, it’s interesting.

KEK: Talk to me about class actions and how they’re different from a different, or how they’re different from just a normal case?

DP: Well, what they involve is if there are a large number of people that have a cause of action that is based on basically the same facts, the same issues, but any one of the cases, well, there are five criteria to be, to qualify for class action. But basically it is a group of people that all have suffered the same wrong that one case could resolve all of the issues, and so they are, they have a representative, they don’t all come in to court, but there is a class representative who is responsible for basically representing the class and you go to court. And in the oil and gas cases they had involved generally claims for underpayment of royalties. Well, for anyone royalty owner to go through the expense of hiring the experts you have to have, conducting the discovery, going through all of that, a lot of money has to be laid out it’s just not practical for one royalty owner to do it. But, if you have a pool that can, you can put all of those claims together so instead of one royalty owner suing to recover a thousand or ten thousand dollars, you may end up with two thousand royalty owners that are suing for, that have claims for a hundred million. And, we had one big case that went to trial, my client settled out; we paid twenty-two million to settle out for one of the companies. One company elected to go to trial and the jury returned verdicts for actual and punitive damages I think in that case totaling eighty-six million, so although it hurt us at the time, it didn’t feel too good to pay twenty-two million, it looked like the right thing to do in hindsight. And then I was involved in another one representing a company, one company and it was being sued by other, a class composed of other companies, other oil and gas companies that had interests in wells operated by the one company that was being sued. And that company, we settled that case two years ago, two or three, for one hundred and fifty million dollars. And it was a nationwide class; it was operations all over the country. But it was a case that was filed
here. And now I think I’m involved in, I think I only have two that are actively pending, one is at the end, and one is kind of in limbo. But for a while it was pretty busy.

KEK: And, do you find class actions more or less challenging than just a normal case where you just have one plaintiff and one defendant?

DP: Well, in all of those cases, in all of those class cases I’ve been involved in, I’ve been local counsel and none of them have, they’re interesting, although I started off as local counsel, as we move through those, why, I would be working with firms from Washington, DC or Chicago or Denver and as those cases progressed I began to take a little more prominent role than I’d planned on. In none of those cases, my client didn’t have to go to trial in any of those cases so, and I think that’s the way most of these class cases are. Most of them don’t actually go to trial, they usually get resolved because the stakes are so high. But, I thought there were some very interesting issues in those cases.

KEK: And, why do companies or out-of-state attorneys hire or look for local counsel? Why is that?

DP: Oh, they, for guidance on local law, state law, and also for, most firms will want an attorney who is familiar with the nature of the judges, how they operate, what their schedules are, how they tend to view issues, or procedures, you know, do they like for us to do this, how do they like their briefs presented, you know, how long should we talk, those kinds of things. So, it’s a pretty common practice for attorneys that are away from the area to have someone familiar with the local turf just to keep from straying.

KEK: And as, you know with your vast experience, what do you think are some of the most important qualities that someone who wants to do trial work should have?

DP: Oh, I think that there’s not a whole lot of secret or science to it, but show up, that’s rule number one. Show up, be there, be prepared, be meticulous, the old rule, there aren’t any geniuses in the courtroom; there are only drudges in the office. And that’s just preparation, preparation, preparation, before you get there. And, know your case, know your facts, know your law, have that preparation ready to go and if you’re fully prepared as you can be, and do the best you can, based on that preparation then you can sleep at night no matter what happens. And it’s no fun to lose a case, and I’ve lost some but, if at the end of the day, when I say lost them, I lost them in that I didn’t get the verdict that I wanted. I might have gotten a verdict for ten thousand dollars when I thought it should have been two hundred thousand so in my books, you lose. But, at the end of the day if you’re fully prepared, and you know you are and you’ve given it your best, why you feel bad for a little bit but that’s just the way the system works. Generally, it does work.

KEK: What do you think is the most challenging thing about doing trial practice?

DP: Oh, I think it is hard work, I mean it absorbs you because you find yourself during a TV commercial being, thinking about the case or while you’re cooking a hamburger on the patio, or getting ready to do something, you know, you, they do me, they do absorb
you. And I think that’s part of the magic of it too. But it’s hard work, you have to be a self-starter, you’ve got to, particularly on the plaintiff’s side, I mean you have to have, take responsibility for keeping the ball moving because open files don’t do anybody any good. The client wants their work done, I’m the same way, if I take my car to the dealer for service, and they tell me I could have it at one, why I want it at one. And clients are the same way and that’s my view of serving the client is that, treat them like I want to be treated. Whether it’s a plumber, or auto dealer, or auto mechanic or whoever, if they can’t do it fine, just tell me. You know, if it’s going to be Tuesday instead of Monday, great, just let me know ahead of time so I’ll know what to expect. So, that’s how I view that, but it’s, on the plaintiff’s side particularly, you have to be a self-starter, keep things in motion. People will delay, they’ll procrastinate, and some, I think most don’t do it intentionally. I think most it’s just human nature it’s easy to just put things off, and if nobody rattles your cage, why that’s how it is.

KEK: Exactly, exactly. Now how long did you practice with that initial firm?

DP: Here?

KEK: Yeah, here in Guymon.

DP: I practiced with them from 1970, January of 1970 to January of nineteen eighty-one and then in March of eighty-one is when I moved into this building. Yeah, so, January of 1981. And basically, since that time, I’ve been a sole practitioner although I did have an associate for, from 1995 until 2000 I think, about five years. And then he ran for district attorney and didn’t get elected but decided to open his own office after that. So, I’ve been by myself, I say by myself, I’m the only lawyer in the office. I have three, currently I have, in the past I’ve had more, but currently I have three legal assistants and then two part-time people that work with me.

KEK: And, how does being a sole practitioner differ from being part of a firm?

DP: Well, you don’t have any trouble finding out who messed up. There are advantages and disadvantages. I suppose the advantages are you can come and go as you please, if I want to show up here at six in the morning and leave at noon for the rest of the day, I can do it or if I want to take a long weekend off I can do that. Or, if I want to work later into the evening, which I don’t do that anymore, but you just have freedom, independence. Disadvantages, you know when do want to take a trip; you’ve got to make arrangements for someone to cover for you if you have a client that really needs legal counsel. Most of the time, there are things that my staff can handle without any problem, but you do, you have to make those arrangements so that’s a disadvantage. And you don’t have anyone to cover there, so you have to be a little more attentive to having protection built in for your clients. But, my staff is exceptional, they, one of them has been with me actually, she came to that firm that I was with in August of sixty-nine before I came in January of seventy and she’s been with me ever since, thirty-eight years. And then, another one has been with me sixteen and the other legal assistant has been with me fourteen so, long
time and very, highly skilled and just do excellent work to help me, help me keep things moving.

KEK: It sounds like it. And what is your practice like today?

DP: It’s still primarily trial work. Although nowadays you don’t try nearly the number of cases you used to because so many cases go out on summary judgment, mediation, or just settlement. I’ve tried one case this year which you know, that’s a, and in recent years it’s been about like that. Most of them get resolved in some other way. I think I’ve filed, at the first of the year, four personal injury actions and three of them have settled out, another one I thought would have been tried last month but we had a hiccup in it, so it’s still pending. Those are current filings but that just shows how fast they settle. Used to, you filed a case and it may be two years down the road before you even got to the point where you would talk about settling. Now they resolve, you can kind of schedule when you file them, you can time them to hit, I had those that I filed right around the first of the year timed so that they would hit the fall trial docket so in case they didn’t settle, then we’d get them resolved quickly. And, as I said, all but one of them did resolve. So, trial work is the big end of it although I do a substantial amount of estate planning and estate administration work. Trial work, I’m a Fellow of the American College of Trial Lawyers and it’s limited to one percent, no state can have more than one percent of the attorneys in the state as members of that organization. And it’s a peer-selected group, and I think that although we could have one percent, which give us about one hundred and twenty or so, I think we have about forty actually that are in it. And those are guys who, you know, trial is it. And the American College of Trusts and Estates Counsel is like that, they have that same kind of limitation on their membership, and I’m a Fellow in that college as well. So, both of those. And, aside from those two areas, I represent the city of Guymon and that has taken quite a bit of time, a lot going on in this area. I’ll do some additional real property work and I’ve done work on wind farm contracts, that kind of thing. But, most of it is trial work and in the estate area I do, I always have some estate litigation going, family quarrels in connection with estate proceedings. But that’s kind of it.

KEK: Well, congratulations on being a member of both of those, being a Fellow of both of those organizations.

DP: Yeah, I’m, that’s kind of a rare combination but I’m proud of that.

KEK: Yes, that’s wonderful. Now, why do you think the trial work has changed so much?

DP: Well, one thing, expense. It is so expensive for a case to go through all of the steps and I believe a lot of that, Oklahoma, years ago, converted basically to a federal, almost, well, virtually identical to the federal rules of civil procedure. And there are a lot more steps; there are a lot more things, requirements that you have to meet. Discovery is much more extensive than when I started practicing law. Written discovery was almost unheard of when I started practicing law. You’d do some depositions, but you could go to trial, I could carry a file to try a lawsuit in one hand. Now, I might have to have a
couple of those carts with three boxes on it just to try a relatively uncomplicated kind of a case because of all of the discovery and all of that that goes into it. The expense is one thing, I mean somebody comes in and they say I’ve got a claim here for $100,000 and I look at it and it’s not an attorney fee kind of a case, like, there’s no provision in the contract, there’s no statute that allows it, and I just have to say, you know, you just really can’t afford to go forward with that case. And that’s hard for people to understand. I wish we had a, I kind of liked the old system in that regard because a lot more people would have access to the court. So, expense is one item, the next item is that a lot of cases are resolved by mediation. But I think that again is kind of expense driven, because I mean that’s a factor when you go into something, what if we lose this case, how much is it going to cost? If we win it, can we recover our attorney fees and expenses back? Or are we going to be obligated to pay the other side? So, expense has a factor there. Summary judgement takes care of a lot of cases. And I suppose that’s one advantage of the discovery procedure, you can uncover the fact that a case doesn’t have merit, or there are no, it may not be that it doesn’t have any merit but there are no disputed fact issues and it’s simply something that can be resolved by the court as a matter of law. So, I think those are the primary reasons.

**KEK:** Do you think that civil plaintiffs are being denied access because of the expense or some are?

**DP:** Yes, in some kinds of cases that’s certainly true and like I said, you take a non-attorney fee, a case where you cannot recover attorney fees, and you say okay. I mean when I look at a case and try to evaluate what I ought to do with it I’m going to assume a minimum of 200 hours through trial. And that, I think that’s conservative. From the get-go to the end of the trial, is 200 hours. Well, at $200 dollars an hour or $250, and my current rate is $250 per hour, well that’s $50,000. And then, in addition to that we’ll have to have experts, I’ve got to have a re-constructionist, am I going to have to go to Amarillo and take video depositions of doctors. Doctors tell you that if you want to take their deposition, they request $1500 before you show up. So, you can wrap a lot of money up in one in a hurry. I think, unquestionably, a lot of people are denied access. Fortunately, in Oklahoma, in the personal injury area we don’t have caps yet, but I’m afraid that day probably will come. And that’s going to make it even worse for people who would be represented on a contingent fee basis because then you’ve got to look at pretty significant, you would have to have pretty significant injuries before you can even bother.

**KEK:** Do you know if the legislature has proposed any type of caps legislation?

**DP:** Well, they have every year for the last; I don’t know how many sessions so I don’t expect that that’s going to go away. And, I think it’s misguided, I don’t think, I mean you look at the states around us that have done that and it doesn’t solve a perceived problem that I don’t think exists in Oklahoma. And I’m not sure it existed anywhere else but Kansas is draconian. I had a case, a lawyer in Kansas hired me to take over the case that had come to him for a worker who had worked in a meat packing plant Dodge City and he stepped in an open auger that had been left open by an independent contractor cleaning crew that he cut through and lost his leg. And, forty years old, and good worker,
good guy, Hispanic, good job, liked to fish and hunt and do those kind of things. Maximum, non-economic damage recoverable for him is $300,000. No, it’s just not fair and it doesn’t solve the problem. The perceived problem is that it makes doctors’ insurance premiums too high. Well, doctors’ insurance premiums are too high; it’s not because of lawsuits. It’s through a myriad of market factors, all now we have to do is look and see in the morning paper that several AIG executives are going to be prosecuted for a scheme to bilk the company and to take 500 million dollars out of that company. So, that has impact on premiums that doctors pay.

KEK: Absolutely, well, when the insurance company, when they’re doing bad things then, they have to make their money somehow.

DP: I served on the Board of Directors for the Oklahoma Bar Professional Liability Company for a number of years and that company, is run by lawyers, knowing what they’re doing, they get out and evaluate a claim, malpractice claim against an attorney fast. If it’s got merit they take care of it, they settle cases, they get them done. Every year, for the last I don’t know how many, I get a twenty-five percent refund on my premium. I’ve seen some of the premiums that doctors pay, and my premium is more than in some areas what doctors pay for their premiums. But our premiums are less than you could get through a commercial company by our bar operating company because they just do it right. So, it works well.

KEK: No, it sounds like it’s done right. Do doctors have a physician run insurance company?

DP: They do and in Oklahoma it was run very, very poorly for a number of years. Doctors, for example had a right of veto over whether or not their case would be settled. Well, you know doctors aren’t generally; they don’t have the mindset or ego allowance to let them admit they ever made a mistake as a general rule. As a consequence the company just about went down the tubes and the insurance commissioner stepped in and took over and mandated a lot of different changes and now that company is on a solid financial track and doing well. Of course they still have to buy re-insurance and the re-insurance premiums are up there, those are set by those folks and not much you can do about that. But their company is doing much better now.

KEK: That is good to hear. Well, I think I will stop the recorder now just so that the file does not get overly large and then we can continue on with our second half.

KEK: Hi, this is Karen Kalnins again and I am still here with Mr. David Petty in Guymon, Oklahoma and it is still Election Day, November 4, 2008, it’s a little bit past 2 p.m. in the afternoon. And this is going to be the second half of our oral history interview. And, I was going to ask Mr. Petty what type of work did you do while you were in law school?

DP: Well, I had several jobs at the same time. I worked for a lawyer named Sid White, who’s a colorful guy that was a sole practitioner in Oklahoma City, always wore a cowboy hat and boots, big guy, and he was an older fellow when I worked for him, he
was in his, I don’t know late seventies. But he had a reputation; he had taken several cases to the United States Supreme Court on various constitutional issues. So, I did research for him on some of his cases and he was quite a colorful guy. And the first time I took in my brief to him on the first case, I gave it to him and he said, “What do I owe you?” and I said, “Oh, the going rate for a law student is about a buck thirty-five an hour,” and he said, “expletive,” he said, “them’s laborers’ wages boy.” And I think I would have gotten twenty dollars, I think he paid me fifty or a hundred, I don’t remember so, anyway, I did that for him off and on and then I also worked in the library, the law library at night which gave me an opportunity to study when there was a little lull. Also during that same time I worked for the Dean, I was kind of the Dean’s assistant, as the executive secretary of the law school alumni association. So I took care of newsletters, preparing a quarterly letter, and then would take minutes at the meetings and kind of thing. So, the combination of those things helped pay some of the tab going to school.

**KEK:** Absolutely and how did those experiences shape you or shape your law practice later on?

**DP:** Well, it was interesting, Sid White, I didn’t know many lawyers, any lawyers really, and here he was practicing by himself so I was kind of surprised about that. I don’t know why, but I just hadn’t thought about it. But, on the alumni board for the law school why there were various lawyers from around the state that I got to meet and get acquainted with that I wouldn’t have otherwise had the opportunity. Barth Walker, was an attorney in Oklahoma City who had, small guy, about my size, but he had played football in college and oil and gas was his expertise, that was where he did all of his work so after I got into practice, over the years, from time to time, I would have contact with Barth, I called him Jigs, that was his nickname, and I would have contact with him about various oil and gas matters. Also, the senior partner in the firm that I went with at McAlester had been on that board and, by the way, he had been President of the Oklahoma Bar Association, and he was also a member of the, he was a fellow of the American College of Trial Lawyers. So, it was kind of an interesting coincidence. But that was, just the contacts you made. A fellow, one of my classmates that worked in the law library with me at the same time, was later a district judge down in Atoka so; I guess something rubbed off on me.

**KEK:** Do you think that contacts are still important in the legal profession?

**DP:** Oh yeah, I do, probably, I don’t know again what percent it would be, but a majority of work that I do is by referral, primarily from other attorneys. So, yeah, it is important. I don’t advertise, matter of fact I think a couple of years ago, we have a five state phone book directory and they left my name totally out of it and number. And my staff just got really upset about that and they were going to call them and do all this, I said, “let’s just don’t even tell them, we’ve got all we can do right now.” So, we just let that one go for a year.
KEK: Now, I know in the previous, in the first half of our interview you said you were a Fellow in the College of Trial Attorneys and Estate Attorneys, what other professional affiliations do you have or what other professional development do you do?

DP: Well, those, I’m of course a Fellow of the American Bar Foundation, Fellow of the Oklahoma Bar Foundation, the Oklahoma Trial Lawyers’ Association, the name is I think it’s Oklahoma Association for Justice now, they’ve changed the name, same thing for the American Trial Lawyers’ Association they changed the name, the former American Trial Lawyers’ Association. Then I’m also a Fellow of the American Board of Trial Advocates so primarily, trial related things. I try to do a little bit of work for the bar occasionally. I was on a seminar for them a couple of weeks ago, the seventeenth of October down in Oklahoma City and then I go down twice a year and speak to senior law students at OU. They have a program to try to get seniors ready for the transition, to go into practice and so they have attorneys that come in and speak on different subjects and I go down and speak with them about law practice management basically. And I enjoy doing that, I enjoy getting to see the students.

KEK: What is your opinion about today’s law students or today’s new graduates, are they prepared, are they as well prepared as you were, less prepared?

DP: I think probably the level of preparation is about the same, I know the facilities at the schools, and they’re much improved, model courtrooms and that kind of thing. And the scholastic level of achievement of the students entering law school I think now is much higher than it was when I went in. When I went in, you know, they would tell you to look to your right and look to your left because one of you is not going to be there when you graduate which proved to be true. I think we started with one hundred and thirty seven in my class and I believe eighty-six or eighty-seven graduated. Now, virtually everyone that goes in, I think, can graduate unless they have a personal problem or something like that. But, it’s not an academic issue I don’t think; I think the grade points of those entering students is much higher. I don’t know that that factors in, I don’t know if I could get into law school now, which would have been my misfortune. So, I think that their grades going in are much better, coming out I don’t know that they’re any better prepared. I enjoy meeting and visiting with them, I think they are shaped probably more than my generation was with television concepts of what practicing law is like which is a misconception, you know, in most instances, very few really factual TV scenarios, at least that I’ve seen. So I think a lot of them have maybe different ideas and some coming out I think have, are a little influenced by thinking maybe a scorched earth policy, to really be the tough guy, and that doesn’t work. It doesn’t work, I, when I was President of the Bar Association, you know you speak to the newly admitted attorneys a couple of times a year. And, the Chief Justice, when I made my first presentation, told me that’s the best speech I’ve ever heard and the reason was, it was about maybe thirty seconds in length. I told them then and I think it’s good advice now, “don’t take yourself too seriously, maintain your sense of humor, and always treat the other lawyer like you want him to treat you.” I think that’s pretty good advice still.
KEK: Absolutely, absolutely. And what is some of the best advice that you’ve ever gotten along the way?

DP: When I was in law school and qualified for law review and my first assignment was under an instructor by the name of George Frasier. And George Frasier had a reputation, well he was called Tiger. That was his given name by the students for a number of years and he seemed to delight in tormenting students that he called on in school. Well, lo and behold, who do I draw for my faculty supervisor for my first law review article but Tiger. And this was after my first year so I go into him, it was the start of summer school and so I went in and got my instructions and we were visiting a little bit and I said, “you know, I want to practice law and I don’t know what kind of courses I need to take to prepare for practicing law. What do you suggest?” He said, “There are only two reasons to take a course, one, you either like the professor or two you think you would like the subject because it interests you.” So I took him at his word and I never took him again but, I think it was good advice, to do what you like to do because if you do that you’re most likely to do that well. And so I think that’s still good advice, do what you like to do and go where you want to, I, in my view, my first criteria was to go where I wanted to go and that was to eastern Oklahoma. And I think that’s still good advice, pick out where you want to go and once you do that, try to find the area of the law that you’d like to practice in and it works.

KEK: Good advice, good advice. Now I know you talked about in the first half of the interview, about how trial practice has changed and that the expense really has influenced the change. Are there other things that have influenced changes in the law?

DP: In addition to the expense, there’s been a change, when I started practicing law, the judges ordinarily, the ones I had contact with, the judges were, and we had a different system then, we had county courts, we had courts of common pleas, superior courts, district courts, well, during the sixties, I guess it was around 1969, all of that got eliminated and changed and we went to one district court, so we’ve got one court now. And, wonderful change, but at that time, in the sixties and even when I came here in the seventies, the judges were, for the most part, the ones I had contact with, and this may not have been a universal, statewide, phenomenon but they were attorneys who had practiced law successfully and transitioned to a judgeship which was a station of honor and respect and kind of a good way to transition into the golden years. So that the first district judge I had, Robert Bell, down in McAlester, outstanding judge, just, he was considerate of attorneys, yet he expected you to be there and be prepared, but never overbearing, and so that was my first six years under that kind of supervision from the bench. Just a marvelous experience, well then I came here and the district judge was Merle Lansdon, and Merle Lansdon was originally from Beaver, the next county over, the next county seat to the east, he had practiced law successfully, he had served in the state legislature, he had transitioned into the position. He wasn’t bellicose with lawyers and did a pretty good job. Different style totally than Judge Bell, well, then he left the bench and another judge took the seat and this was about in 1977, and it was Frank Ogden. He also had practiced successfully, had been in the state legislature, and was probably one of the very best judges. I told him one time that he is a much better judge than he was a lawyer,
because when he was a lawyer he tried to accommodate anybody that would come around. So, it’s a little different look than it was when I came. In our district out here, we’re in the first judicial district, and I primarily just stay in these three counties, Texas County, Cimarron, and Beaver. Primarily, Texas and Cimarron. And those judges are competent, qualified, good to work with. And, as a result of that, I still like my trial work because a judge can make that not so enjoyable if they, if their demeanor is not, doesn’t want to do that.

KEK: Exactly, exactly, it’s a huge factor. Have you practiced anywhere else, besides Oklahoma?

DP: No, I have been involved in cases in Kansas to a degree, and Texas but not any multi-state practice. I tell people out here because of the narrow strip we’re in, Kansas right there, Texas right here, Colorado’s right there, New Mexico’s right there, people often ask me if I’ll go do that and my response is that I have enough trouble just keeping up with Oklahoma law, and best thing I can do for them is refer them to an attorney out there in one of those other states. And that happens quite regularly.

KEK: Well, then that’s good that you know yourself and you definitely know your limitations. What keeps you going? Why, why, do you continue to practice because at this point, how old are you?

DP: I’m sixty-nine and I enjoy it. You know people often ask me how long are you going to do this and I say, “well, until they catch me talking to a doorknob and I think it’s talking back I guess that I’ll keep on with it.” But as long as I have clients that I like to work with and staff that I like to work with and can put up with me, why, I don’t have any retirement plans. I know that day will come but at McAlester, the firm that I went with, the name of it was Arnote, Bratton, and Alford, well, the firm had been started by J.S. Arnote in the late eighteen hundreds and their offices, the offices in our firm there were in a building he built, it was a three story brick, you walked up, no elevator, and he practiced and walked up those stairs every day until he was ninety-six. So, it’s the kind of thing that, if you physically, if you can hang in there physically and mentally, you have a good opportunity. I’m looking forward to that.

KEK: Wonderful. Do you feel like you’ve met your career goals?

DP: Oh, I think so, I don’t know, I saw that note and looked back and I don’t think I ever had a goal of being a lawyer to be rich. I think that I wanted a comfortable living and be able to raise my family which I succeeded in that area. I have three children, none of them are in the law by the way, I don’t know whether they, from standing around for the years watching me, how you do it, whether that scared them off or not, but they all are college graduates, and have their own careers. I think in the sense of having a good living and raising a family that I can be proud of and am proud of, I think that’s probably it. And, financially it’s been more rewarding probably than I ever even thought about but over a long period of time. I’m coming up now on, approaching my forty-fifth year of practice so it’s been good.
**KEK:** Wonderful, wonderful. Now I know you said in the first half of the interview that part of what you do now has to do with wind farms, and talk about a little bit, about that and just wind energy out here in the panhandle and how that has grown.

**DP:** It’s kind of a new deal and that’s another nice thing about practicing law, you’ve got something new coming all the time. I mean, there will be a different case, a different spin on the same kind of case that I had five years ago come in tomorrow. But wind farms, terrific new deal to learn about. And we primarily, the development up to now has been, in this area, has been just across the line in Texas because Texas has some favorable legislation on requiring that power companies accept a certain amount of wind-generated electricity, alternative electricity and I think they have maybe some tax credits that are favorable. So, they’re ahead of us but we have been seeing people come into this area to get leases on Oklahoma land because they know it’s coming. The power lines are on their way out here, and there are farms, you came by some over at Woodward and Fort Supply. When you think about wind farms, and you compare it to the oil and gas industry, in one instance you’re talking about energy below the earth and the other one, energy above earth and many of the concerns are the same for the landowner. How much of my land are they going to use for their roads and their locations and what’s a good royalty, and how long should the lease be? You know, a lot of those same issues on oil and gas that you have with wind so, it’s been really interesting. I’ve learned a lot about it in a relatively short time and I’m sure there’s a lot more to be learned but it’s an interesting new area. It’s going to be a big deal out here.

**KEK:** Wow, well, very impressive, very impressive.

**DP:** Yeah, it’s quite interesting.

**KEK:** Now, Mr. Petty is there something that I have not asked you that you would like to say or that you want to comment on?

**DP:** Oh, I think that, one of the points I saw here was the biggest cases I’ve had and I’ve had cases big in a money sense, I mean some six figure and seven figure verdicts that were big but I think that some of the ones with greatest satisfaction were criminal cases, for the most part, that I didn’t get paid for. We now have a public defender system, but until that happened, when there was an indigent accused of a crime, a local lawyer got appointed to represent them. And I’ve had those appointments over the years for everything from assault and rape and burglary and possession of stolen property, murder. And some of those cases have been quite memorable. As I was getting ready to go into my year as President of the Oklahoma Bar in 1986, I would take office in January of eighty-seven, well, I knew I was a solo practitioner and I knew I would be out of the office a lot so I’d started kind of gathering funds to meet those lean months when I wouldn’t be here to do the work, build a kitty to handle that. Well, and everything was on schedule down to about June of eighty-six and then I got appointed to represent two, three young men charged with murder and I got appointed to represent two of them in an adjoining county. Well, between June of eighty-six and December I had about four
hundred hours in those murder cases. And, consequently, that was pro-bono, I mean no pay, consequently, my kitty was gone by the time my year as president started. It immediately became apparent that I was going to have to pedal faster and revise my plans and make adjustments. And I flew back and forth to the city, I had my own plane at the time, so I would hire somebody to fly me in my plane so I could work for example, go on down to the city and come back because I would go down a couple of times a week. Anyway, that was kind of an interesting deal and the two young men that I was appointed to represent, were not involved in the murder, and it would have been a horrible thing for them to have been convicted. I hired a private investigator and sent him to California, this is where the boys were arrested. The boy who actually did the murder had bragged about it to an inmate in the California Prison System, and this inmate had gotten word, and I don’t recall how to one of the other boys that this guy had admitted to him that he done it alone so, I hired an investigator, sent him to California, and got the statement and we were able to back it up with some other facts that we developed. Anyway, it ended up those two boys, they plead guilty to larceny after the fact of the automobile, so they got five year sentences each, but it could have been a life sentence or death. And so, that’s one you remember.

**KEK:** Absolutely, so they were both up for the death penalty?

**DP:** As it developed we got it resolved for them before the DA had to make that election. But, those are the kind you remember.

**KEK:** Why do you think the criminal cases have stuck with you so much?

**DP:** Because the ones that I remember, the ones that I tried, were the ones that you think that the DA is being unreasonable. I had another one, guy charged with possession with intent to distribute marijuana, he was a Vietnam veteran, had a good job out here at the Swift meat packing plant. He did smoke marijuana, something he picked up in the service, the local sheriff at that time got a real slinky kind of a guy to keep pestering him, my client, until he sold him some just to get rid of the guy. And then they charged him with possession with intent to distribute, it was like a twenty-five year sentence or something. So, I took that case and I took that one for pay, that was probably one of the few cases that I got paid. But, I went to trial and I put, ended up I put my client on the stand and had him tell exactly, had him admit it and he did admit it and the jury acquitted him. That was one where they offered a plea deal for several years in prison so, we turned it down. Oh, in the other one, the murder case I was telling you about, I paid over five thousand dollars of my own money for that investigator to go to California and the district judge that I had mentioned to you, that had been in the legislature, the last one, he made an application, a special application to the Oklahoma Supreme Court to get me reimbursed for that money. There was no statute that authorized it, he just got a special order out of them so I did get the five thousand back. By the way, he ran for reelection, he got very ill, ran for reelection, and we had a local lawyer who was very, just the kind of person that you would not under any circumstances want to be a judge. And he filed for the judgeship. Well, after he filed and our district judge had filed for reelection, the filing period closed. Our district judge died. So, we were only left with this one guy.
And the death happened on a Friday and I get a phone call from an attorney over in Woodward on Saturday morning and he said, “What are we going to do?” And I said, “We’re going to elect the dead judge.” And that’s what we did. And we had a big campaign and worked hard at it, and oh, it was quite the national furor. And, when the vote came in, the dead judge got ninety-three percent of the vote. So, that was kind of interesting. It was in the National Enquirer, the Wall Street Journal, and it was all over the country.

KEK: So, since the judge was dead, was there a replacement that was appointed?

DP: Yeah, what happened, they declared the office vacant and then they went through the appointment process, just like we do now and got another one appointed, it worked out fine.

KEK: But of course then your goal was met, the other person did not get the judgeship.

DP: Yeah, he didn’t get the job. It was scary, I told people if he, if we don’t win this election, I’m going to have to move because there wasn’t any way to handle that. Of course there was a little irony after that, a few years later, I don’t remember how many, probably fifteen maybe, the candidate that we beat, died because he was on up in years. And he died and his family hired my firm to handle his estate. So, a little irony attached to that.

KEK: Yes, that is definitely ironic since you stopped him from becoming a judge and then you ended up handling his estate. Well, Mr. Petty, do you have anything else to add, anything?

DP: Oh no, not particularly, other than I’ve enjoyed the practice a lot and can’t think of anything I would rather do. And it is kind of interesting, to me, as I was thinking about this, preparing for the interview that, those cases that I remember most are the criminal cases even though that wasn’t really my area. I had one other one. I got appointed to represent a Mexican alien who was here on a work permit and he and a couple of his friends after work had stopped in a bar to pick up a six-pack of beer to take back to their house. And when they were in there a town bully kept after them and after them, and wanted to fight them and they left and he chased them, ran my guy down, and he caught him unfortunately because when he did, my client pulled out a knife and cut him, he lost his spleen I think, but survived. And so I got appointed to represent the alien. I couldn’t speak Spanish but I had a good friend who could so I called him, he went to the jail with me and we interviewed my client, got the story about how it happened. So then I walked straight across the street from the courthouse to the investigator’s office. I said, “The most I can get out of this is five hundred dollars and I’ll give it to you if you’ll do the investigation.” So, he said, “when do you want to start?” Right now, so we took off and went to every bar in town, talking to people, getting statements because this town ruffian had been in all of them drinking and trying to stir up trouble all night long. And as a result of that we went through the preliminary hearing and our judge, at that time, threw
out the charges. Yeah, I thought that was kind of funny that the ones I really remember and feel better about are the criminal cases.

**KEK:** Do you have any criminal cases now?

**DP:** No, I haven’t handled one in a long time. Although, I tell you, we really need somebody to do criminal practice here. The lawyer who was doing the bulk of it did some farming and ranching, ranching primarily, and he wanted to go someplace where it rained more often so he folded up his practice just recently and left. So, we have quite a void because he did the bulk of it, he did the bulk of the criminal practice, had a good practice. But, those cases, criminal cases are, they’re like a domestic case, family law, they’re demand feeders, nobody plans on getting caught either for a crime, charged with a crime, and nobody plans on getting, they just happen and when they happen, right now, you have to drop what you’re doing, so they’re pretty disruptive. And the criminal cases too are hard on you emotionally, hard on me emotionally, because I had been in the walls at the prison at McAlester so many times, I know what’s waiting on those guys and they don’t. So, it’s a pretty good load. Kind of an aside, the case where my Mexican alien client had charged and cut this guy up, it wasn’t a year after that a friend of mine and I were in a tire shop here getting ready to go on a fishing trip, picking up a tire, and the fellow who had been cut worked in there and he knew my friend. And he asked him, “What are you doing with that sorry guy?” So, anyway, about another six, eight months go by and the secretary comes in and says, gave this guy’s name and said, “He’s here to see you.” I thought he was going to throw me out the window, we were up on the second floor, and I said, “Well, send him in.” I went out and got him actually, anyway, he came in and said, “I’ve been charged with embezzlement, I wonder if you’d represent me.”

**KEK:** Well, isn’t that the highest form of flattery.

**DP:** And I did, I did, successfully. I didn’t have any trouble with him after that.

**KEK:** Do you have any regrets Mr. Petty?

**DP:** When you look back you don’t, I look back at those cases that didn’t turn out like I had hoped they would, I always think, what could I have done differently that might have provided a different result. You always have those but as far as the decision to be a lawyer and practice in a small town, like I have my entire career, I wouldn’t trade it at all. There’s a lot of advantage to small town practice, you have collegiality with other lawyers that, I mean, you can go to court and row around a little bit with them, bark at each other in the courtroom but after it’s over, why, it’s over. It has been a good professional life.

**KEK:** Well, if you don’t have anything else.

**DP:** I think you’ve about run me out there. I just think that practice is great; it’s among the greatest of all callings.
KEK: Well, thank you so much for your time Mr. Petty; I am very, very grateful. I know that we’ve gone far over the hour, almost two hours.

DP: Well, you’ve got a lot to edit, you can throw out more that way.

KEK: No, but thank you, thank you again very much for your time.

DP: Well, you’re quite welcome and I think it’s a great project. I hope you have good success; there are a lot of good lawyers to go around and get stories from.