Interview Transcript for Nellie Perry  
October 15, 2008

KEK: Hello, this is, my name is Karen Kalnins, I am a reference librarian at the Oklahoma City University Law Library and today is Wednesday, October 15, 2008. And today I’m talking with Nellie Perry who was an attorney in Hobart, Oklahoma. And today we are speaking in her home in Stillwater, Oklahoma. So, and this interview is part of the interview, the oral history project, interviewing project, that the Oklahoma City University Law Library is sponsoring where the law library is interviewing attorneys and judges throughout the state of Oklahoma. So, welcome Ms. Perry.

NP: I’m glad to be here Karen.

KEK: I’m so glad that you agreed to this interview.

NP: I was quite honored to be asked.

KEK: Well, thank you.

NP: By the way it’s spelled H-O-B-A-R-T but it’s pronounced “Hoe-Bert.” That’s how we know whether somebody’s been there or not.

KEK: And of course I said it wrong, right?

NP: Yes.

KEK: Okay, so we have that straight. And Hobart is where your law firm was. Well Ms. Perry, let’s just start off with why, why did you become an attorney?

NP: I gave so many different answers to those questions that I’ve forgotten the truthful one. I took the LSAT on the pretext that I was trying to see how a middle-aged lawyer, woman lawyer would feel and that was my excuse for taking the LSAT because I didn’t want to reveal that I might want to go to law school unless I passed the LSAT. And I passed it and the rest was history, I just wound up at OU law school when I was fifty years old.

KEK: And, what, what made you decide at the age of fifty to go ahead and go to law school?

NP: When my husband was thirty-three years old and we had four little kids he decided he wanted to leave the government service in the Department of Agriculture and become a lawyer. I taught school and sent him to law school. Taught school in Midwest City and sent him to law school in Norman, at OU. And he always said, if you ever want to go to law school, I’ll see that it’s there for you. But I didn’t think I wanted to go. Until I heard that one of our daughters decided, took a law school scholarship to Washington University in St. Louis and when she’d come home and talk about the theory of the law
with her dad, it was a different part of the law that I knew because I worked in his office but I just knew the typing end of it. And when I heard them talk about the theory of the law and about legal precedence, things like that, I became interested. And when Catherine was in her second, last year of law school, her third year of law school, I entered as a freshman.

KEK: Wow, and what did your daughter think of you going to law school?

NP: She was excited about it and she was kind of instrumental in making me make my decision because I kept saying I didn’t know whether I was going or not until I went to a women’s law conference in San Antonio and met Catherine and some of her law school friends. And they were so enthusiastic about their studies that that tipped the scale for me.

KEK: Well, wonderful, wonderful, I’m just so pleased that you know, you chose law as sort of a second profession. How did you decide to go to OU?

NP: That was a foregone conclusion, my husband had been to OU law school and I was familiar with it. We had some of the same professors although I went twenty years after he did. They still had some of the same teachers.

KEK: And, what was the make-up of your law school class in terms of women, or other minorities?

NP: When Johnny, my husband Johnny, went to law school in the class of 1963, the entering class had two women or three, I’ve forgotten which. But they did not make it to final exam, they did not make it through law school. I think there was a sort of conspiracy, that’s not really true but they didn’t, they didn’t make it through. And so it was zero women in his graduating class. Twenty years later in my graduating class we were about fifty-fifty. And the classes now are even heavier on the women’s side and I said one of these days we might let a man into law school.

KEK: Now, after you graduated from law school, what year did you graduate from law school?

NP: In eighty-two, nineteen eighty-two.

KEK: What were your plans after law school?

NP: My husband was partner in a small firm in Hobart, Oklahoma and there was a senior partner, Mr. Gillespie, a junior partner, Mr. Gentry, and I did not expect that there would be a place for me in the firm although my husband seemed to think there would be. And it was kind of up for grabs I said that I would, it was in the middle of the oil boom. Actually I graduated, I was studying for the bar exam when Penn Square Bank went down which signaled the end of the oil boom and the beginning of the bust. But, not knowing that was going to happen I thought that I would perhaps park my trailer on the
courthouse square in Sayre, Oklahoma and come home at night and pick Johnny’s brains about the law and practice oil and gas law. Of course that didn’t happen. What did happen was that he kept telling his clients to wait till I got out of law school because I was going to be a bankruptcy specialist. And that turned out to be what was needed. And my first big case was a Chapter 11 for an individual and I did Chapter 11s for farmers, although they were very difficult. But that’s, that’s how I chose was because my husband was the senior partner of the law firm and of course it was, after that it was a foregone conclusion that I would go with the firm.

KEK: Very interesting. And, you said you did Chapter 11 bankruptcies, what types of folks were your clients?

NP: My first client, my first two clients, one was a Chapter 11, one was a Chapter 7. One was a business/restaurant owner and the other was a farmer. They were, shall we say, not clearly, I’m trying to find a nice way to say that they were a little bit difficult as clients. In fact, they taught me everything I needed to know about the bad behavior that clients can have in bankruptcy court. And I learned what to watch for and how to keep your clients on an even keel and what sorts of things they might try to pull with the court.

KEK: What types of bad behavior did you witness in your clients?

NP: The worst in my whole practice was I filed a Chapter 13 for a farmer, his wife had not signed on his notes and didn’t have to take a joint case with him. And, they had not told me this but in the year before he filed she had spent $40,000.00 dollars on clothes and luxury items on credit cards, on credit. And that was exactly the amount of money that he had failed to turn in to the bank when he sold cattle. So we have, not exactly embezzlement, but almost the same as embezzlement and overspending in the same case. And that was a very difficult case to work but we got it, we settled it with the bank because. After that I learned to be very careful about what they had done in the year before they came to me to file a bankruptcy case.

KEK: Absolutely, absolutely, especially with that sort of behavior. Now, let’s step back and just, if you could explain the difference between Chapter 11 and Chapter 13 bankruptcy.

NP: Chapter 13 is a wage-earner’s, is intended for a wage-earner. When I did it the debt limit for Chapter 13 was $350,000 dollars which is not a lot when you think about a farmer with all of his equipment and things like that. So it would work for small farmers with small debts. But Chapter 11 would work for larger farms and larger debts but the trouble with Chapter 11 is you have to get the consent or some of the votes of some of the creditors and it was sometimes difficult to do. But by using a lot of negotiating I was able to confirm about eight farmers in Chapter 11. And Chapter 13 I had about five or six but it needed to be expanded so I began to talk to Judge Berry who was then on the court, Judge Robert Berry, who was then a bankruptcy judge about the need for an expanded chapter especially for farmers. And he began to talk to Mike Synar, the Congressman of the district in Eastern Oklahoma at that time, and Mike Synar introduced Chapter 12 in
the court and it became law. And I had the first Chapter 12 to be confirmed in Oklahoma and I was told by some of the creditors’ lawyers that they thought it was the first case to be confirmed in eight states.

KEK: And how is Chapter 12 different from Chapter 11 and Chapter 13?

NP: In Chapter 12 if the plan that the farmer proposes is *quote* fair and equitable unquote, the creditors cannot object and keep it from being put in effect. In effect what it does is to strip the unsecured portion of a debt down so that the farmer pays for what he keeps. He either gives back property as collateral, or sets up a plan to pay for the collateral. It’s fair market value on the day he files and not the amount of the debt with the interest tacked on and everything. So, very often, in the early eighties, farmers could make payments on the amount that the property was worth whereas they could not begin to make payments when the debt was larger than the value of the property. As time went by, all the cases that had heavy, unsecured portion of the debt began to be resolved and farmers were faced with a cash flow crisis and Chapter 12 did not work as well toward the end of it. It was a self-ending law and by the time it ended, it was not magic. In the beginning I thought of it as the Nellie Perry magic, I was able to help a farmer stay on his land under most circumstances. But, that was a short, brief, beautiful period of history.

KEK: When did Chapter 12 end?

NP: It ended sometime since I retired and I retired in 1998. And, sometime after that. I’m not sure about when it was, I know that it came into effect in about eighty-three.

KEK: Now, how, you said that most of your clients were, or your practice focused on bankruptcy in that time . . .

NP: Yes, it became a bankruptcy practice because I was successful in a few cases and word of mouth spread and my practice grew in bankruptcy. So that finally I was getting clients, I would get them in pockets from one little town and then another little town and the areas would sort of move around. If I did one big case and it was successful, he would tell his neighbors and they would come to me. So, by word of mouth I became a farm bankruptcy expert, I guess you would say.

KEK: What did you like best about doing farm bankruptcies?

NP: I loved the people. In finding out about their farming ventures, you got into the very guts of their marriages, the very heart of their existence. The men were always the last to know that they were broke, they would hide it from themselves. And I became sort of Mother Counselor and sometimes the wives would say, “he’ll never talk to a woman.” But her husband would talk to me because he had seen that his neighbors had been successful by talking to me. And I most loved the day in court when they got their plan confirmed and were able to walk out of the courthouse knowing that they had a chance to keep their farms.
KEK: And, what, I guess, what was your goal with them, with the bankruptcies, was it for them to keep their farms?

NP: In some cases it was to get them to face the realities of their existence. Many times a farmer thinks it’s going to be alright next year. He wouldn’t be a farmer if he didn’t have eternal hope. And he expects, no matter how bad the year has been, it’s going to rain next year or it’s going to be better next year, or just wait till this crop comes in. And he’s always looking to the future because that’s the nature of farming. And, sometimes his wife and his children know the truth but, they sometimes know how close he is to losing everything. But I had farmers who would bring their, their last three years bank statements in a paper sack and never have opened them because they didn’t want to know what the bank balance was. I’ve gone through those sacks and told people for the first time that they believed it that they were broke.

KEK: Now you said that these cases, you started practicing in eighty-three, and you got these rash of cases then when you developed your practice, do you, are you seeing, well, I know you’re retired at this point, this was the time of the farm crises throughout the United States, what do you think was the cause of the crisis?

NP: I know what I told my clients would be the cause of their crisis. I would say that the lenders are doing their best to make more loans, the goal of the government agencies such as the Farmer’s Home Administration and the quasi-government agencies such as Federal Land Bank was to loan more money, build up their portfolio, and the local banks as well because things were booming and the bankers would say, borrow more money to make more money. They actually pushed loans. And the farmers always wanted to expand, expanded too much, too fast. And got too much debt, we’re in the same situation right now in this country too much, too fast, too much debt. And that happened to the farmers in the eighties.

KEK: Do you think that farmers are going to suffer similar consequences to what everybody else is suffering now?

NP: Yes, I think the farmer is now much more on the same page as the merchant in town, the man who sells the gasoline and the tires and fixes the tractors. They are all in this together and as being a farmer is separate from the effects of the global economy, I think that rather than being separate from it, the farmer is a part of the picture now. And that is the one difference; there is not a clear division between whether you sell supplies to the farmer that plows the land or whether you plow the land yourself.

KEK: Absolutely, absolutely. And, tell me about what, what bankruptcy court did you practice in?

NP: The Western District of Oklahoma and the court was in, the bankruptcy courthouse is in Oklahoma City. In fact, I parked my car under the building adjacent to the bankruptcy building each time I went to court. And that is the same building in which, that was bombed, the Murrah building that was bombed. And the same part of the
building where the babies were kept, so many little children were killed. I wasn’t in court that day but my children and friends called from all over world to say “was mother in court today?” Fortunately, I didn’t go to court that day. A lawyer who owned the building next to the federal building came to my office the next day for a conference and he had had to leave his office in a hurry because they were closing it and he said wounded people were coming into the post office part of his building bleeding and asking for help. And he could not help them because he’d been told to get out, to evacuate the building. His stories let me know that I was very lucky not to be there that day.

KEK: Absolutely, absolutely. Thank goodness, I was going to ask you were you there that day but you’ve already answered that question. How long of a drive or how often did you have to go to court?

NP: I was able to consolidate my cases so if some cases came in, I would try to file them so that I’d have the hearings set on the same day. I would usually file four or five cases at a time and have the hearings all at once and that cut down on the driving. As it was the most I ever went to court was four times a week and the least, sometimes I didn’t go at all, but I would say that I averaged two days a week of driving to the Oklahoma City court. It was a two hour, two and a half hour drive from home. I put lots of miles on my cars in those days.

KEK: Absolutely, I was going to say, two and a half hours, wow, each way that is a long drive.

NP: And it was east into the sun in the mornings and west into the sun in the afternoons.

KEK: Wow, that’s even tougher, that is even tougher. Did you have, was there electronic filing at that time?

NP: It was just coming in when I retired. And I never filed an electronic case but it was just beginning. My partner, Rick Marsh, who continued with some of my bankruptcy practice, has done electronic filing.

KEK: And, who, what, who were the judges at the time when you were practicing?

NP: Judge Bohannon, Richard Bohanon, the son of the elder Judge Bohanon who is well-known was one of the bankruptcy judges. And, toward the end of my practice Judge TeSelle, from, who had been a professor, had been my professor at OU Law School became one of the judges. And he was the one who, I started to say he was the one who worked with me on Chapter 12 but that was Judge Berry. Judge Berry was retiring but that was his swan song was to try to get Chapter 12 organized and he did, it was successful. Judge Lindsey came on the court, Judge Paul Lindsey while I was practicing and he’s the one I practiced before the most. In fact I had clients who said “I don’t know how you can handle the way Judge Lindsey talks to you in court,” he was very tough on me. And I said, “he can talk to me any way he wants to just as long as he rules in my favor.”
KEK: That’s a very good philosophy to have. Absolutely, absolutely. What was your most difficult bankruptcy case?

NP: Let’s talk about my most difficult case period.

KEK: Okay, let’s talk about your most difficult case period.

NP: Which was a very unusual case. July the fourth or fifth 1984 a child’s body was found in Foss, Oklahoma. A nine-year old girl and she had been raped and murdered brutally with a knife. Slashed. And, the defendant was her ex-stepfather; her mother had married him in the north and then brought him to Burnes Flat, Oklahoma to work in the oil field. And he was charged with the crime and then it was determined that the little girl’s body was actually found not in Custer County but in Washita County. So the case was transferred. The defendant was transferred to Washita County in Cordell. We practiced in both counties; we had offices in Sentinel and Hobart. Sentinel is in Washita County therefore I practiced in the court in Cordell. And Judge Edwards appointed my husband Johnny to defend the defendant in the murder case. But he said, “don’t worry Johnny, I’m going to give you co-counsel,” and he appointed me with my husband. And Johnny had tried cases, Johnny had been out of law school for twenty years, I had been out of law school for twenty-two months when we were appointed to this major case as a pair. And I did the leg work because Johnny had to keep the Hobart office going, at that time we were just a four man firm. And the cases, the regular cases, had to be done and Johnny did those and I did most of the work on the murder case. I spent every afternoon, every weekday afternoon, in the Cordell jail sitting with the defendant, taking his story all of that, most all of that summer of eighty-four because I remember vividly our household budget was pretty thin and collect calls from the Cordell jail were a dollar a minute and if I didn’t go to see him every day he would call me collect. So I went every day. And the case was tried in June of 1985 and he was found guilty and sentenced to death. But on the way there we had a very difficult case because the district attorney, Steve Suttle, he lived in Altus but was the district attorney for Washita County as well, we lived in Kiowa County and Washita County is the adjoining county. He was the DA for four counties out there. But he treated Johnny and me as if we had killed the little girl ourselves. We were doing a job that Johnny said he could not, could not reject it because he believed it was our duty to defend, the worse the crime the more necessary it is to defend because he would always say we are defending our system of justice. Not this man, but the system of justice. And so, we had several interesting things happen, Mr. Suttle and I crossed swords so much. One day he came into the Kiowa County Courtroom, we were having motion day, lawyers were there from all over the state, and he looked across the courtroom and saw me and interrupted court by saying in a loud voice, “Mrs. Perry, do not ever come to my office again, communicate with me only in writing, is that clear?” I had been coming to his office daily to get some photographs that he had been ordered by the court to turn over to me and I wasn’t getting them so I kept coming. He said, “I will not have you intimidating my staff, is that clear?” So, in the silence that fell over that courtroom, because everything came to a halt, the lawyers were quiet, I said, “Steven, I’ve asked you not to speak like that to me in public, people will say we’re in love.” And,
I had a lot of fun out of that later on because my partner, Bill Gentry, came running down our hall, kissed me on the cheek and said, “Partner, Steve Suttle doesn’t love you, but every other lawyer in that courtroom does.”

KEK: That is wonderful, that is a wonderful story. How did you, how did you feel, or what did you think when you were appointed to a death penalty case? Had you or your husband Johnny had any experience?

NP: Johnny had had a murder case that he considered he won it because the defendant received a light sentence. It was a murder case but he didn’t get, it was not a death penalty case. Johnny had done well with that one case and I of course had never had any experience with a capital case. But, I felt that I needed help so I called a professor I’d had. I had been lucky enough to be in Justice Arthur Goldberg’s seminar at OU and went on to take his class in Constitutional Law. And, I called Judge Goldberg, I wrote him a letter, I told him about our case, and he called us one morning, one Sunday morning and talked for four hours on his nickel, to Johnny and me on the telephone telling us things to do to protect ourselves from a charge of incompetence. And things to do to, things we had to do to do the case well so that we wouldn’t have the incompetent charge against us. Johnny said “I don’t want it to be said that he had incompetent counsel.” And I said, “they always say that Johnny, don’t worry about it, they always say it, it’s expected.” He said, “not on my name.” And so he did not live to know that the death penalty part was overturned because of some things that we had done in the court. That, we asked for an instruction that Judge Braun had refused to give until later and then forgot it later. So, those were the grounds and when she wrote her opinion overturning the death penalty Judge Vickie Miles-LaGrange wrote, “the defense team is far from incompetent, in fact, they were admirable.” And I thought, Johnny would love knowing that because that was a gift to him because he didn’t want the incompetent label.

KEK: Absolutely, absolutely. Now, explain how a capital case is structured.

NP: A bill of particulars is filed that lets you know that this is going to be, you’re going to have to defend against death penalty. And, there’s a lot of discovery, a lot of preliminary hearings where you ask for certain things. We filed a motion to get money for expert witnesses, we asked for money to hire a special investigator, we asked for money to hire a separate mental examiner. We asked for money to hire a finger print expert, all of the things that we were to get a list of the pieces of evidence and those things. The DA’s office fought us at every turn, but we were able to finally get what we were supposed to have, usually got it late, right before we went to a hearing or something. We had a preliminary hearing, at the preliminary hearing the court determines whether or not there’s enough evidence to try the person on these charges. So, of course we expected to lose the preliminary hearing, we knew he would be tried. But we did our best at the preliminary and used it to try to learn what was going to be presented against us. There were, of course, no witnesses, but there were, there was a list of some forty witnesses in court. There were people who had heard things or people that knew, for instance, the defendant’s name was Richard Norman Rojem Junior. There were witnesses who had seen Rojem before and after the time of the crime, witnesses that
established his whereabouts and that sort of thing. Almost all of our efforts were denied as far as getting extra funds to do any of this work so we did a lot of it ourselves. I got some college boys who studied statistics to check on the prevalence of a certain size tire. There was a tire track in the field where the girl’s body was found and I hired, didn’t hire but got volunteer college students studying statistics to figure out how many cars had that kind of tire. And we did that sort of thing, just, I got a counselor for people who were drawing unemployment insurance was a friend of Rojem’s and he thought that Rojem was innocent. And I asked him to collect some pieces of evidence for me in the neighborhood. The outstanding pieces of evidence were a fingerprint on a “go” cup from a club, a nightclub, and I had somebody to testify as to how many different clubs in the area used that kind of “go” cup to show that this was not unique. We did that sort of thing. And, we learned that the testimony in the preliminary that Rojem left this club at a given time which would give him time to have committed the murder and we were able to locate people who had the time clock when that particular club closed. And we had the time clock evidence to present and there were lots and lots of things that it’s hard to remember now everything we actually did. But we left no stone unturned trying to find evidence to support his claim that he was somewhere else at the time.

**KEK:** It certainly sounds like you all did a very thorough job.

**NP:** I know one of the things that we tried to get was a hair expert because the little girl’s body had scalp hairs in the pubic area, eight scalp hairs in the pubic area from someone else. It was clearly not Rojem’s hair. And that was crucial in the long-run because it kept DNA evidence from coming in later on. When DNA was not, we didn’t have DNA at the time of the trial but they still had the hair samples and when DNA came in they had the hair samples analyzed, the lawyers who did the appeals had them analyzed and clearly established that they were not Rojem’s. But that was already known, and it was known to the jury, the jury knew that the hairs were not Rojem’s. Therefore, there was nothing new about this evidence, the DNA evidence which ironically looked like it would prove Rojem’s innocence, just made him look more guilty. We never treated the case in any way but that he was innocent and I knew that he was mentally, physically, and emotionally capable of the heinous crime. But I also knew that he couldn’t have done it because there wasn’t time, the car was absolutely clean, there was no sign of the little girl in it. She had long, flowing dark hair and there was not even a hair in his car. Plus his protestations of innocence, he, I just do not believe that he did the crime, I still do not believe it.

**KEK:** What was the outcome of the trial? After the guilt and innocence phase and then the penalty phase, what was the outcome?

**NP:** He was sentenced to, a life sentence for the kidnapping, a life sentence for the rape, and the death penalty combined for everything. And, he’s spent the last twenty years in McAlester.

**KEK:** In the prison at McAlester?
NP: In the prison at McAlester.

KEK: And, did you handle the appeal for him?

NP: No, there’s an appellate public defender section that the appeals automatically go to them. We worked with his appeals lawyer; we gave them as much information as we had and all the benefit of the things we learned and our opinions. And I have the transcripts of the trial, they fill two boxes in my closet. And, I’ve never read them all through, I read the closing argument and that was all but so far it’s been too heavy for me to go back and read them all through. And yet, the trial was not that traumatic, Johnny and I were working together and we were, we were learning and we had a lot of help from outside people who gave us advice. But the thing is that for two years we, for a year I mean, for the year of preparation we lived that trial.

KEK: How did, how did the case affect you and your further law practice?

NP: I have to say that it made a trial lawyer of me. There aren’t very many things that actually go to trial anymore so many things are settled out of court and I love the courtroom. And I loved the courtroom even then, under those circumstances. It was something you can’t describe when you score a point with a witness on cross-examination or you know that you’ve made your argument well, it’s heady. I know I burst into tears when I finished my closing argument but only after I got to the law library where the jury couldn’t see because it was very emotional. But at the same time it was exciting, it’s what the law is all about.

KEK: And, what is the status of the case now? You said that Judge Miles-LaGrange overturned the death penalty?

NP: And sent it back to the trial court to have the death penalty phase retried. I went to court and heard the retrial of that part. And it took the jury about ten minutes to reestablish the death penalty. And that has to be appealed. There’s an automatic appeal of death sentences so this is like starting all over again. This is like day one that we walked out of the courtroom in Cordell and we’re ready to start the appeal now that the case has been overturned they’re going through the appeal process all over again.

KEK: And, then that process is still going on then?

NP: Yes.

KEK: When did the trial end?

NP: The trial ended June the second 1985.

KEK: And it’s now 2008.

NP: Yes.
**KEK:** So this case has been going on that long.

**NP:** When I went to the hearing, the rehearing of the death penalty part, the man who had been sheriff at the time who was a witness for the state was there. And one member of the prosecutorial team was there. And I was there and Rojem, there were four of us in the courtroom that had been in the original trial. Everybody else was strange to the case. But when I walked in the courtroom and we all stopped and shook hands with each other. And I observed that of the four of us the only one that is not white-haired now is the defendant.

**KEK:** And, isn’t that ironic?

**NP:** Yes.

**KEK:** How was it to practice law with your husband? Not just on this case but generally?

**NP:** Oh, it was wonderful. He, I had just been out of law school a couple of months when in front of the staff he said one afternoon, “Now we’re going home today and if you say any more about the law tonight I’m going to sleep in the trailer.” Because we had a travel trailer that I lived in when I was in law school and it was parked in our yard. And that was his threat to me that he’d heard all he needed to hear about hearing the law all day long, he didn’t want to hear it all night. And then at another point he was told by the state people to keep his hours on the murder case, keep his hours exactly. And he said, “how can you keep your hours when you sleep with co-counsel?” But, we were careful, it worked out quite well, because he practiced mostly in the Hobart office and I practiced mostly in the Sentinel office. And we shared our decisions but we had our cases totally separate. When people would start talking to me about one of his cases, I would say, “wait a minute, don’t tell me this unless you’ll remember to be sure to tell him because telling me doesn’t mean that you’ve told him, you have to tell him what you’re thinking about because I might not convey it properly.” And so we tried to be real careful about information like that so that the clients didn’t think that we were one, one entity that they knew that we had separate cases. On the other hand, he was always giving me advice and he said at one point, “you need to tone your voice down, people don’t like strident women lawyers.” So I got my voice down and he, by the end he’d lost some of his hearing and he said, “speak up, speak up, I can’t hear a word you’re saying.”

**KEK:** So at first he told you to keep it down and then he told you to turn it up.

**NP:** He was losing his hearing on one side and in the murder trial we would often ask for a bit of a recess so that I could bring him up, could tell him what had just been said because he missed something. And, Steve Suttle, the prosecuting attorney, accused us of using that for an excuse.
**KEK:** Now I know you said that you mostly, your practice focused on bankruptcy, did you ever want to practice in other areas or do anything else besides bankruptcy?

**NP:** When I went to law school I thought that, I saw myself as being a lawyer for dispossessed women. I thought I would do things with women’s rights. And I did a few divorces, quite a few divorces in the very beginning of my practice, but as the bankruptcy practice grew, I was able to get my partners to take the divorce cases because I said I lose sleep in the night over the bankruptcy cases, I don’t need two fields that cause you to lose sleep at night or to get phone calls at two o’clock in the morning because your client cannot sleep. I guess I saw myself as an advocate of women’s rights and children’s rights and thought that my practice would be more in the domestic field. But it turned out to be a little larger than that, just by chance.

**KEK:** How was it in those days then, when you were both practicing, how was it to juggle having a family and having a law practice?

**NP:** I had the best of all possible worlds. The young women I went to law school with had the traditional women’s worries and I was able to be free of those. My children were grown, I didn’t have to worry about “will I have a date on Saturday night?” I didn’t have to worry about “will I have children?” All the questions that my law school contemporary women were worried about. And, I did, I was quite an activist for women’s rights when I was in law school. And that satisfied some of my needs for that. I was able to get Sarah Weddington who tried the Roe versus Wade case to come to OU law school. And after I had invited her, because I was running the women’s law day, the dean got interested and the whole law school acted as her host but it was sort of forgotten but not by me that I was the first person to ask her to come.

**KEK:** Wow, well congratulations on getting her as a speaker. Well, I think we will stop just so that the electronic file does not get too large and then we’ll continue on in our second half.

**NP:** Thank you, I need a rest.

**KEK:** Okay, great.

**KEK:** Well this is Karen Kalnins again, I’m a law librarian at the Oklahoma City University Law Library and this is the second half of the interview with Nellie Perry. It is still Wednesday, October 15th, 2008 and now it’s about, a little bit after 3:30 p.m. in the afternoon. We began the interview about an hour ago. So, this will be the second half of the interview. In the first interview Ms. Perry talked about her experiences as an attorney. And now I wanted to ask Ms. Perry about her professional accomplishments and her professional associations. Can you talk about those Ms. Perry?

**NP:** Andy Coats the Dean of the OU Law School now was a classmate of my husband’s. And Andy appointed me to serve on the Board of Trustees of the Bar Association, the Oklahoma Bar Foundation it’s called. And that was very interesting work and I served
with some of the outstanding lawyers in Oklahoma. And I did that for three or four years and Judge, Justice, I worked for three semesters with Justice Marian Opala when I was in law school. I wrote draft opinions for him, he gave me cases to research and I would write what I thought the opinion would be and then he would take it and write what it was from my writing. He became a very good friend and good friend Justice Yvonne Kauger named me to the Board of Bar Examiners and for eight years I wrote one essay question a year and graded it for the bar exam which was fun really because I got to write the ethics question and the kids had to pass the ethics question. So when I graded the papers I could be lenient in the grading because I wanted, there was only one person in all the years that I could not give a passing grade to. The essay questions were very revealing. I was amazed at the need for more grammar and more punctuation. Even with law school graduates it was appalling sometimes.

KEK: How bad were some of the grammar and spelling mistakes?

NP: Not gross but, the most common one and the one that always gives me, makes chills run up my spine are the misplaced apostrophes. You see so many misplaced apostrophes, students can’t seem to grasp that you don’t, when you say the Joneses are coming, you don’t make it possessive. And, those are the two, within the law, the accomplishments I have, serving on those two areas. And organizing the Women’s Law Day for the, at the law school. And I did a lot of community work in addition to that. I did Girl Scouts of America work, and I worked for, after retirement I worked pretty steadily to enhance the work of the Youth Commission in Hobart, the Great Plains Youth and Family Services Incorporated is a youth service organization and I was given the Mary Emma Wilson Award for outstanding work in prevention of child abuse in Oklahoma. And I did it through a weekly column in the newspaper informing people about the work of this youth services organization. I acted as a fundraiser for them and helped to get the funding for a new building. All those things were quite fun to do.

KEK: It certainly sounds like it. And what about your hobbies, do you have any hobbies that you still participate in?

NP: I gave my sailboat away but the love of my life is a hobby, sailing. I learned to sail on Fort Cobb and Luger Lakes in Oklahoma that both of them are within an hour of my home. And I had a little car and a little boat and I could put my boat in the water myself and take it out myself. And I taught one hundred and fifty different people to sail in the years, in the twenty years that I had my sailboat. I wore out one sail and I wore out another sail and I couldn’t buy a sail so I made one on my Singer sewing machine. And sailed with that until the wind tore it up. I gave my boat to a young woman who is rebuilding it and I’m going to go for a sailboat ride one of these days when she gets it rebuilt. And my other hobby and one I’ve had all my life is writing for sale. I sold about thirty confession magazine stories when those magazines were in their heyday, in the forties, fifties, to supplement the grocery money. I got three cents a word and I sold about thirty different stories. I have written four novels that did not sell. I’m still working on another one that will not sell but I’m going to finish it anyway. But I was
really excited about a sale two years ago, I sold a travel story to the Washington Post and that let me sort of know that I am a writer.

**KEK:** What was the story about?

**NP:** It was about a camping trip that I made in the Teton Mountains with four lawyers and five doctors. And, they had all traveled together before but one of them asked me to go, my grandson’s friend asked me to go with him. And everybody else just thought he was, he had lost his mind because they were going to have to take care of this little, gray-haired lady. But, before it was over they christened me Queen of the Nile and they didn’t mind helping me and we had a wonderful time.

**KEK:** It sounds wonderful. Now, how, how did your love for writing help you as an attorney?

**NP:** Oh, it helped a lot. When I took freshman writing, the professor gave me my paper back and said, she was a young woman, she gave me my paper back and she said, “some people just can never be taught how to write, I don’t think I can teach you how to write.” And at that point I had sold thirty stories to a national magazine. So, it made me mad and I learned legal writing which is quite different from what I was used to. From one extreme to the other, where you throw, pour all the emotion possible into a story, confession stories were very emotional, and to, where it’s just the facts ma’am. But my work with Justice Opala was great training. If I could have written fast enough I wouldn’t have had to research the cases, I could take what he told me on the telephone about them and they would have been a polished opinion. So he was a great mentor.

**KEK:** Are you still in contact with Justice Opala?

**NP:** Yes, he recently wrote a letter for me in support of my nomination for Fifty Women Making a Difference.

**KEK:** And tell me about your nomination or your induction into this Fifty Women Making a Difference.

**NP:** The Journal Record, the legal writing newspaper in Oklahoma City runs a contest every year or does an award every year where they honor fifty women, movers and shakers I guess, and they choose one woman of the year. Unknown to me and as a surprise my children nominated me this year which is the greatest award any mother could ever have. Their letter of nomination was superb. And they put together from each other the things I had done, they sort of sneakied up on me. My son-in-law called me and asked me to write a bio, an up-to-date bio so he would have it for the children. So, I sat down that afternoon and wrote one listing the things I had done and they used it to make the nomination letter.

**KEK:** Sounds wonderful, now is there a ceremony that goes along with this honor?
NP: Yes, there was a quite festive black tie dinner the twenty-fifth of September at the Ford Center in Oklahoma City. And all my children came home, even the ones who live in Mexico. So it was a great event for me.

KEK: Sounds like it, certainly sounds like it. And congratulations on your induction.

NP: Thank you. It’s my children’s doing, I said, I was not the woman they wrote about but that’s the woman I’d like to be and I’ll try to be that.

KEK: Now, getting back to the practice of law, how do you think the law has changed in the years that you’ve practiced and since you retired?

NP: The practice of law has changed dramatically for the individual, small town, mom and pop type lawyer. When Johnny first, when my husband first started practicing, in the early sixties, he and his law partner would walk out of their office with the files and Finis Gillespie, the boss, would show Johnny the file on the case he was getting ready to try. Johnny would walk into the courthouse, walk to the upstairs, and step in front of a jury and start trying a case. They tried as many as five or six cases a week sometimes in the little communities around there in Hobart. Now, if a lawyer goes to trial twice a year it’s rare because cases are done by discovery and by settlement conferences and the trial work is mostly criminal defense. There’s very little else that actually goes to trial anymore.

KEK: Very interesting. Now have you had contact, I know you said that you were on the Board of Bar Examiners for a while, have you had contact with other new law graduates and what do you think of the new, the graduates that are graduating now from law school?

NP: The young people that I’ve met, and I’ve met them informally, that are going into law school remind me of my classmates when I went into law school. They had the, they’re idealistic, they have dreams of saving the world, and they’re very much for individual freedom, they’re very much attuned to constitutional law, and as they start to practice and get into the realities, some of them forget the principles. I’m amazed at how many people are running around in the world that don’t understand the difference between church and state, for instance. That don’t understand the wall that needs to be there between, if we were to preserve our freedom and the churches to maintain their autonomy, government has no place in churches and churches have no place in government. But so many people say but, we’re a Christian nation and they want to mix the two. And, I always believed that to render unto Caesar that which is Caesar’s and unto God that which is God’s. I’m a separationist. And so many young people are not. I think it’s, there’s a lack of teaching in the social studies in our schools. And I hate to say this but it’s probably because most of the social studies teachers are coaches who have not paid a lot of attention to their studies. I’ll say also that there’s some totally, absolutely dedicated coaches who make wonderful, wonderful teachers. My son had one.
KEK: I will definitely, yeah, second that, a good teacher is worth their weight in gold. What is the best piece of advice that you’ve gotten along the way?

NP: The most vehement piece of advice came from Justice Arthur Goldberg when I wrote him about our murder case and told him that I was practicing with my husband, on the telephone he said, “I told you not to go into practice with your husband.” But, I didn’t take that advice and I’m very glad I didn’t. I think probably my best advice came from my husband to me watching me try cases. When he said, “you can’t save them all” because I always would, I took it so hard when I lost, when I lost a case.

KEK: Well, Ms. Perry is there something that I haven’t asked you that you want to talk about or that you want to say?

NP: Yes. I had an opportunity to address the students at Washington University Law School with my daughter who is a federal judge in St. Louis and an alumna of Washington University Law School. She and I went to talk to second year students, law students. And we were there to answer their questions and nobody wanted to know anything about small town, individual, practice of law, which was my field. They wanted to know how Catherine became a federal judge and how to get to be a federal judge. And she told them “to get to be a federal judge, you have to be a good lawyer. So you start with my mother and what she does and then you hope that you’ll be lucky like I was and get to be a judge.” But she said, “remember that although it’s all luck the way federal judges are chosen, I was standing on the street corner when the bus went by.” Meaning that she had prepared herself as a lawyer and that was how she got to be a federal judge was to be a good lawyer.

KEK: Well it sounds like she gave them very good advice. Do you ever regret not moving to Oklahoma City to practice law as an attorney in the city?

NP: Never have thought about regretting that because I always think how lucky I am at five o’clock when I get in the traffic, that I don’t have to do that every day. I could drive up to the courthouse and park and walk in.

KEK: Do you have any regrets?

NP: I’m thinking. That’s a good question because I don’t think I do have any regrets. I might regret that I lost this case or that case, but as far as things that I had control over, I don’t regret, I’ve been lucky, very, very lucky.

KEK: It certainly sounds like it. Well, do you have anything else to add Ms. Perry?

NP: It is important that the torch passes and that young people learn about the constitution, and learn about the rights that we’re losing if we don’t watch it and that we pay attention and try to preserve those rights for ourselves and for our grandchildren yet to come.
KEK: In what ways do you think we might be losing them now?

NP: We have given up too much in the fear of terrorism. And on a daily basis we’ve given up too much in our fear of being sued. School boards will not do what’s right because they’re afraid of being sued. And nations will not do what’s right because they’re afraid of being attacked. And those fears need to be laid to rest and we need to go forward with the same sort of pioneer spirit that this country has always had. My advice to people who talk about they had to do so and so because they were afraid of getting sued, is “let them sue you and see if they win.”

KEK: Very good advice. Absolutely, absolutely. Especially now, because I think everybody is so afraid and we do live in such a litigious society. Well, if you didn’t have anything else.

NP: I think that’s it.

KEK: Okay, okay, I don’t think I have any more questions for you. No, I’m pretty much finished. Well, Ms. Perry I cannot thank you enough for your time today. I really appreciate it.

NP: I know my voice is ragged, I hope it’s okay.

KEK: I’m sure it will be fine. Thank you again very much for your time.

NP: I had a good time.

KEK: Great, I did too.