

Arizona Bar Foundation

Oral History Project:

Arizona Legal History

Interview with Alice Truman

Virginia, Kelly, interviewer

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ARIZONA BAR FOUNDATION ORAL HISTORY PROJECT:  
ARIZONA LEGAL HISTORY

HISTORICAL NOTE

Although Arizona was frequently referred to as "the Baby State," due to its twentieth-century entry into the Union, the history of the legal profession in the state is rich and colorful. In the earlier days, lawyers were mostly self-educated men, who practiced alone, or with one partner at the most, and spent much of their professional time alternately defending and prosecuting some of the most colorful characters of the Old West, and trying to collect on bills from people who had come West to escape their creditors.

Through the first half of this century, some of the nation's finest lawyers took up practice in Arizona. As the state's population grew, a law school was added to the University of Arizona and lawyers formed an integrated state bar in 1933. After World War II, the state exploded in development with the rest of the Sun Belt, and the law profession kept up with this growth, experiencing many changes in the process.

Today, there are law firms in Phoenix and Tucson which employ upwards of 100 attorneys, who may specialize in fairly narrow areas of practice. Half of the students in the state's two law schools are now women. Over the years, Arizona's influence on legal matters at the national level has been significant. Several landmark cases have originated in Arizona, such as *In Re: Gault*, and *Miranda*. Arizona can claim the first woman to sit on a state Supreme Court: Lorna Lockwood. Two members of the State Bar now sit on the U.S. Supreme Court, one as the Chief Justice and the other as the first woman to be appointed to the Supreme Court.

However, because Arizona is a young state, there are still attorneys living who knew and remember Arizona's earliest legal practitioners during Territorial days. Many of these senior members of the Bar practiced or sat on the bench before the profession, and indeed society itself, experienced the changes of the last forty years. In an effort to preserve their memories, the Archives Department of the Arizona Historical Society/Tucson developed the *Evo DeConcini Legal History Project*, an oral history project. From 1986-1988, twenty-one oral history interviews were conducted, focusing on the reminiscences of lawyers and judges in the Southern Arizona area.

In 1987, the Board of Directors of the Arizona Bar Foundation expressed an interest in continuing to document the history of the legal profession in Arizona on a state-wide basis. In particular, the Board felt that the collection of oral history interviews with senior members of the

State Bar would stimulate scholarship and publication on various topics relating to legal history, such as water rights, land use and development, and civil rights, as well as on the history of individual firms and the State Bar, itself. The Bar Foundation and the Arizona Historical Society/Tucson agreed to work together to expand the DeConcini Project statewide, calling it the **Arizona Bar Foundation Oral History Project: Arizona Legal History.**

Raising funds for two interviews initially, the Bar Foundation designated that the first two recipients of the Walter E. Craig Distinguished Service Award, Mark Wilmer of Snell and Wilmer (1987), and Philip E. Von Ammon of Fennemore Craig (1988) be interviewed in October, 1988. Both interviews were conducted by James F. McNulty, Jr., who conducted most of the interviews for the DeConcini Project.

Because it is open-ended, it is not possible to fully define the scope and content of the Arizona Bar Foundation Legal History Project. However, in order to achieve the greatest depth and balance, and to insure that many viewpoints are represented, every effort is made to include both rural and urban practitioners, male and female, of varying racial and ethnic perspectives. Interviews are conducted as funds are made available. Transcripts of the interviews are available to researchers at the Arizona Historical Society in Tucson, the libraries of the Colleges of Law at the University of Arizona and Arizona State University, and at the Bar Center, in Phoenix. The Historical Society is also cooperating with the Ninth Judicial Circuit Historical Society in making copies of interviews with Arizona lawyers and judges from their project available to researchers here in Arizona.

The Arizona Bar Foundation Legal History Project is important not only because it is documenting the history of the profession in Arizona but because legal history encompasses every aspect of society's development. To study legal history means to study land development, environmental issues, social and educational issues, political history, civil rights, economic history-- in short, the history of our society. All of these topics are, and will continue to be developed in these oral history interviews. They may be seen as a valuable and unique supplement to the written record as scholars begin to write the history of the legal profession in Arizona.

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## Introductory Note

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Judge Alice Truman was born December 24, 1922 in Waggoner, Illinois. She received her undergraduate degree in history in 1942 and earned her J.D. degree in 1944, both from the University of Illinois, Champaign-Urbana. After practicing law in Illinois and Colorado, Judge Truman moved to Tucson in 1953. She ran for Pima County Superior Court Judge in 1962, and took office in 1963 and served for thirty years before retiring in 1993.

Judge Truman entered the field of law at a rather young age. She was one of the earliest women to seek actively a judicial office and has been an advocate all her life for more women in law. In the following interview, she reviews the past and present roles of Justices of the Peace and Superior Court Judges and some of her experiences attendant to those roles. Judge Truman comments on changes in the courts and the law in the last fifty years and of possible changes in the future. Judge Truman received the Arizona State Bar's highest award for outstanding work as a lawyer and a judge.

Judge Truman granted this interview to the Arizona Bar Foundation Oral History Project on March 5, 1994. Virginia Kelly, of the firm Gust Rosenfeld, conducted the interview.

The Arizona Historical Society would like to acknowledge the contribution made by the Arizona Women Lawyers Association for the inclusion of Judge Truman's interview into its collection. The Society also wishes to recognize Joe Trujillo, Judge Truman's court reporter for 22 years, who transcribed the following document from the audio oral history interview tape.

The original interview tapes and transcript are stored at the Arizona Historical Society Archives in Tucson, Arizona. Copies of the interview transcript are also sent to the University of Arizona College of Law and Arizona State University College of Law, the Arizona Bar Center in Phoenix, and the Ninth Judicial Historical Society.

## An interview with Judge Alice Truman

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Kelly: This is March 5th, 1994. I am Virginia Kelly. I am here today at the home of Judge Alice Truman, with Judge Truman and Lyn Papanikolas, who is the Oral History Coordinator for the Arizona Historical Society.

We are here today to take the oral history through an interview of Judge Truman. The interview is being done for the Arizona Historical Society's Legal History Project.

Before we begin, Judge Truman, I would like to confirm your intention to give the tape and the resulting transcript from the interview today to the Arizona Historical Society.

Truman: Yes, I have that intention.

Kelly: All right. Thank you, Judge.

To start off, let's just go back to the beginning of Alice Truman, and if you don't mind telling us, your date of birth and where you were born?

- Truman: 12-24-22, Waggoner, Illinois.
- Kelly: On Christmas Eve?
- Truman: Christmas Eve. In the morning, about 11 o'clock.
- Kelly: And could you tell us a little bit about your family?
- Truman: My father was a small-town banker, and when I say small town, Waggoner was two hundred people, so this was a really small town. He worked in the bank there during all of my grade-school time and one year into high school. Then we moved to a farm and he became a farmer and still went back and forth to the bank.
- Kelly: So he was a banker and--
- Truman: And a farmer.
- Kelly: And any brothers or sisters?
- Truman: I have a brother and a sister.
- Kelly: Older or younger?
- Truman: Both older. I'm the baby.
- Kelly: Now, you started off in Waggoner, and when you moved to the farm, that was still in that same general community?
- Truman: No, that made it Girard, another small town, but much bigger--1200 people--where I went to high school.
- Kelly: And from there where did you go to college?
- Truman: Went to Blackburn College, which was a junior college. It is a four-year college now; junior college then. I went there two years and then went to the University of Illinois.
- Kelly: In Champaign?
- Truman: Champaign-Urbana, Illinois, yes.
- Kelly: How about law school?
- Truman: University of Illinois, Champaign-Urbana.
- Kelly: What got you interested in going to law school?
- Truman: That was my big brother who was my inspiration. He was seven years older than I, and he went to law school first. And from the time he started, he talked about it and was excited about it and got me excited about it, and said,

"Oh, Alice, you have the right kind of mind and brain for a lawyer, so why don't you be a lawyer?" So it was at a very young age I decided to be a lawyer.

Kelly: Do you remember about how young?

Truman: I was in high school, early high school.

Kelly: So that you knew starting college . . .

Truman: Oh, yes.

Kelly: . . . what you wanted to do?

Truman: I knew all through high school.

Kelly: Did you ever waiver from that?

Truman: Never did. Never did. Never decided to be anything else. My big brother said that is what I should do; that is what I would do.

Kelly: What years were you in law school?

Truman: 1942 to 1944 is when I was in law school.

Kelly: When we met earlier you explained that there were some unusual circumstances in law school at that time.

Truman: Right. Now, I wasn't in law school '42 to '44, I was in law school only two calendar years. Yes, that would be right, '42 to '44, because when I started law school there were 300 people in the freshman class and then the War started and then there were very few people in the class. There were about five girls, I think, and the rest were men. All the men except the 4-Fs went away--were drafted into the service--so that left the rest of us, the 4-Fs and the women.

We had to go to law school three full semesters a year, so you would have a day off and then go back to law school. You wouldn't have a summer vacation or any vacation. That resulted in going through law school at a rapid rate; they didn't want to keep the law school open full-time because they didn't have enough students, so you got that duty over with quickly. But it was very intensive because you had very small classes and you had to be prepared, so I felt I was very fortunate to get that kind of education.

Kelly: About how many people were in your graduating class?



Truman: I think there were five.

Kelly: That's four women?

Truman: Four women and a man, yes.

Kelly: Was that the situation in law schools all over the country at that time?

Truman: I think it was, yes. I am sure it was.

Kelly: What happened then when you finished law school and you were ready to get a job?

Truman: Well, it was very easy. I know you have heard from other women lawyers what a hard time they had getting a job. I went to Chicago and immediately got a job because the field was open. The men were in the service and it was easy to walk into a law firm and get a job, so I got a job with the law firm of Levinson, Becker & Peebles in Chicago in the Loop and had no trouble at all getting situated.

Kelly: You came in as a lawyer?

Truman: Yes. Well, I didn't go to court, you know, to do things. I was kind of the flunky for quite awhile. I only stayed there for two years before I moved to Colorado with my husband. My first husband graduated from law school a year after I did, so I went up and got a job first and then he came up to Chicago. And then he moved to Denver and got a job with a bank and I moved to Denver also.

Kelly: Now, while you were still in Chicago, in what area of the law did you practice?

Truman: Well, Levinson, Becker & Peebles was a public fiduciary, so I got an early start in that kind of work, which is what I did the last 12 years. I was the Presiding Probate Judge the last 12 years that I was on the bench, as well as doing other types of cases, but I had worked in that area interviewing clients and preparing for trial, like new law clerks, new people in a law firm do. I didn't handle anything big, but I got to go to court with people.

Kelly: Then you moved to Colorado, I am assuming, because of your husband's job?

Truman: Right. I had another bar exam to take and had to take that and pass it, and then I went in with a lawyer and practiced law in the small town of Aurora, which was a suburb of Denver.

Kelly: Who was the lawyer?

Truman: Leslie Gifford.

Kelly: And when you were practicing with him, what kind of a practice did you have?

Truman: That was general practice, just like you would have in a small town: divorces, probates, business accounts, and personal injuries. Just everything.

Kelly: That is where you first got into the public arena in terms of being a justice of the peace?

Truman: Correct. Correct, because I got appointed as justice of the peace in Arapahoe County and had court in my living room. It was just traffic cases that I had, and so it was the old-time JP cases where the patrolman would bring the citations, he would set it before me. I knew they were coming and bringing them into court, so I would be prepared, and had a table, and we had court in my living room for a couple of years.

Kelly: Did you wear any kind of judicial robes?

Truman: No judicial robes.

Kelly: And how long did you do that?

Truman: A couple of years. And then moved to Arizona.

Kelly: Now, before we go on to that, how were you paid to do this?

Truman: Oh, yes, the fee system was in force and effect then, which was done throughout the United States in a lot of areas where the JP only got paid a percentage of the costs that came in on each case. So there was much evidence of bribery throughout the United States where the split would be made between the police officer and JP for "you bring me all those cases and I'll give you part of the money" to the officer. That was never even approached to me, but I just throw that in because it was a very bad system. It is no longer in effect anywhere, but I was part of that questionable system.

Kelly: And you were personally just paid by the case?

Truman: Yes, I would get \$5 out of each case. Five dollars from the costs would go to the judge, so you wouldn't have much to split with the police officer.

Kelly: Then after you left Colorado, you moved to Tucson?

Truman: Correct.

Kelly: That was because of a divorce?

Truman: Correct.

Kelly: Why Tucson and what did you do when you got here?

Truman: Tucson, because my parents lived here. When I got here I went down to the courthouse and decided I would look around and see if I could find some kind of a job. I would have to take another bar exam, but I needed to make some money to take care of my two children.

Kelly: How old were they at that time?

Truman: They were five and six.

I saw this sign "Legal Aid" in a little cubbyhole on the first floor of the old courthouse and went in there and met a lovely woman named Frances Wallace, who was the one and only employee and was the whole department of the Legal Aid. And I asked Frances if there was any advice she could give me, a new lawyer waiting for a bar exam. I had to be here six months before I could even take the bar, so did she have any ideas--work as a law clerk or do something to make some money. So she said, "Yes. Why don't you go and see Clarence Houston. He needs a secretary." And I went to see Clarence Houston.

Now, anybody who lived in Arizona in those days knew Clarence Houston. He was a former regent of the University and had practiced law for a number of years and had been county attorney during the time that the Robles girl was kidnapped and was very full of the lore of Arizona.

So I took Frances Wallace's advice and went to see Clarence. He was delighted and immediately hired me as a secretary. Of course, I couldn't take shorthand, but I told him I could. He gave me time to go and take the bar review course. So I figured, well, while I'm taking the bar review course, I can train myself to take some shorthand, which I did. I practiced and I could

make out like I was taking shorthand, but of course I was familiar with legal terms, and many times he treated me as a law clerk anyway: "Just write this letter, Alice." He knew I was a lawyer and that I could do it. I didn't have to take any desperate dictation from Clarence. I told him about it later. He thought it was very funny. I still use many shorthand symbols.

Kelly: Looked like you were getting it?

Truman: I still use "would".

Kelly: While you were working for Clarence, what kind of work did you do there?

Truman: That was everything. He had a general practice. He had numerous commercial accounts and personal injury cases and just the general private practitioner's type of cases, and some criminal cases.

One criminal case which you might be interested in was Sammy Stracuzzi. If you read the papers in the last year you saw his name again. He recently was convicted or plead guilty, I believe. I don't know how -- I should be up on how that turned out. But at the time I ran into Sammy Stracuzzi he was charged with murdering his wife, and Clarence represented him, so I helped Clarence with that trial. That was one of the first important things that we did. The jury found Sammy guilty of first degree murder and the Court, who was Lee Garrett, sentenced him to life in prison.

We appealed the case, and so my first appeal where I went up and argued before the Supreme Court of Arizona was Sammy Stracuzzi's case, and we did get it reversed. He went back and was tried again, and we tried -- we didn't try it all over again, we ended up pleading to second degree.

The appeal was interesting because it was reversed on the basis that he was not given a mental health examination before he was sent back, before the case went to the jury to determine whether or not he was guilty. Not guilty by reason of insanity was the plea. This resulted in a change in the law that you could not use the insanity plea -- the other side would have to give a mental health hearing. Sammy hadn't had one, so it was reversed. It did change the law a little bit in that respect.

Another thing that was interesting about that case was one of the witnesses, and that was Judge Tullar. Judge Tullar--and I have got some other stories about Judge Tullar--was the judge who held the first hearing to determine whether Sammy was insane and should be committed. Judge Tullar did not commit him, and then later Sammy went back and killed his wife, so Judge Tullar felt very wrong about not having committed him. He felt like he was somewhat responsible for the death of the wife because he hadn't committed Sammy to the state hospital. So he took the stand and very strongly testified that the guy was crazy, and that I should have committed him. For him to have the courage to do that, because here he was a practicing lawyer at the time, Judge Tullar--no, he was sitting on the bench at the time he did that.

When I became a judge, Judge Tullar had retired and was practicing privately, and he appeared in front of me in many cases.

In this case, even with that strong evidence, Clarence Houston and I could not get Sammy found not guilty by reason of insanity, but I always thanked Judge Tullar for having had the courage to come out and say, "I made a mistake. I should have committed that guy."

Kelly: Have you seen that happen very often with judges?

Truman: Oh, judges are pretty good people and they are willing to admit when they make a mistake, and help out. I think most judges that I know are interested in seeing justice done, and certainly that was a good example.

Kelly: You mentioned having other stories about Judge Tullar.

Truman: Well, I don't want to get out of sequence here. It was when I was a JP, so if you will ask me about that when we are talking about that.

Kelly: All right, we will get back to that. From your private practice then, as you just mentioned, you ended up running for JP here in Tucson?

Truman: Right.

Kelly: Will you tell us how that came about?

Truman: I can't remember when I decided to do that, but the field was pretty crowded. In the primary there were five of us running. Five men and one woman, six

of us, I think six were in the general. There were five men and me in that race. Four other men in the primary. And as I mentioned, I think it didn't hurt me at all to be a woman because it made me a little bit different from the field, and I was the only one who had some TV spots and some signs. I don't know why the others didn't.

Kelly: Now, you have remarked to me earlier that you also thought your name had something to do with voter recognition?

Truman: Yes, it really did. I should mention that when I came to Arizona I was divorced and practiced under the name of Alice W. Nihan, which was my first husband's name.

I met Edgar Truman in 1955, and that was two years after I moved here. I was Alice W. Nihan for a couple of years and then I became Alice Truman because Ed and I were married. I have always told him one of the reasons I married him was because he had such a wonderful political name.

Kelly: You were a Democrat?

Truman: Right, I was a Democrat. What else could a Truman run as? Ed is a very political person, too. So when you asked me, why did I run for justice of the peace, of course he was the one urging me to do it, instead of being a man who worried about his wife overshadowing him.

We had an automobile accident and had been involved in a lawsuit the first year we were married. I mentioned that to you the other day too. This all happened before I ran for justice of the peace. It was here in this area. We were struck from the rear and rear-ended and everyone thrown on the pavement.

I became a plaintiff in a lawsuit. I was working with Clarence Houston at the time, so I filed my own lawsuit. And they always say if you represent yourself, you have a fool for a client, so I quickly realized that I shouldn't be doing this because I had been seriously injured, had a concussion and was out of it for three days. I don't know, maybe that's one of the reasons I have some idiosyncrasies now. So I thought, "I've got to correct this," so I got the best lawyer in town, Morris Udall, to represent us.

We went to trial and the best defense lawyer on the other side represented Lieurance Construction Company, the individual who hit us. We had a big trial between Morris Udall and Tom Chandler. It was very exciting. I was a witness, and so I have seen that area of the law and justice too, how it feels to be a plaintiff and a witness on the stand being cross-examined by two of the best lawyers in town. It was an exciting trial and we won. We got a good verdict for the time. It was \$42,000, which isn't much now, but the two children, my husband and-- my two children from my first marriage-- were all seriously injured, so \$42,000 was big in those days. It wouldn't be anything now.

We took that money and my husband opened a hardware store on South 12th Avenue, so at the time that this opportunity to run for the justice court came along, he was the proprietor of a hardware store and was able to furnish signs for me to put up along the road. He urged me to run for the office of justice of the peace, which I did. I had been a justice of the peace in Colorado, so I thought, okay, I'll do that again. And it worked because, again, I had a good political name and I was a little bit different, I was a woman, and of course, the best candidate.

Kelly: So the name recognition and being a woman worked to your benefit again?

Truman: I think it did, yes.

Kelly: And the quality of the candidate also had a lot to do with it.

Truman: Right.

Kelly: Now, what did you do then as justice of the peace?

Truman: Well, a justice of the peace was allowed to practice law as long as you didn't practice before other justice courts. It is still done in some of the small counties. I did practice a little bit while I was a justice of the peace. I did some divorces and some probates.

I had some exciting things happen while I was in the justice court. The county attorney was Harry Ackerman and he had impaneled a grand jury and was investigating bribery charges against [Lambert] Kautenberger, who was the chairman of the Board of Supervisors; and Abbott, who was the chairman

of the Zoning Commission; and Beaudry, president of Beaudry Auto Company, Gene Beaudry; and Mr. [John] Murphey, a real estate man here in town.

There had been a grand jury impaneled by Harry Ackerman to investigate bribery charges, and indictments were issued.

The Supreme Court -- in the first year that I was serving as justice of the peace, in December of '59, this grand jury gave indictments against the four individuals in Tucson, the ones I mentioned. The Supreme Court threw the indictments out because there was not a quorum at the grand jury. They didn't have 16 people, so they all got thrown out. Harry Ackerman chose to refile, under Rule 1, to have a hearing in justice court and have them bound over from justice court, so he filed it in my justice court, being the proper one. And I had those people in preliminary hearings. Suddenly this big, front page, important case came to me, and I was a brand new JP.

Kelly: Now, in that case then, is it correct that the head of the grand jury or the grand jury foreman actually appeared before you as a complaining citizen?

Truman: Yes.

Kelly: And that's how you, as a JP, became involved?

Truman: Correct. Complaints were filed and treated as any other complaints. Preliminary hearings were held and they were all bound over to Superior Court.

And the outcome, I can't give those in detail. They are in these articles here. It has been 34 years ago. But one outcome that was notable is Kautenberger was not re-elected. He was not convicted. Think he pled to a lesser, or some disposition was made other than a trial of guilty. All the publicity caused him to lose the election the next time he ran for supervisor.

Kelly: And from that I'm guessing there also was a lot of publicity and name recognition for you?

Truman: Oh, yes. There sure was. You can't buy that kind of publicity.

Kelly: All right. Now, you mentioned earlier that at the time you were a JP, JPs had an unusual duty. Could you tell us about that, please?



Truman: I think you're referring to coroner. Whenever a death occurred and the doctor was unable to give a cause of death, it became the coroner's duty to go and look at the body and make a determination. And if there were any questions about it, then you had to call a jury and have a coroner's inquest, have a hearing.

One case in particular sticks in my mind. It was the case of Howard Grant, I believe it was Howard. I don't want to make any mistakes on that. We'll check it. He was a union agent of some sort. And there had been a union meeting and the party had involved a lot of drinking and he had been returned home in a terrible condition in an ambulance, and the son and wife sent him on to the hospital and he was dead on arrival at the hospital. He had been literally kicked to death, beaten to death.

And there obviously could not be a cause of death signed by the doctor, so this became a coroner's case and an inquest was held. We had evidence and hearings and had a coroner's jury. It was found to have been a homicide, and as a result of the evidence that came out at the inquest, an indictment was issued against an individual - I can't remember his name either - who had been someone from out of town that they alleged came in and had been hired to kill this man, but he was found not guilty in a very highly publicized trial. I believe Alan Hanshaw was the attorney who represented him. He was found not guilty.

There were many people who knew all about this case, and my husband had the hardware store at the time and he heard a lot of things about it down there from working people who knew what had happened, so it became an event that stuck in my mind those days.

Kelly: Do I understand correctly that if the physician could determine that there was a natural cause of death --

Truman: Yes.

Kelly: -- something that didn't look like it involved any kind of crime -

Truman: If the physician would sign it, it didn't come to the coroner.

Kelly: Were there ever times where the physician couldn't sign it and you had to go view the body?

Truman: Oh, yes, I viewed lots of bodies.

Kelly: And you determined there was not any kind of criminal activity?

Truman: That's true. That was part of the duties of the justice of the peace in those days, to go and look at the body. You got paid a little fee for going and viewing the body.

Kelly: Kind of an extra stipend?

Truman: Right.

Kelly: Did you generally find that there was some kind of criminal activity?

Truman: Well, it usually was something small, not very many big cases. There weren't many cases involving criminal matters, but 5 percent maybe, is my best recollection after 34 years.

Kelly: Before we move on to your run for Superior Court, is there anything else you want to say?

Truman: Well, I would say about justice court that it was a marvelous experience, because there people represented themselves and you were right down at the first level of the justice system. And this is the only contact many people have with the courts, so I felt it was always very important to give people a good opinion of what the courts were like, so I tried very, very hard and felt I was closer to the people then. I didn't have lawyers involved in many cases, I just had the parties, much more than they do now, because now I think lawyers appear quite often in justice court. We had people representing themselves constantly back in those days, and I'm talking about small claims as well as traffic and misdemeanors. People at that level are seeking justice, and it just made me feel good to be able to listen to their stories, and instead of advocating for one or the other, decide what I thought was right. I had been a private lawyer before that, where you had to take one person's side and go with that. Whether you believed in it real truthfully or not, you had to give them your best representation. It was a wonderful experience for me, and of course, much wider experience than the little bit I did a couple of years as a

traffic JP in Colorado. This really felt like judicial work to me and it was fun and I liked it, and so that's why I was interested in the new divisions when they came along.

Kelly: Which moves us into your run for the Superior Court.

Truman: Correct.

Kelly: What year was that, Judge Truman?

Truman: I ran in '62 and took office in '63.

Kelly: Now, when you ran for the Superior Court, that was a time when there were two new divisions created in Pima County?

Truman: Correct.

Kelly: We had how many at that time?

Truman: We had five.

Kelly: And so six and seven were the new divisions?

Truman: Were the new divisions.

Kelly: And you had to make a choice, as I understand it, to run for a particular division?

Truman: Correct.

Kelly: And how did you decide what division to run for?

Truman: Well, first of all, I would like to say why I decided to run at all. This was a time when justices of the peace could not run midterm and keep your job if you didn't make it. So the opportunity arose, and I really wouldn't have even considered running except Edgar, with the good political name and the good political advice, just urged me to do it. It was all or nothing. If I lost, I wouldn't be a JP anymore either. And, oh, that was a huge salary, \$7200 a year. It would mean a big jump of \$17,000 a year, so you got a \$10,000 raise if you became a Superior Court Judge. So it was a gamble for me to give up a job that I liked and really enjoyed--I don't think I would have had any trouble getting re-elected--Ed urged me to try for the Superior Court. So Ed urged me to do that and I saw the light and thought, yes, I'll do that. He had the resources of the store, again, which was a wonderful background to help me run for office.

I thought, well, the next decision is, shall I run against Mary Anne Richey or against Richard Royston. They were the two Republicans who announced for the two divisions. Well, my political adviser, Edgar, said run against the woman because then you won't have the problem of whether people are for or against you because you are a woman, you will both be women. I thought, well that sounds reasonable, and besides Richard was the twin brother to Robert, who was a very popular Superior Court judge, Robert Royston. So I agreed that his name identification, Robert Royston, was much stronger than Mary Anne Rieman.

Mary Anne started running as Mary Anne Rieman at first. That was her maiden name. Then into the campaign she changed it and put it Mary Anne "Rieman" Richey because all of her publicity in the U.S. Attorney's Office had been under Rieman. Mary Anne had had quite a career. She had been a very active and publicized person, but she was Mary Anne Rieman. That's what everyone knew her as, so her P.R. people had her change that to Richey. Keep the Rieman, but add Richey. I think voters kind of pick up on things quickly, and if they haven't heard or they are confused, they'll go with what they know.

I had the benefit, not that I had any better qualifications than Mary Anne Richey because she was a wonderful lawyer and later a wonderful judge, but the advice of my husband led me to take on Mary Anne and we had a very pleasant campaign.

Kelly: You each had opponents in the primary?

Truman: Yes, we did. We did indeed. I don't remember that she did. She may have. I did. I had two. I had John Collins in the primary. And then prior to the general you can file as an independent, so an independent hopped in there and filed too, so it was two men and me. It was me, Mary Anne, and another man, because this independent came in on the general, so there were three of us above the line.

Kelly: And the John Collins you mentioned is the John Collins who went on to become a Superior Court judge.

Truman: Correct. Mary Anne went on to become a Superior Court judge and so did John Collins.

Kelly: And then you, of course, won the election and Roylston won?

Truman: Correct.

Kelly: I remember in your news clippings the headline: Pima County was swearing in its first woman and first twin?

Truman: Right.

Kelly: And you had a joint swearing-in ceremony, is that correct?

Truman: We did. Justice Lorna Lockwood swore me in and Judge Robert Roylston swore in his twin brother.

Kelly: Now, looking back, you were on the bench for a number of years as a Superior Court judge. Close to 30 years?

Truman: Thirty, to be exact.

Kelly: Thirty years. As you look back on those 30 years, what do you view as your most important cases or accomplishment?

Truman: Well, I think that the last 12 years were my most important. When I first started we were not a specialized court. We had only seven judges and we all did everything, which was great to get background and experience and do all of the different types of judicial work that there is to do in a county. We all took whatever was next on the court administrator's list. When you finished one case, you took whatever was ready to go, so you got everything and there were no specialized divisions.

Then we came into the area where it was wise to specialize. Of course, we always had a Juvenile Court. I did the juvenile court specialization the second year I was on the bench and enjoyed that very much. It wasn't full-time juvenile at that time, it was two days a week. You would go out to Mother Higgins Home and sit as a Juvenile Court judge. I didn't even have an office there. One of the things I should be proud of is we designed and built the juvenile court. It wasn't built, but it was designed during the time I was juvenile judge. The present Juvenile Court facility, has been added to three times, I think, but at that time it was adequate and well-planned. We did

go through the juvenile court three years, and I would go out there three days a week.

When I stopped doing that and came back and just did the other trials, I thought, oh, how easy this is, because juvenile court then was prior Gault. It was prior the Gault case, where children got lawyers, so it was the juvenile judge who did all the work. I would take home stacks of files clear to the top of the desk to read before a juvenile court case, because you didn't have a prosecutor and you didn't have a defense counsel, all you had was a probation officer, the judge, the kid, and the parents. You had to ask the questions and make the decision and run the whole show. So it was far from easy in a way, but it developed in me the idea of individualized justice; that every case is so different you have to pay attention to each one. You can't say, well, this is a kid that did so and so, he should get so and so. Every case is deserving of individualized attention and something to match what its needs are. I enjoyed it very much, but three years was long enough. That has been about the trend, that juvenile court judges would stay for three years. Of course, the scene is entirely different now since the Gault case where lawyers are appointed and there is prosecution and children are entitled to representation, parents are entitled to representation, and it's a totally different picture. In those days it was fairly simple, except it was hard work but rewarding for the Juvenile Court judge.

Now I lost your question, Virginia. How did I get rambling on about this?

Kelly: Important cases or accomplishments.

Truman: You asked me about my views on my accomplishments on the bench in general. I was describing the change to specialization.

I should mention one other important case, the [Lillian] Styer estate, which happened before there was a specialized probate division, and that is what was the cause of the specialization and the creation of a special probate division.

Prior to having a special probate judge, lawyers could take their papers to any judge. Probate is a pretty specialized field. Judges are very busy people, so judges would not have the time or the staff to go over papers, such as approving accountings, approving requests for funding for guardianships and that sort of thing, which is done now and just wasn't done, because there was not the facility for the judges to do it. They didn't have the help and they didn't have the time. Some judges didn't have the knowledge of probate, because probate is pretty specialized field.

I came into this case, the Styer case, after the judge who had started, Lee Garrett, was affidavited, and I got the case. The guardian was a man who was a stockbroker who had stolen all the money from Mrs. Styer' estate, so he was removed by me as the guardian and I had to appoint another person as guardian. I appointed Lillian Fisher, who later became Judge Lillian Fisher. She had the duty of getting in this messed-up case, finding out where all the money went and trying to get some of it back. And, of course, a criminal action was finally filed against the stockbroker and he was convicted and served some time. But as a result of all of this, it became clear to the Bench that we needed a special division for the probate court so that you would have a judge where everyone would have to bring it to that judge, who would pay attention to it and not let something like this happen again, so the probate division was created.

Judge [Jack] Marks was made the first probate judge. From then on people could not do that, just take it around from judge to judge. They still can't. They have to take it to the probate division, which is a protection to the people who are dealing with probate. I didn't have anything more to do with probate after that until Judge Marks retired, and then I became the presiding probate judge and continued doing that until the time I retired.

Kelly: In addition to handling all the probate matters, what other kinds of cases did you have?

Truman: Well, until the last two years I continued to have criminal and civil. I had about a third of the calendar for awhile, a half calendar of civil cases, half as

much as the other civil judges. By that time we had become specialized and we had individual civil judges. We had a civil bench, a criminal bench, a domestic relations bench, and we never have had a probate bench, just a presiding probate judge who did other things because there wasn't that much. And you also have the commissioners who do all of the probate work, too. We haven't yet reached the stage where you need more than one probate judge. They haven't in Maricopa County either. But we did regular civil trials, jury trials up until two years before I retired.

Kelly: And then the first degree murder cases still came to you and to all the judges for the most part?

Truman: Right.

Kelly: Did you ever have any murder cases where you imposed the death penalty?

Truman: Yes, but only once. I imposed the death penalty only once, and that was in 1986. And he has still not been executed, and I don't know whether he will be or not. I'm not sure where it is. If it is an ongoing case, I can't talk about it, but I can talk about the fact of what has already happened and in the news.

He was convicted and sentenced to the death penalty. When I sentenced him I really didn't feel that was sentencing him to death. I figured it would take years, if ever. I think the United States Supreme Court may still rule that the death penalty is not equally applied throughout the United States. It may be that death penalties will cease to be imposed. I'm not at all sure about that. I have no strong feeling that there shouldn't be a death penalty. I feel in many cases there should be. In this particular case I definitely felt there should be, and I imposed it, and it did not seem to be the wrong thing to do.

Kelly: The victim in that case was --

Truman: A pregnant woman, and he was an immigrant from -- not Mexico.

Kelly: Salvador?

Truman: And had been working on the ranch for this woman and her husband. He came to the door and came in while she was on the telephone. The sister was on the telephone and heard the screams. He stabbed her and then shot her,



put the gun in her ear and shot her through the head and then stole the truck, and was picked up later fleeing. He was picked up on the border, I think, and was brought back and tried. I had to tape his mouth shut when I was sentencing him because he acted out and screamed and carried on. That is the only time I did that. Had to have him taped, have his mouth taped shut so he was quiet so I could sentence him, give him the death penalty, which sounds strange, but it was upheld by the Arizona Supreme Court.

Kelly: During the time that you sat as Superior Court judge, did you ever find that there were times where your own personal values or philosophy of life conflicted with rules of law and caused any kind of a struggle to do your job?

Truman: Yes, there were cases where I didn't feel the law was adequately designed to cover the situation, and there a judge has to improvise and do the best you can to see that justice is done. I feel that judging is a real opportunity to do your best in the service to justice and anything I could ever do creatively, in addition to what is in black and white. I never did do anything contrary to what the law is.

There is a thing called judicial discretion, which gives the judge a lot of leeway, and you can use that very kindly and compassionately and do a lot of good for a lot of people, which I felt I was able to do a great deal in the area of probate. I'm talking about disabled people who aren't able to take care of themselves, and there you can do many creative things.

I am proudest of changing a lot of things in the probate practice to see that people who are old, infirm, or disabled in some way, get a fair deal and are treated properly in the courts and have the right kind of representation. I think that they are treated very well in Pima County.

The newspapers and the AP press had big stories about things that were happening in probate throughout the United States. There was a series of articles. They came in here and interviewed Pima County. We came out really well in the national picture.

I felt that this is an area in which much else still needs to be done in Arizona, and Justice [Stanley] Feldman is all in favor of that too. Before I

left, there was started a statewide committee for making uniform the rules and methods of handling probate cases. By probate I don't mean just death and estates, I also mean guardianships and conservatorships. That needs to be uniform throughout the State of Arizona. There is still a lot of work to be done there, which is still going on, but was a part of it for awhile.

Kelly: Now during the time that you were on the bench, the method of choosing judges changed . . .

Truman: Oh, indeed.

Kelly: . . . from election to merit selection, and I wonder if you have any views on the merits of one process versus the other?

Truman: Well, I have publicly stated that I preferred -- I feel now the best way is the merit selection because of the change in the way things operate. At the time that I ran, I felt very -- I feel now very fortunate that I was elected by the people. You have a different feeling about how you got there. At least I feel differently. I have tried to get appointed to the Supreme Court, so I know how it feels to try to get appointed. You have to get people to write letters for you and you have to do your best to use political influence, a different kind of political influence. It is not going and talking to the people: Look, I want to be the judge of this court and I feel I have the qualifications. Ask me questions about myself and I will answer. That person-to-person with the people you are going to be representing. I feel very fortunate that I was elected, and it felt good.

The other system, however, I do feel is proper now because it would take too much money and be too strenuous and would make judges have to think about raising money, like senators and representatives do, which would really be bad, I feel.

Now they are still elected in the smaller counties. The smaller counties are not that big and they can still have the electoral system, which I feel is fine for smaller counties, but in a big metropolitan area it is just too difficult to do. And I think that rather than making it so people can buy elections, which is what happens in places--whoever has the most money gets elected because they

can advertise more and people don't know the people--it is just much better to have merit selection. You are going to get someone who is qualified. You are not going to get someone who just bought the election, and you are going to get someone who is not beholden to anyone for having given them a lot of money. I think it is much better this way, but I'm happy I got in the way I did because I was not able to get appointed to the Supreme Court, and that in a way pleases me because I would not want to live in Phoenix.

Kelly: Why did that system change?

Truman: The law was changed.

Kelly: But why?

Truman: Well, because the State Bar campaigned for it and ran a wonderful campaign and got the voters to vote that way and they wanted it that way. Well, it was Bill Browning, who was president of the State Bar at the time, and he did a wonderful job of running a campaign to change the system.

Kelly: Was it controversial at the time?

Truman: Oh, yes. Still controversial. The legislature still feels that people should be elected, that they shouldn't be appointed. And every year somebody, just about every year somebody is always putting in a bill to try to do away with merit selection.

Kelly: It was tried extensively this last year.

Truman: Yes, it was. There will be in the future people trying to live with it. Again, where it is workable, I like the direct election, but it isn't workable in a big city.

Kelly: Judge Truman, when you look back on your career, you surely watched a lot of lawyers work and have known a lot of judges. Could you comment on what you view to be good qualities for a person, first as a lawyer?

Truman: Well, honesty and ethics. A lawyer who is dishonest I have no use for, so that is the first quality. You have to be honest and fair and hard working and compassionate and really love justice. If you don't, if you are just in it for the money, you might win a lot of cases questionably, you might make a lot of money, but I don't admire that kind of a lawyer at all. It shines through to the

judge what kind of a lawyer you are. You can quickly see, when you are trying a case, whether someone is devious and how they get along with other lawyers. If they are backbiting and mean and nasty to each other, they don't make any points with the Bench, that's for sure, and they don't usually with the jury either. I think it is just being a good person and a fair person and a hard-working person and loving justice and being interested in the legal system. Some people aren't interested in it at all, find it dull and boring. Other people, once they get in it, love it, which is what happened to me.

Kelly: Did you have to deal very often with what you felt was dishonesty or unethical behavior by lawyers?

Truman: Oh, yes. Not just by lawyers. I served on the Judicial Disciplinary Commission it's called now - it was called the Judicial Qualifications Commission when I was on it for 12 years and the chairman for four - which takes complaints against judges. If a judge does something unethical, they file it with that commission. That was very eye-opening as to things that go on. Most of our complaints were against the lower courts and we really had very few dishonest cases where judges were dishonest. I have made a few referrals about lawyers to the Bar Ethics Commission, but not a whole lot. I don't think that we lawyers are active enough in reporting dishonesty, and judges aren't either. I can say I probably didn't report some things that I should have reported.

Kelly: What about the qualities of a good judge, are they any different than what you said about the lawyers?

Truman: One other one to add to lawyers is patience. If you don't have patience, don't be a judge, because you are required to patiently hear everybody and give them their chance to say what they want to say, even though you think you know it and you don't want to hear all this stuff. You must let them have the time to have their day and their say. Many people are shut up too quickly: Oh, we don't have time for that. I have done it myself sometimes. But you must have the patience to listen to all of it and to do your best, to make some

sense of some of it that sounds boring and time-consuming. Just wait and see, keep an open mind.

Kelly: Did you notice, during the time you were in the Superior Court, changes in the workload of judges?

Truman: Oh, you bet. It's always been busy, but right now they are fairly successful in the fast track on the criminal cases. I think they have gotten those going pretty well. When I left we were all working at full speed trying to keep ahead of it. I have been sitting down there as a retired judge this past week and it hasn't changed much. Everybody is working as hard as they did when I left.

Kelly: What about juries. You obviously have done lots of trials with juries. What is your impression of juries and the dedication that people who serve as jurors have?

Truman: I'm happy to report that the majority of jurors want to do what is right and enjoy doing it. You find some who are there to get out as quickly as they can. I never was one to keep someone who was really mad that they were chosen, because I don't think that a litigant should have to have a juror like that, who is mad that they have to be there. I didn't find many like that. Most people were really happy to have a chance to do that and were interested and did their very best. I have a high opinion of the public as jurors. I know that there has been a lot of publicity that, oh, jurors aren't making the right decisions anymore, and isn't the jury system terrible. I don't agree with that. I think that they do the best they can. They are human beings. And our justice system has a lot of needs in a lot of areas that are far below what I would like to see, but it's improving and it will continue to improve. The jury system, I can speak only very highly of the people that appeared as jurors, with a few exceptions. We had a few, but there are ways to handle that. You don't have to keep them.

Kelly: The last thing I would like to ask you about is what effect being, first, a justice of the peace, then Superior Court judge had on your personal life, your

social life, whether you felt there were enhancements, limitations. What is your feeling?

Truman: Well, I have only seen enhancement. Oh, I suppose the limitations would be I don't -- if you just stayed home and didn't work at all, you would have more time with your family, but that's not what we are talking about. You are talking about how it affects --

Kelly: Right, given the fact that you are working, did you feel any isolation, by being a judge, from lawyers, for instance, the appearance of being too friendly?

Truman: Not too much. I have always had very good friends among the lawyers and still do. I never lost any of my friends or felt I couldn't be friendly with them. There is a certain area that you can't step over and you have to be very careful of ethics when you are dealing with lawyers socially, but that's not hard to do. If you just do that, you can comfortably enjoy yourself. I enjoy lawyers tremendously, both women lawyers and men lawyers. I really haven't felt that you are too isolated. You can make yourself isolated if you want to, but I don't think I ever did, and I wouldn't feel comfortable doing that.

Kelly: Did you reach a point with anyone who was a friend where you decided that it was too awkward to have them appearing in the courtroom?

Truman: Oh, yes. We had an investment club. Judge Fisher and I started an investment club - we called it Portia's Portfolio - where we put in money and bought stocks together and we had a good time. There were about five of us, and we put in \$25 a month and bought a few stocks and had a stockbroker and studied the stocks and had a good time learning about investments. Then I was doing probate work and Lillian was doing domestic, and these women were beginning to want to come in there on cases in front of us, so we had to disband that group. We did disband that group, but we still meet just as a social group, but we could not any longer invest money with friends.

Kelly: Judge, is there anything else that I haven't asked you about that you would like to comment on?

Truman: No, other than to say I always felt it was a real privilege and an honor to be the one who could sit there and decide who is right and who is wrong, who

wins and who loses, be in that position rather than the advocate. I have enjoyed it very much, and still do it a little bit, as I said, and will continue to do it a little bit.

I will say this, though, I see the future going in favor of much more alternate dispute resolution. I'm saying that because of the increasing amount of litigation that just can't happen; that there aren't enough judges and courts to handle all of it, and you have to handle it in a better way. Alternate dispute resolution is a better way in many instances, and that is on the horizon and is going to be more and more the way things are done in many, many areas.

I am even going to do some of that, too. I'm going to a seminar and join the U.S. A & M [Arbitration and Mediation] panels, which many retired judges have done, so I'm looking forward to that also.

Kelly: Would you then sit as an arbitrator or mediator?

Truman: Yes, mediator.

Kelly: Thank you very much.

Truman: My pleasure.

Papanikolas: I have a question. When you entered law school, was it any more difficult than saying, I want to go, and they accepted you, or were there --

Truman: You had to have certain basic requirements, which are different now than back then, but you had to have an undergraduate degree or part of one. Now, I went in when I did not yet have my history degree. The reason I got out so young--and I was 21 when I got out of law school--was because I started school real early and I skipped a grade, and then my last year of college on my history degree, my first year in law school was treated as last year, and overlapped there. You could do that in those days. I don't think you can do that anymore, but you have to have certain basic requirements.

Papanikolas: But there were no LSATs?

Truman: Not then, no.

Papanikolas: I may have misunderstood you, but when you were talking about Sammy Stracuzzi, I thought you said, if you have been following the papers recently.

Truman: He killed his girlfriend. Did you see that? It told his whole story; his first conviction too. This was this past year.

Papanikolas: Was he just sentenced recently?

Truman: Yes, he was. He served his time and he came back to Tucson, and he came and visited me. I got a call one day: "Sam Stracuzzi wants to see you." Oh, I had his gun for a long time, the one that he killed his wife with. He gave that to me as part of the attorney's fee. He came to see me and he told me that he was working at Kino Hospital in the psychiatric ward. He successfully completed his time in prison and then was returned through the system on parole and was working at Kino. He was quite old when he was sentenced this past year. I have forgotten how old he was, but he killed his girlfriend.

Kelly: I do remember that. Was Judge [Charles] Sabalos the one who sentenced him?

Truman: I think he did, yes.

Kelly: I remember reading that article now, his saying that he thought Stracuzzi was a threat to any woman who had the misfortune to come in contact with him, or something like that, and sentenced him.

Truman: Right.

Kelly: Did you have any other questions?

Papanikolas: One more.

Kelly: Okay, go ahead then I have one more.

Papanikolas: You mentioned that Lorna Lockwood swore you in?

Truman: Indeed.

Papanikolas: Was that your choice?

Truman: Oh, yes. I asked her. She offered because, you know, she was the first woman Superior Court judge in the State of Arizona. I was the second. When I first came to Arizona, she used to come down. Virginia Hash, who was a famous woman attorney up in Phoenix, would fly her down and we would have lunch with Lorna every time she came down. There weren't very many women lawyers, Rose Silver and me and, oh, dear, who else. I am not



thinking of names right now, but there were only about--she was from Phoenix.

Anyway, Lorna was very much a supporter and helper when I ran for office and was rooting for me all the way, so she happily swore me in. She was a promoter of women in the judiciary and women lawyers. Very much so.

Papanikolas: I think that's all of my questions, Virginia.

Kelly: Before I go on to my last area, you also were a big supporter of women in the judiciary.

Truman: Well, we started Arizona Women Lawyers back in 1979, Judge Fisher and I and Doris Mindell. I'm delighted with the Arizona Women Lawyers Association, which you are president of this year, and I compliment you on your work there because I do think networking with other women lawyers is a tremendous benefit to women.

Kelly: You were then a founding member of that group and have remained an active member since then?

Truman: Indeed. I'm an honorary life member now.

Kelly: And you have done a lot to support women candidates for judicial office?

Truman: You bet. You bet.

Kelly: And to be their advocate?

Truman: We need more women judges.

Kelly: Yes, I think we would all agree that we do.

The last thing I wanted to bring up--you often were, during your career, commended and recognized, and most recently received the State Bar's Outstanding Jurist Award, the James Walsh Award. [Justice] Frank Gordon also was a recipient of that award.

Truman: Right.

Kelly: Did you know that you were nominated for it?

Truman: I did not. I did not. That I consider the Academy Award for judges, according to my feelings about it, so I was thrilled to death about that.

Kelly: And that was based on a nomination from . . .

Truman: The State Bar.

Kelly: . . . the State Bar. And your selection was done by . . .

Truman: The State Bar. That's strictly State Bar.

Kelly: And how long has that award been . . .

Truman: I don't know. I think only a few years. I don't know the number of years. I think about four years. I could be wrong on that.

Kelly: Congratulations.

Truman: Thank you.

Kelly: Lyn, any other questions of Judge Truman?

Truman: Nothing else? I have enjoyed it very much.

Kelly: We will conclude the interview.

Thank you.

End of interview.

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