

Voices from the Past

Lawyers and the Judicial System

Interviewee: Michael J. Donahue Jr.

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Oral interview conducted by Harold Forbush

Transcribed by: Theophilus E. Tandoh and Devon Robb April 2005

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Brigham Young University-Idaho

Harold Forbush: An interview with his honor, Judge Michael J. Donahue Jr. of Rigby, Jefferson County, Idaho. On this 25th day of August, 1979, and I am pleased your honor to have you present. He's a senior colleague and I am sure that he is in the honor of a number of magistrates in this district and throughout the state. And it's a privilege for me to have this opportunity of interviewing this man on the eve of his retirement from the judiciary of Idaho. And I know he is a busy man and I am secretly going to hope and wish for him a life in the future which is also busy, because I think that when we keep happy we are content. This man wears many hats, and just as an initiatory part of this interview, he has commented that he has four marriages to do today, this Saturday which is a non-judicial day, you might say. And yet this will reflect the tremendous activity of this man; the manner in which he stretches his time and service to others. Judge, what is the secret of all these marriages you are doing and also MC work, Master of Ceremonies?

Michael Donahue: Well, before I get into that Judge Forbush, let me just thank you very very much for the honor of appearing for the Upper Snake River Valley Historical Society. It's an honor to be interviewed by anyone, whether it's for such an outstanding organization; I feel privileged and honored by being here. I don't have any real idea why I've been so active in the marriages and the Master of Ceremonies, other than the fact that I might just be an easy touch. I feel that though, in the past twenty-five years that I've been a judge, I looked upon being a Master of Ceremonies as something more different than from sitting on a bench where everything is so serious and where you have people's lives at stakes and where you might have to place them and incarcerate them and take their freedom away and I figured that this being a master of ceremonies was just something opposite from that. And I don't know how it got involved in that, although I got heavily involved, I've been to New Orleans and became master of ceremonies for several of their conventions, I've been in Sun Valley; I've been over to Jackson, Wyoming, Twin Falls, Boise and in Arizona, all as gifts of the various organizations as master of ceremonies. I've enjoyed the work and fortunately it's something different from sitting on the bench, and I guess that is the reason why. As for my marriages I have no idea other than the fact that I do know that a lot of people...I'm not happy about marrying people because I'm not a minister of any faith and I do know that a lot of people have personal problems and I feel as though they look for someone who's more or less in the middle, and as a result they come to the judge and ask that they marry. My parents of course, being very religious people would not tolerate any one being married by a judge. But today we live in a different kind of society and it seems as though a lot of people are seeking more or less the middle ground.

HF: Thank you for those comments, Judge. Now turning our attention to the outline of the interview; what is that national origin of your ancestors?

MD: Well, my father came to this country from Ireland. He was born in Ireland; my mother is an American citizen.

HF: When was your father's arrival in the United States and when did they come to Idaho?

MD: My father arrived in the United States in 1908; he came over from Ireland to this country and went to work for the railroad in St. Paul in Minneapolis area when he came to this country. He was the oldest of thirteen children and it's quite interesting, you might be interested in the fact that in those days, everyone looked forward to coming to the United States. They had a severe, rough time over in Ireland and there are a lot of people as they said, they were under the domination of England and a lot of their rights, supposedly were taken away from them. But this family--to give you an idea of how it worked; this family would work and save enough money and then they sent the oldest boy over to this country. And the oldest boy happened to be my father, now when my father arrived to this country, he went to work for the railroad, and then he would save enough money and send [it] back to the old country to send the next oldest boy over. And he will get him a job on the railroad and then those two would save enough money and send back and bring the next oldest boy over. The final result is that after they get all the boys over, they would then send enough money back to bring the oldest girl over. And then most of the Irish girls that came to this country, did house work; they became maids and so forth for the extremely wealthy people in this country. And they were very good at it evidently and as a result, when they would bring the entire boys and girls over and then they will bring their mother and father over last. They all settled in Douglas, Arizona, all thirteen of them. And the house that they built is still down there and still part of the family.

HF: And, just a matter of interest; is it to this area that you are going to retire?

MD: Well, no my home was in Douglas, Arizona which of course is on the Mexican border, but I am going to retire in Phoenix. I used to be a court reporter and I was a court reporter for the Arizona Corporation Commission for several years in Phoenix, Arizona, and of course I have some family there, and I have family in Douglas, and I have a family in Tucson, so it is more or less like going back home.

HF: I see, well that's very interesting. Now your parents were married where and when?

MD: My parents were married in Douglas, Arizona in the year 1909 as I recall in Douglas, Arizona.

HF: And where do you fit in that family?

MD: Well, I'm the middle child; I have a sister that's a retired school teacher. She was the first child born in the family, I was the second one born in the family, and then I have a brother that's a dentist in Tucson, Arizona. He was the third member of the family.

HF: Alright, and the date, place of your birth was?

MD: I was born on the 18th day of June, 1916 and because, this is a sort of historical interview, I have a little history in the back of me; in the back of my birth and I'd just like to mention it to you. If you'd like to go back and check your history, you will find that in 1916, there was a man by the name of Pancho Villa, that had declared war on the United

States of America. And as a result of that, he had a reputation... Pancho Villa did, of when he will raid a community, he was extremely cruel and he would kill all of the children and the women and then he would see to it that the men, their death was very, very slow. And he punished them most severely. As a result of these rumors, my father was working for the railroad, but my mother on the train and sent her back east. And of course, those days, there were no commercial airlines or anything like that. And the trains were the only type of transportation that we had, as a result of that, she was to go back east in order to have me. She got as far as Oklahoma City, and that's about as far as she could go. And she had to get off the train and that's why I happened to be born in Okalahoma City, Oklahoma. Although I've never been back there, I left there when I was two weeks old and then came back to Douglas, Arizona.

HF: Isn't that is interesting.

MD: Pancho Villa raided the United States, at a little town, I believe called Columbus, New Mexico; he came into that town and he shot the town up. I believe it is reported that he killed, I think 8 people, and injured a few. I might mention something; we've heard of Water Gate, and we hear of Koreagate and everything, but I'd just like to mention to you that back in 1916, there was a little hanky-panky going on in the government in those days. The fellow that was the scout for General Black Jack Pershing; General Pershing was selected by our government to go capture this man called Pancho Villa; now he declared war on us and he came over to this country and shut up the town and did some killing. But the most interesting thing about it was that Bill Curtis who was a very close personal family friend of ours he was General Black Jack Pershing's scout. And General Black Jack Pershing was selected by our government to go capture this man and to bring him back and to have him pay for his misdeeds in declaring war on United States. But he was secretly told to not capture the man, but to just run him back in the interior of Mexico, and that's what he did. Bill Curtis used to sit and spin yarns in our community and in our house; telling us about how they will run upon Pancho Villa and that he would stop the troops and rest them for a day or two in order that Pancho Villa might go on down; because he was told not to capture at all, just to run them back. It's something interesting because this is hard, our media in those days was only the news papers, and of course the news papers didn't tell us about how they were going to capture and so forth, which we could have easily done according to his scout, and at the same time that's the way they were evidently fooling the people.

HF: Of course just along with that, kind of the side trip that we've taken. The Mormon's went down into northern part of Mexico and as Juarez and they...

MD: This is back in World War II; they founded an organization, Bishop Stole from Rigby was born.

HF: He was born down there.

MD: Yes, he and I were very close personal friends and we discussed many things.

HF: I've interviewed Jean and his wife, before she passed away, on this matter. And of course when they were having those troubles, between 1912 and '16; of course he and his family were brought out of there...

MD: Yes.

HF: And so forth. Well, very interesting. Now you were brought back to Douglas and did you get your formal education, that is your younger schooling there?

MD: Yes, I went to both public school and private school in Douglas, Arizona. There is something interesting in education down there, which doesn't exist today. But we had segregated schools in those days. In our area in Douglas, Arizona; today comprises about 80 percent Spanish speaking people- Hispanic I suppose; Mexicans. And in our day, the Caucasian people were sent to separate school than the Mexicans and the only time that the school became integrated was at the sixth grade level. Now primarily that was caused because of the fact that many of the Spanish children that went to school did not speak English and as a result they had to give them special classes in English, and as a result it would affect the Caucasian children. Today that is not true, they are both combined. But our first going to school with the Spanish children was in the sixth grade. That's the first time that we became integrated with the Mexicans.

HF: As a result of that experience, did you acquire or something based with the Spanish language?

MD: Oh, definitely, of course, we were like everyone else. When I was a young boy, of course, all our playmates were Mexican children and beautiful people and had wonderful culture and we've enjoyed them very, very much. The fortunate part is that we were able to speak Spanish, and we've lived in their homes and they came over and lived in our homes and we loved to make their foods, and of course the Spanish children liked our bread and jams, which they didn't have. The bad part was that I didn't continue the training in Spanish which I should have done, because as a child we spoke Spanish almost fluently, just from the osmosis, more or less from the fact that we just associated with them.

HF: Now did your formal schooling, maybe through 12th grade or secondary school continue there at Douglas?

MD: No, when I graduated from high school, it was during the Depression my parents were extremely poor. But my mother saved enough money to send me to a business college. Now she sent me to a business college in Chillicothe in Missouri. To give you an idea compared to the day we talked eight to ten thousand dollars a year in putting a child to a school. In those days, my mother saved six-hundred dollars and put me a year in a business college and I enjoyed the school very much and when I graduated from that, I then attended the Greg Shorthand School for court reporters in Chicago. Graduated from there and of course I went to work in court reporting when I graduated from the Greg school of court reporters in Chicago, that's my education formally.

HF: By this time have you met and married?

MD: No, I went to work then when I graduated from court reporting school. I went to work in the district attorney's office in Bisbee, Arizona. And there is where I met my lovely wife at that time. And that was in Bisbee, Arizona, incidentally and then she and I were married there.

HF: What date, and tell me a little about your family?

MD: Well I was married on August the 23rd and of course it will be in 1941. That was before World War II and I was married and I remember on August 23rd. We were extremely happy and we had a beautiful little home and all of a sudden in December, the Japanese attacked us and of course I thought that it was the duty of every young man to join the service. I worked for a man by the name of John Pintech who was the district attorney. He and I were both the same age and we were also both...he was single and I had just gotten married. He and I discussed the fact that maybe we ought to go into the service to help our country out, and as a result, he and I both volunteered at the same time. I later learned that I should have waited until they drafted me, because I would have been, no doubt, drafted anyway. My wife at this time now when the war was declared was pregnant, and of course he went back home into Michigan. She was a Michigan girl. She went back to Michigan and I went to the army and there I stayed for eleven years.

HF: Is that right?

MD: Yes. I worked in the Judge Advocate Division as a court reporter and that is where I spent most of my time.

HF: That's you get acquainted with T. Harold Lee, isn't it?

MD: Yes, T. Harold Lee was an outstanding attorney in Rigby; he was in the Judge Advocate Division at Fort Douglas, Utah. Now in the Judge Advocate Division, I was the only person in the Judge Advocate Division that was not an attorney. All the listed personal were attorneys and of course the officers were attorneys. But I happened to be a court reporter and they kept me extremely busy. I traveled throughout the ninth service command which was comprised of all the western states. I reported all the General Court Marshal cases and of course we had hundreds of them. Most of them were involved in some type of military, well I mean such as murder and rape and desertion all those types of cases and of course that's where I obtained what little legal knowledge I have, I got through the association of people such as T. Harold Lee.

HF: And that brought you to about 1952, approximately.

MD: Yes.

HF: Eleven years in the service.

MD: Yes, and I was in the Korean conflict. And when I was in Korea, I didn't enjoy it, because of the fact that we were at war and there was hard fighting, and a lot of our boys were getting killed and lot of their people at the same time were getting killed. And although I was not up at the front, and I never shot a rifle in my life while I was in the army, because I was so extremely busy doing court marshal work. I wrote to T. Harold. He and I were close in the service, in fact I was the best man in his wedding and he and I were extremely close and he encouraged me to come to the state of Idaho to get out of the service and come to Rigby and study law. At that time, there was a program that if you were a veteran and you worked for an attorney and you took a prescribed course and sat down by a supreme court, that you could take the bar examination at the end of five years without having to go to the University. And that's what I came here for, was so that I could study law with T. Harold Lee. Unfortunately, I went into business after I arrived in Rigby and of course then I gave up the idea of not studying law, but then I also at the same time, I ran for Justice of the Peace, because I was still interested and I was of course elected and in those days they had Justice of the Peace – you were eligible to become a Justice of Peace and every precinct in the state of Idaho, of course, there were hundreds of precincts.

HF: Well that's getting into some other questions here, just, and that's real great. So you came to Rigby, Jefferson County in 1952 kind of at the urging and the invitation, and encouragement of T. Harold.

MD: That is correct.

HF: And you brought your wife and how many children?

MD: At that time we had only one child. We had little Michael and he was born down in Douglas, Arizona and of course we brought him. We rented a home at first from an outstanding citizen by the name of Colonel Vernal Sorensen, who accepted us with our little child in Rigby and we rented a little home from him. We eventually, of course, built our own home and as a result we had two children, Patrick and Michelle, who were born in Rigby.

HF: So you have the three in the family?

MD: We have three children.

HF: And they are now matured and I suppose each of them married.

MD: They're all married and...

HF: How many grandchildren do you have?

MD: We have three grandchildren, all spoiled.

HF: I'll bet. (Laughing) Well now you commented that you did go into a business. What was the nature of this business and then we'll get into the J.P. activity, but you had this side business I suppose?

MD: Yes, I went into the petroleum business with a young man by the name of Dale Hancock and he and I ran a service station and a bulk petroleum products. It was more or less a bankrupt business, we had saved a little money in the army, in fact, I'd saved about \$1,500, and it cost me that amount to buy the partner of Dale Hancock out and I can recall that my wife and I sat up all night after we had purchased it wondering whether we had lost our life savings. As a result, it turned out of course, that it was a very good investment and we increased our business and became very successful in business. The reason I became a J.P. was quite interesting. We have, of course, in 1923 our state of Idaho instituted what we the call the Small Claims Court, in which you and I refer to it as The People's Court. I wanted to – there were some people that owed me some money and we had this Small Claims Court, but no one had ever used it in Rigby. We had a J.P. by the name of Judge Groom, I don't know whether you remember him or not.

HF: He was an attorney too, wasn't he?

MD: Yes he was an attorney, and I went to him and asked him if I could file some small claims and was an extremely – he was a neighbor of mine and a very fine person and he told me, he said he didn't have any forms, he'd never heard of it, he didn't want to do it, and he didn't know anyone that would do it. And as a result of that I said well we've got to do something for the business people so I ran for J.P. in my precinct and of course I was elected and as a result of that I instituted the Small Claims Court, the first one they ever had in Rigby.

HF: Isn't that interesting. Now did you have your J.P. court at your own business site location?

MD: Well unfortunately in the state of Idaho we had three, what we used to refer as the lower court system. We had the City Judges, some persons referred to them as Police Judges and then we had the Probate Judges and we more or less referred them as County Judges and then we had the J.P. Judges, the Justices of the Peace. And those were the three courts, now the Probate Judges, the County supplied them a courtroom and also supplied them their office facilities.

HF: In the courthouse?

MD: In the courthouse. Now the City Judges, or Police Judges, the city supplied them an office, but not a courtroom in most of the city buildings and the J.P.'s had their offices either in their homes or their business establishment, which was not good.

HF: And where did you have yours?

MD: I had mine both at my house, and in the service station. And we had a lot of fun with that. (Laughing)

HF: (Laughing) Well that's very interesting and it shows, doesn't it, the type of horse and buggy type of procedure that these things – well the offering of judicial work to the people.

MD: Well it shows the wisdom on our Supreme Court and the attorney's throughout the state of Idaho who encouraged the up-grading of our judicial system to the point where it eventually was changed in putting the judicial level on a level where it was at least dignified. I can't imagine how a person would feel to be picked up for some type of an offense, say speeding or anything else – he's from out of state, he's on his way through our state, he's going to West Yellowstone, going to Yellowstone Park and to be stopped by an Officer and taken into a drug store or taken into a bar, and incidentally we had a lot of our cases in the state of Idaho were tried in bars in the old days, and taken into a business establishment and have some person such as my running the service station and there the judge is in coveralls and to me it was embarrassing because I held court in the Sheriff's Office and it's almost as bad to go there because just a few feet away you could here the banging and clanging of the jail doors and you could hear the Sheriff's Office next door and that wasn't a very nice place to go either, but at least it was better than being into a business establishment.

HF: What physical jurisdiction as J.P. of Rigby did you have? Was that confined pretty much to the city limits?

MD: No, a J.P. had the jurisdiction for the county, and of course a Police Judge was just, or the City Judge was just for the city, but the Probate Court and the J.P., they lapped, they were more or less similar other than the fact that the Probate Judge handled the states and the J.P.'s didn't. But other than that...

HF: As I recall the J.P.'s were limited in their civil jurisdiction up to three hundred dollars or five hundred or something like that.

MD: That is correct, 300.

HF: And the Probates had a little greater jurisdiction as far as the amount is concerned.

MD: I would assume so.

HF: But you had concurrent jurisdiction with the criminal matters didn't you?

MD: Correct.

HF: Well now, was there more than the one J.P. for the entire county of Jefferson?

MD: Oh yes.

HF: You had one in each community didn't you almost?

MD: Well we had several, for instance, in the city of Rigby we had three or four. We had some on the west side, we had one in Roberts, we had one in Ririe, and as I stated before, you were allowed to have a J.P. in every precinct. I don't know how many precincts we have in Jefferson County, but I believe that we have close to twenty precincts so we would be allowed to have twenty judges, but eventually the State Legislature did away with that, and they got involved, the State Legislature gave the County Commissioners the right to appoint Justices of the Peace and as a result of that, they selected two or three and then eventually they selected just one. And then we had the upgrading of the judicial system and in 1971, it was completely reversed and they selected Magistrates.

HF: Going back I think it's very interesting historically, and I'd like to dwell on this a little bit further. You commented that the J.P.'s in the early '50's, when you became a J.P. were elected?

MD: Right.

HF: In the precinct?

MD: Right.

HF: And that would occur probably in conjunction with the general election?

MD: Correct.

HF: And you were elected as a J.P. in Rigby?

MD: Correct.

HF: And you had jurisdiction to try criminal matters, would this include traffic?

MD: It included traffic and included preliminary hearings and included your small claims court.

HF: Okay, how were you paid?

MD: Well that's quite interesting. In those days, a J.P. would be allowed to keep the court costs. Now, my personal feeling about court costs of course, I'm very much against court costs. I think that it's a part of the penalty and should be included in that rather than to say you're fined so much money and in addition to that you must pay so much court cost. It's still a fine to the people whether you call it court costs or anything else, but in those days court costs were three dollars and in every criminal case, you would assess this three dollar court cost and that court cost went to the judge. Now the only way you could get court cost was to find the person guilty. If you found him not guilty he did not have to pay court costs and of course there was that stigma, there was that feeling that no one could receive justice because the man, if he was found not guilty the judge wasn't going

to get the court cost and I think you can rest assure that there were a lot of people perhaps found guilty in order that the judge might get the three dollars. It also caused a lot of problems. We had a City Judge in the city of Rigby, an outstanding person, a real nice fellow. A fellow by the name of Judge Ross Lee, he's dead. He was not only the City Judge, but he also ran for Justice of the Peace in his precinct so he wore more or less two hats, he was Justice of the Peace, he was also City Judge. Now if he conducted any business for the city, then whatever revenue he gained for the city had to be put into the city coffers. If he did some work as Justice of the Peace, he got the three dollars court cost assuming that the man was guilty. The bad part about the whole thing was people might pay a penalty, we'll say of eight dollars for instance, in the old days if you went through a stop sign it was five dollar fine, three dollars court cost. He'd have them make out two checks for instance, one for five dollars for the fine and then one to him for the court cost and the people didn't realize that he was allowed to keep the court costs and of course a lot of people would start the rumors that these judges were embezzling from the county and from the city and it created a lot of problems and it just wasn't a good system. It was a real bad system.

HF: How long did that system persist would you say?

MD: Well it persisted...

HF: ...from probably the earliest time that they had precincts.

MD: From the time we started the state of Idaho, which we are a little over a hundred years old, I'd say that it almost existed for approximately a hundred years. It went back to the horses and buggy days.

HF: Right.

MD: And that's why we had J.P.'s in every precinct because it was hard for people to get around transportation wise. That's all we had was horse and buggies and that's why we had to have...

HF: What kind of supervision did you have in keeping the books and the records and who were you accountable to?

MD: Ok, we were accountable to the county and we had a report that had to be submitted to the county every three months and it was a form in which you listed the name and the type of offense, the person fined, and you would list how much the fine was. There was no other reports that had to be made. That time you didn't report it to the state of Idaho. You didn't report anything other than to the county commissioners and then you submitted a check and attached the fine. It was a very sloppy system, it was a very bad system and as a result of that there were many judges that got themselves into a lot of trouble because they seemed to forget to report some of the penalties that they received, and as a result of that it eventually made this change as I say up-grading the judicial system.

HF: Would you submit the amount of fines to the county once a month?

MD: To the treasurer, every three months.

HF: Every three months.

MD: Every three months.

HF: And in the mean time, you must have had to acquire yourself a vault or some kind of a place to keep your money.

MD: Well, whatever way you wanted to do it, and of course, it was a very bad system. Of course, I started what they called – in my court they had the Justice of the Peace account, and of course you had to keep everything separate from the business, but you would just place the money in the Justice of Peace account and as a result of that the county auditor would come through maybe twice a year and of course he would check the account out and so forth and so on, but it was a real bad system.

HF: Did you take your pay from each case then?

MD: Yes that was your pay, the three dollars.

HF: And you could take it when the case was settled?

MD: Oh sure.

HF: Right then, just put it in your pocket and so on.

MD: That's right, and it caused a lot of problems because people would say, man he's taking the county's money and they didn't understand that the court costs went to the judge. It was a real bad system.

HF: Would you care to mention maybe an average income from judicial work?

MD: Well of course it varied because we also got the – you remember that I mentioned the Small Claims Court, and once the Small Claims Court got started the business people, of course--you handled all their and of course you also got the three dollars from them on that and then in addition to the State Police and the County were probably \$300 to \$500 a month was what a J.P. would get and of course that was quite a bit of money.

HF: A pretty good salary.

MD: Yes.

HF: Did you -- at that time was there any required qualifications to be a J.P.?

MD: None at all. It was just a matter of whoever wanted the job could run. There were a lot of people, you know, that thought that was sort of a status symbol to become a J.P. It didn't make any difference who they were. I can name people who were in the cattle business and farmers and service station operators and just anybody who wanted to run as a J.P. could run and if they were elected that was it. They didn't need any qualifications, any background at all, and of course the City Mayor and the City Council would appoint anybody as city Judges and they didn't need any qualifications either other than to take care of the city. We had an old city Judge, he's dead now, and they tell a story of him and I just like to mention it to show you how the system really, in my opinion, typifies what the system was like. We had a fellow by the name of Gene Sundel, he's dead now, and he was one of our millionaire farmers in Jefferson County. We had an order in the city of Rigby that you couldn't water during the noon hour because of the pressure problems and they wanted the water turned off from twelve to one so that the ladies could cook, the wives could cook for their husbands and have sufficient water pressure. It so happened that Gene Sundel forgot to turn the water off at noon and he received a little citation for leaving his water off at noon. Now, he lives approximately a block from the City Hall and he went down to the city Judge in the city of Rigby and he handed this little citation and he said what do you think I should do with this Judge and his name was Judge Garrett. The Judge said "Well, you've got two choices, you can plead guilty or you can plead not guilty." Well he said, "What's the difference?" And the Judge said, "If you plead guilty it costs you a dollar and if you plead not guilty it cost you two dollars," and he said "You've got your choice." So he said "I'll plead guilty." Now that's the story that they tell and that gives you an idea of how the J.P.'s and the city judges, that had no legal qualifications at all, that's how they operated.

HF: After some spell I take it from your previous comment the County Commissioners were given some authority and they reduced the number of J.P.'s within their county. Is that correct?

MD: That is correct and the state of Idaho started to get more interested into the judicial system and the State Legislature gave the authority to the County Commissioners then to appoint J.P.'s rather than their being elected.

HF: Did they insist on some more qualifications you know, an up-grade?

MD: They tightened the reporting system into the counties and they became a little more... they were a little more strict on the reporting system and they wanted more or less to up-grade the system. They didn't go so much into the qualifications as they wanted to just more or less tighten the system up so that they could do away with just anybody being a judge. As a result of my experience, I assume the County Commissioners asked me to continue my work at that time there were two judges, two J.P.'s that were appointed in Jefferson County.

HF: Who were they? Yourself?

MD: There was a Judge Chastain out on the west side of the county and myself on the east side. Eventually they did away with the west side judge and I was the only J.P. in Jefferson County.

HF: And about what date was this would you recall?

MD: Well I would say this would be back in the early '60's and of course our up-grading of the – they did away with lower grade or the lower system and in 1971. So it would be around 1964.

HF: Now during those years in the '50's, early '60's, did the judiciary itself organize to maybe have their conventions and at these times there was some continuing education, to try to up-grade things.

MD: Yes. There was an effort made throughout the state of Idaho to try to get better qualified people as Justices of the Peace and city Judges and also Probate Judges. They formed what they called the Idaho Magistrate Association and as I recall they formed that in the early '60's and they would have several meetings throughout the year and throughout the state of Idaho. The unfortunate part was that no one was forced to go, if you wanted to up-grade your own court or if you wanted to up-grade the court in your area, you would seek permission from the County Commissioners or from the city to attend these various meetings, but it wasn't mandatory and as a result only those that were interested in the system being up-graded attended. That was unfortunate, but many, many of them did it and it was really a tremendous help for those courts and for those judges that attended.

HF: Do you recall any particular conflict between the jurisdiction that the Probate Judge exercised and say the jurisdiction that the J.P. exercised; were there any personality conflicts ever or...

MD: Oh, I'm sure there was and there was a lot of what we referred to as judge seeking. There were a lot of, supposedly if you were a very severe judge and you assessed high penalties, maybe the state police supposedly would lean in your favor and would bring them to a certain judge and I'm sure that there were tremendous conflicts. Speaking of J.P.'s let me just mention to you; I mentioned about this Judge Garrett incident, but let me just show you how some of them operated and this wasn't many years ago in Jefferson County. During hunting season, for instance, when hunting season – the Department of Fish and Game would set up what we called road blocks out in the hunting areas and as you came through they would check your game. In those days, whether it be on a Sunday or Saturday, no matter what day, but usually on a weekend they would pick up the local J.P. up and take him out with them. Now we would have a State Police Officer present, we would have the State Fish and Game Officers and then we would have the Justice of the Peace, be that on a Sunday – no matter what day it is. As the hunter would come through the State Police Officer would check his registration, his driver's license, maybe his equipment, such as lights and brakes. Then the Fish and Game of course would check his game, his guns and so forth and so on. And then if there were

any violations at all they would issue the citation and then they would take them over a few feet and here was the judge sitting at a little desk and he would assess the penalty right there. That's how bad really, basically how bad the system got before the change came along.

HF: And they would do this on any day of the week including Sundays?

MD: Oh yes, Sundays, holidays, it made no difference and they *did* this, and I'll tell you it was a great thing that we had a lot of people that could see that we needed to change and they finally insisted.

HF: Well this is kind of an academic question, I suppose, to recall and enumerate the various duties that a J.P. or a Probate Judge had in those days as far as duties are concerned – and, well there's two parts to this question I suppose, not only to numerate their various duties, this would include marriages I suppose and other things, but were they full....

[HF: I'm alerted that we are at the end of side one and so at this time we will turn over to side two]

HF: Continuing the interview with the honorable Judge Donahue of Jefferson County. The question – I have put the first part of it, the enumerating the duties and then coupled with that, were these duties performed regular hours or all time of the nights?

MD: It made no difference, you were J.P. for twenty-four hours a day and the Department of Fish and Game would bring in the violators when they caught them they would bring them in to your home and it made no difference what day it was. The Sheriff would get you out of bed any time during the time and have you come down and arraign the drunken drivers, and arraign those people that were involved in marital disputes, it made no difference. Twenty-four hours a day you were a J.P., and if the State Police, when our fishing season would open, would go out and when we first had radar and they were after what we called these Utah fisherman, who would come up here and take all our fish and they would set up radar for a period of twenty-four hours a day and as they stopped the people for speeding, they would then set us up in the Sheriff's office and they would bring them in one right after the other for a twenty-four hour period. I sat on the bench in the Sheriff's office, it was at a desk, but we referred to it as the bench. We would be there for twenty-four hour periods taking care of the speeders as they came through from Utah.

HF: I guess there was kind of a feeling to, maybe it wasn't expressed, but nevertheless there, the fine was supposed to be whatever the traffic could bare.

MD: Yes, however it was more or less figured at a dollar a mile above the speed limit plus the court cost which would be at three dollars and eventually it went to five.

HF: Now when we talk about enumerating these duties, you had all the traffic problems?

MD: Correct.

HF: And you had, you mentioned civil actions...

MD: ... in small claims.

HF: In small claims.

MD: And also the other civil if they were under the...

HF: You preformed marriages?

MD: Yes.

HF: And you also did...

MD: ...preliminary hearings.

HF: Preliminary hearings.

MD: And then we had the bad check cases and the wife beatings and about anything like that, and the Probate Judge in our area, he handled all probate and he also had similar jurisdiction in a lot of the criminal cases too.

HF: Did you have a clerk to assist you at all?

MD: We had no clerks at all, you were your own clerk and you had to do at least I'll say this much...

HF: Did you press your wife into duty in some occasions?

MD: No, no I did not.

HF: (Laughing) You did your own hand writing, you did the whole work?

MD: She was a little disgusted at me because I preformed most of my marriages in my home and I'm not going into the many experiences that I've had, but I've had people come to my home so extremely inebriated and they would drop their cigarettes on her rug and course she became completely infuriated, and she didn't like that kind of system at all, but that was the only place that I could perform it at that time.

HF: If we can kind of box these years in that you were J.P. from say, '52 to oh, say 1960 or 1970 or something like this, a twenty year period approximately, do you recall Judge interesting cases that you had that really taxed your ingenuity and so on?

MD: Well I really can't—of course the usually most interesting cases from the stand point of the public of course, are crimes of violence. I held several preliminary hearings in murder cases, in other rape cases and severe beatings and so forth. Those types of crimes, of course, are very – they hold the public's attention. I can't recall any actual cases other than I can recall the Stokes Case, maybe you can recall that, where he was a colored gentleman and lived in a little boxcar out in the Roberts area, and he was living with a white woman who was out of a mental institution in Blackfoot and he tortured her and eventually she died here at the Madison Memorial Hospital here in Rexburg, from torture. She was burned with a red hot poker and it was a very severe thing. He was defended by T. Harold Lee and Jay Bates was the prosecuting attorney, most interesting case from the stand point that they NCAAP, the people representing more or less the minorities, sent in a delegation to see that this man Stokes received a fair trial. And it was extremely hard on T. Harold Lee, because here he was trying to defend him, and at the same time he had the pressures from the NCAAP saying that we want you to do this and we want you to do that. He was the attorney for Stokes and of course maybe he might not agree, he might not agree to the way that the man should be defended and he was under tremendous pressure because he was afraid that they might bring some type of charges against him. The jury convicted him and he was eventually sent to the penitentiary. Other than that most of the cases were normal.

HF: I agree with your comment, that it's this type of case that gets a lot of media publicity and I do recall the case and it was very inflammatory. When we consider some of the issues that are less public notoriety, but they still possess some tremendous legal issues and intriguing ones. How did you rely on getting your legal information? You had available, I guess, the Idaho code?

MD: We were, of course, not only do you get the Idaho code, of course, you would get the city ordinances and so forth, but at our seminars, and I attended every seminar that there was, we had outstanding judges and attorneys that would speak to us and give us – they would give us their expertise and their knowledge on various laws and so forth and so on. And also we relied heavily on our prosecuting attorneys and the city attorneys and the other attorneys on how to proceed and it worked out as I recall real well from those judges who wanted to have a good court. Now, if you didn't give a hoot, then it was real pitiful. We go back to the Supreme Court case, I think it's *United States vs. Russell*, in which Russell was a judge down I believe in Kentucky and he was a city Judge and he put a man in jail down there for being drunk and of course in those days you weren't supposed to be put in jail for being drunk. The final result is that it went to the Supreme Court to determine whether a lay magistrate or a lay judge could put a person in jail and only an attorney magistrate or an attorney judge could do that. That went to the Supreme Court. [Interview interrupted by a phone call].

HF: I recall that one of the judges, inferior judges in Teton County, went to the District Judge for counsel and advice; the honorable Henry S. Martin and Judge Martin told him to go back up there and don't worry about not having a lot of legal qualifications, just use quote, "Some good horse sense" unquote. Did you find yourself ever in that type of a situation?

MD: Well, course I think most of the judges would try to rely on good horse sense. We know that we have laws that perhaps we don't personally approve of – at the same time we are required to follow them, but if there is nothing too great about it, it just comes down that a judge should be extremely impartial and fair and even though there might be a law that says you can't go sixty-miles an hour or sixty-five miles an hour and assuming that's how fast he was going and there was no traffic on the road and that law says he can go sixty, its just a matter of using good horse sense. However, when you mentioned Judge Martin, of course, Judge Martin was one of the outstanding District Judges and was a Senior District Judge for the state of Idaho for many years. He was that type of a person. He more or less didn't care what the law said; he was more or less the law himself, but he relied heavily on just good horse sense and he wanted all the other judges more or less to do the same. He didn't care what the book said, he just did what he wanted to.

HF: (Laughing) That's an interesting comment. You know down through the years you have worked with colleagues, other men on the bench locally, let's confine it in a local sense. Do you recall to mind some men down through the years that you enjoyed working with? In the judiciary?

MD: Well, truthfully I enjoyed working with all of them; however, you go back and think that about the only District Judge that I really worked with for many years was Judge Henry Martin. He was the only District Judge we had in this whole area and the next judge after him or with him was Judge Faber Tway and then Judge Thomas came up on the bench and then Judge George, down in Idaho Falls. He followed Judge Henry Martin, when Judge Henry Martin passed away. There was Judge Burton from Rexburg. He came on the bench. These are the only District Judges that I worked with, all extremely capable, wonderful persons, but as I say Judge Henry Martin, he was the Judge for the state of Idaho. He was more or less the law and we had to work with him. And let me tell you...

HF: Did you feel comfortable in going to him for some good counsel on...

MD: ...Oh yes I did. There were many attorneys and many people that didn't like to go to him because he was so outspoken. He really had his – the way he felt and he would express it and let me tell you, you better go along with him because if you didn't he could make it pretty tough on you and he did on many attorneys. He being an attorney himself, he would be the first one to tell an attorney more or less where to go.

HF: You've mentioned these judges that we referred to as District Judges of the ninth Judicial District first and then the twelfth Judicial District?

MD: Correct.

HF: But prior to that time can you recall some interesting J.P. or Probate Judges who seemed to be, you know, in the eye of the community outstanding gentlemen?

MD: Well we as I recall, our Probate Judges throughout our District, which comprised also of Fremont County and also Madison County, was a Judge Huskinson.

HF: From Fremont County.

MD: From Fremont County and then who was our Probate Judge here in Madison?

HF: Well Vernon Mortensen was for a lot time.

MD: Vernon Mortensen.

HF: And Hacking.

MD: And Judge Hacking and then we had Judge Graham and we had...

HF: ... who preceded him?

MD: We had a Judge Christensen that was on the bench for many many years and he passed away and then they selected a Judge Orem and he died and then they selected Judge Graham, but all our Probate Judges throughout this area were really outstanding men. None of them were attorneys, but it goes back to one of your questions that I think was interesting, they all used good horse sense and they were extremely fair in their decisions.

HF: This answers some other questions here whether some of them did have formal education, legal background and that would be pretty much negative, wouldn't it?

MD: No, none of those had.

HF: In those years.

MD: None of them had, see because Probate Judges were elected also and it was just a matter that if you wanted that job, you ran for it.

HF: In comparing characteristics of some of those early judges, well for example Judge Mortensen, with as compared with Judge Christensen, the two adjoining counties, Jefferson and Madison. Did both of them appear to you to have a pretty good handle on the courts?

MD: Oh very well, and not only that, Judge Forbush, but they were outstanding people in their connections with their church and in connection – and they knew the feelings of the community, they knew the people of the community and to me they were a great protector of the people. From any outside force that might want to come in such as I say outside force, let's say the Idaho State Police for instance, or from anyone else that might

want to come in and enforce some severe law against the people. They were great protectors of the people as far as I was concerned and very fair.

HF: This is shifting it just a bit here. I'd like to have you recall some of the early attorney's that practiced in your J.P. court in the '50's? Their names and something about their personalities, if you can recall to mind some of them?

MD: They were – yes of course I recall P. Harold Lee, course, was an attorney in Jefferson County and I remember such outstanding attorneys as attorney Lloyd Adams who you knew very well and was an outstanding attorney in Madison County. There was Ralph Litton, for instance, from Fremont County. Who incidentally, I think is still practicing law, very little. However, he was an outstanding attorney from Fremont County. Getting down in Bonneville County, we had such outstanding attorneys as Ralph Alba, we had the Merrill's, [and] we had the St. Claire's. We had other outstanding attorneys, Bill Holden, Bill Holden's father. These were all old time attorneys. Man let me tell you, they were shrewd.

HF: They were weren't they!

MD: They were shrewd.

HF: You take old Art Holden, A.W. Holden...

MD: ...you bet.

HF: And they knew how to make a deal and execute what was supposed to go on.

MD: When they used to come to courses I stated earlier in the interview, we didn't have any offices and they would walk up to you and they were representing some client, you know, and they would put their arm around you and say "Now Judge, this is the way we'd like to settle the case and I think that it would pay everyone," and they'd sit down and plead bargain with you. It was really outstanding. Today of course, you know, they're not allowed to do those things, but overall there was a lot of justice that was given out in those days with those outstanding attorneys. As I say they were extremely shrewd.

HF: Do you recall any, quote "Clarence Daryl's" and any of those that we've talked about as far as criminal defense?

MD: Well I'd say people such as T. Harold Lee and going back to Ralph Alba and going back to Judge Henry Martin, for instance. All these attorneys and as I call 'old timers,' there was a certain flare, there was a certain way when they would walk into a court room and I can recall some of these men who would then toss their hat upon the table, turn around and greet the people in the court room and they were usually big outstanding personality men and they would just conduct themselves with a certain flare. Judge Henry Martin, he was – when he sat upon the bench he would take his glasses off in a certain manner. Their mannerisms expressed themselves perhaps more than their own words, but

it was amazing to see how he would look down at you through his glasses and then he would take his glasses off and on and on and on. It was really extremely – but these old time attorneys that you and I have talked about, to see them conduct court in the court room, to see how they cross examined people and how they conducted themselves before juries. It was amazing.

HF: They were real actors weren't they?

MD: Oh yes!

HF: I recall, talking about Judge Martin, our Sheriff up in Teton County, Dwight Loosely.

MD: Yes.

HF: Do you remember Dwight?

MD: I sure do.

HF: Very colorful Sheriff wasn't he?

MD: Oh yes.

HF: But he...

MD: ...but a good Sheriff.

HF: Yes, a good Sheriff, but he commented often, Judge Martin, when he looked at those defendants through those black eyes of his, brother, you could sure read a lot into it.
(Laughing)

MD: Well it's so true, you know, and they tell stories going back to that Mr. Holden and Ralph Alba and they'd tell a story that years ago in the horse and buggy days and they had some kind of a trial, I think out in Ririe, Idaho, and they held this trial in a bar and they selected a jury and they held the court right there in a bar and they closed the bar down while the trial was in session but during recesses they would have – they were allowed to open the bar and have drinks. And they tell the story that when Ralph Alba and Mr. Holden were returning to Idaho Falls after the case was over and whoever it was that lost the case turned to the other attorney and said, "You know I had you beat on the law, but the only reason you won was because you out bought me at the bar." (Laughing)
It was quite interesting.

HF: Did you experience on occasions where the attorneys would take up the, almost the position of the contending parties and they would almost get in a fight?

MD: Oh definitely, definitely, however, as I recall most of the attorneys who put on such an outstanding, like in a fighting mood, they were just true advocates and they didn't mean it other than just in the court room for the people's benefit because as soon as the case was over or as soon as the days hearings were over, usually you found both the attorneys going back together in the same type of transportation. In the olden days when we had horse and buggies they traveled together, the attorneys did.

HF: I recall A.A. Merrill as being quite a contender?

MD: Oh yes, the Merrill's.

HF: That was kind of a personality distinction that they seemed to have. Now comparing what we have today and throughout the interview you've commented about the magistrate set up, the reform that took place in 1971. You might just go into that and explain to me and the reader just what did take place by this 1971, these '71 amendments.

MD: Well there was so much--it was the people the way I personally feel, it was the way that justice was being handled in these various types of courts. The fact that a lot of our city courts were just purely revenue courts, what we called 'Cash Register' courts. And also the J.P.'s, not so much with the Probate courts because the Probate courts handled more or less civil type cases and also the states. They weren't so heavily involved in being what we called 'Cash Register' courts, but it irritated the people of the state of Idaho that there was so many complaints that finally the state legislature finally set down and said, yes we got to listen to the people and we're going to have to respond and so they started the up-grading of the court system and it had a hard time coming into affect because let me just go back to Judge Henry Martin. He opposed the up-grading of the court system because he believed that we had the greatest type of court that there was where people were just brought in and justice was disposed of immediately and so forth and so on. He opposed the up-grading of the courts system incidentally because he thought that it would cost too much to go into this new form. We go back into the early part, or the middle part of the 1960's and we had a hard time getting the up-grading of the court system into affect. As you recall a man by the name of Governor Samuelson. He vetoed the passage of the deal because he insisted that every county have magistrate and until that was done he wasn't going to approve the bill and at the first time that the legislation was passed we didn't have to have a magistrate in every county. We do today because of his insistence and so the legislature then moved again and they passed it, I believe in 1969 where they said every county had to have a magistrate. As the result of that he then put it into law and it went into affect in January the 11th, 1971 and that's when the new up-grading of the court system went into affect.

HF: And we might mention here that all of the J.P. courts, the city magistrate, city judge courts, and the Probate judges were – and these many of them were constitutionally provided. The amendments of the constitution were accomplished and these courts were eliminated were they not?

MD: We did away with approximately, as I recall, 150 J.P.'s, city judges, and magistrates, or pardon me and probate judges. We did away with approximately 150 judges and they selected as I recall, 44 magistrates to replace 150 of the judges as I recall. That's the way it was.

HF: And well now, in the old times before 1971 there was no mandatory continuing education program.

MD: No it was all voluntary. No there was nothing mandatory at all.

HF: What do we have now as comparison?

MD: Well there's as much difference as night and day. The system that we have in effect today where you have to be either legally trained if you are a lay magistrate, you must be legally trained, have some good knowledge of the law, or you must be an attorney magistrate. It's only a matter of time Judge Forbush until I'm sure that we'll have all attorney magistrates and so be it. That's fine as far as I'm concerned because they are graduates of competent law schools, but today there are two-thirds attorney magistrates, there's a third lay magistrates but everyone is forced by order of the Supreme Court, they must attend various legal seminars, they must attend schools at the University of Nevada in Reno at the Judiciary school and they are put through many courses. The law magistrates today must take certain courses, they have to pass an examination set down by our Supreme Court and they must pass it, otherwise, if they are declared not competent they won't allow them to sit on the bench. But it was such a great change and I was very much in favor of the change.

HF: Thank you. I now would like to change the pace just a little bit and become more personal, focusing on the judge, the role of the judge. I would like to have you evaluate yourself as a judge of some twenty-five years. Now to be more specific, are you satisfied with your, we'll say the qualities of compassion, genuine concern for the truth, genuine concern for the defendant?

MD: Well of course I feel as though I am. I don't know how do you expect me to say that I am not compassionate, that I don't care for the defendant because I really do. I feel as though, the fact that I've been on the bench for twenty-five years, I've been accepted by the people in the area, I've been accepted by the attorney's, I've been accepted by my fellow judges. I feel as though most of the judges, I really do, are compassionate and that they do care for the defendant and I feel as though especially since 1971, since the upgrading of our system, that our judicial system has become completely separated from the department of law enforcement for instance, to where the defendant today we don't get court cost. We don't have to depend on a person becoming guilty in order to make our living and as a result of that the people benefited greatly by the change in the system and I figure that most of the judges are completely compassionate and really concerned for the defendant. I do and I feel as though the others do too.

HF: Would you say in your honest feeling that the judges that are serving, say in the seventh district, measure up generally to your ideal as an ideal judge?

MD: Oh, I feel as though there isn't one of them in our area and perhaps one throughout the state of Idaho that I would fear of going before to seek justice because I think most of them – that's what they strive for, to see that justice is done.

HF: Judge Donahue, I share with you a feeling that the judges of our district, maybe the whole state of Idaho, are a high caliber of men. I recall in Reno on one occasion where they demonstrated three varieties of judges. A judge who was cast in the role of a humorist who kind of wanted to impress the poor defendant with his humor, another judge who just scared the living daylight of the defendant and it was so harsh and another judge who sat up there and was so deeply concerned of the defendant and his family and his own means of making a living – did he have any goals in the future? He was concerned for the defendant, his present welfare and his future welfare. Do you see these images, three main images indicated as reflected in our judiciary here in Idaho?

MD: Well, yes, I do, and of course it would be wonderful if you could take the three types of judges that you have mentioned and mold them into one and then maybe come up with the perfect judge. However, I feel as though most of the judges that we have are compassionate and that they do have the concern of the defendant and I think that a lot of them are completely very serious when it comes to what do you do with the defendant. Should he be guilty? Do you deprive him of his livelihood, do you deprive him of his freedom by incarcerating him and I think most of the judges are extremely conscious of that. At the same time I am reminded of Judge Oliver, who incidentally is one of our outstanding district judges in Pocatello. He spoke to us at a seminar many many years ago in American Falls, Idaho, he spoke to us and he always said to us – he said don't lose you humor, be humorous he said if you're a judge, don't go into the court room and wear that serious face because he said the only difference between a judge and a bum is that they sleep on different benches and I can remember that many many years ago. And as a result of that I've tried to keep our humor even in the court room as long as it isn't at the cost of the defendant – that's the important thing and I know of no judge that would be humorous at the cost of the defendant. At the same time, I think it's great to be humorous even on the bench as long as it's between the attorney's and the court and in the presences of all parties concerned as long as the humor isn't at the cost of the defendant. I don't think that the judges who become to severe, and I'm sure that we've had them, and of course we all are different types of people and we all have our beliefs as to how things should be done and what's the best type of punishment for the defendant and some of us become maybe – and we're accused by not only the department of law enforcement by our fellow judges but also by the people being to lenient and at the same time I maintain that it's better to be lenient and try to help the defendant than it is to be too severe and placing someone in jail and perhaps hurting him for the rest of his life.

HF: That's a good statement. Do you think the judges of our state of Idaho are a friendly lot, one to another?

MD: Yes, I feel as though they are. I can recall – I feel as though I have the right to call any judge in the state of Idaho and seek advice or ask certain favors of people that might be before them for some type of an offense to let the judge know who the person is and whether he's an honest individual and I've been receive and I've received calls from them for the same thing that people might be before me for their hearing and I appreciate their advice. Yes I think our judges are very friendly.

HF: Do you think that there's a degree of jealousy of one judge over another as far as his position is concerned?

MD: Oh I am sure that there is. There has to be when human nature is involved, there has to be jealousies which is unfortunate.

HF: I don't think ordinarily one judge would particularly care to have another judge scrutinize what he did.

MD: No.

HF: One has to be careful.

MD: No one likes criticism and yet at the same time we get it. For instance, you might handle an individual completely different than I and say for instance, no matter whether you do it or whether I do it, I'm sure that someone is going to be dissatisfied with what we did, but we can't help that.

HF: Do you think your career on the bench these last twenty-five years has been a means for you to develop your full personality and capability?

MD: Well I feel that it has Judge Forbush. I've been completely satisfied and of course enjoyed being a judge for twenty-five years and I feel as though, and I pray that this has never happened but I feel as though no one has even been hurt by what I've done and if they have I pray for forgiveness, but at the same time I've done the best that I could. I felt as though that I've wanted to do something to help the people and I feel as though that I've received a full measure of the mission of my life now.

HF: Very good. Have you had fun being a judge?

MD: Oh definitely. At times it disturbs you because when you have some severe case when you have to make some decision that might hurt the defendant and you have to carry that home with you and you go through seeking divine guidance for instance as to what should you do to help that person and of course we went through this complete interview and I forgot to mention our juvenile court that we have where you and I handle hundreds of juveniles, young people, and we pray that whatever we do to them will prevent them from ever having to appear before the district court as an adult and I'm sure that some of us have been successful and I'm sure that some of us have failed in that mission. But at the same time I have really enjoyed being a judge. It has been a great

experience and although I have been what we might term a 'small success' in the world. I thank God that at least I have been able to do something that I've enjoyed.

HF: I note that you have used Deity here, an appeal to Deity to help you in your perplexing problems and so on and I think that's typical of most of our judges, don't you?

MD: I feel that it has and I think that most of them want to do what's right.

HF: Before we close this interview, have you got a good bit of humor that you can tell on the judges? There must be a joke or two that you can share about the judges.

MD: I just might mention two. My favorite story for instance and I tell this whenever there are attorneys present and I find that jokes on the attorneys are extremely well received by the people and also by the attorneys themselves. My favorite joke against the attorneys and I'm sure you've heard this a hundred times is where the doctor and the engineer and the lawyer have three hunting dogs and they would each brag to the other person that their dogs were far better than the other person's dogs and they tell the story about three of them hunting one day and when they got through they went back to the doctors home to have some libation and to talk about their hunting experiences and they started again this perpetual argument as to who had the best hunting dog and the doctor said well we've got our dogs with us today, why don't we just prove who has the best dog and so the doctor said that's very good and he called to his dog and he said, "Stethoscope, I want you to go into the next room and bring me out two cookies and put them at my feet," and of course Stethoscope went into the next room and he picked up two cookies and he brought them to his master's feet. And they turn to the engineer and he said, "Slide Rule I want you to go into the next room and double what Stethoscope did," and Slide Rule went into the next room and brought out four cookies and laid them at his masters feet and so then they turn to the lawyer and they said, "Let's just see how smart your dog is." And the lawyer turned to his dog and he said, I can't recall the dog's name right now, but he said, "Loop Hole, do your thing." And old Loop Hole bit both dogs, ran them off and ate the six cookies. Now that's my favorite story on attorneys.

And of course the one on judges they tell about these fellows that went hunting every year and they went to this farmers house and they would borrow and rent his dog and he had a world famous dog and the farmer told these people that the dog's name was Lawyer and to never forget that, because Lawyer, if you would call him by his proper name he would do the hunting and catch the birds and so forth and so on. Well every year these same people came out to the farmer and they would always ask if the hunting dog Lawyer was available and every year the farmer kept raising the price but because Lawyer was such an outstanding hunting dog they were willing to pay it. Well the price of renting old Lawyer got up to around fifty dollars, but because he was such a good dog it was well worth it by the hunters. Well, one year the same hunters came back to the farmer and they said, "Have you still got Lawyer?" And they said, "Yes, yes we have Lawyer." And they said, "Well how much are you going to charge us this year?" And he said, "Well Lawyer is only worth five dollars this year." And of course they were surprised because they expected to pay far more for that and they said, "Well why are you only charging us five dollars?" And he said, "Well Lawyer isn't as good a hunting

dog as he used to be.” He said, “You see, two weeks ago I rented out Lawyer to some people and I told these people not to forget Lawyer’s name,” and he said sure enough they went out there and they forgot what his name was and one hunter remembered that it had something to do with the courts and so they turned around and they called Lawyer Judge and they said, “Judge do your thing.” And as a result of that he’s been sitting on his duff ever since growling and as a result of that he’s only worth five dollars this year. (Laughing).

HF: Well I appreciate keenly this opportunity and I’m sure many will appreciate it too. Thank you much.