

Evo DeConcini  
Oral History Project:  
Arizona Legal History

Interview with Norman S. Hull  
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THE EVO DECONCINI ORAL HISTORY PROJECT: ARIZONA LEGAL HISTORY

HISTORICAL NOTE

In 1985, James F. McNulty, Jr., former U.S. Congressman from Arizona and currently an attorney with Bilby and Shoenhair in Tucson, proposed that the Arizona Historical Society develop an oral history project to collect the reminiscences of senior judges and lawyers in Southern Arizona. As a former partner in one of the oldest law firms in the state, in Bisbee, he had long been aware of the wealth of information and experience expressed in many of his colleague's lives and careers, some of whom had been practicing law for over fifty years. In an effort to preserve and disseminate their stories and observations about the profession, the Archives Department of the Arizona Historical Society/Tucson developed a pilot program focused on Southern Arizona, with the goal of collecting the reminiscences of fifteen to twenty individuals associated with the legal profession over the last fifty years.

The project was funded through a challenge grant made by Roy Drachman and money subsequently donated by members of the Pima County Bar Association and the DeConcini family. At Mr. Drachman's request, the project was named for the late Judge Evo DeConcini, a highly-respected member of the Arizona Bar and a long-time friend.

Most of the interviews were conducted between 1986 and 1988, by Mr. McNulty. Interviews were also conducted by Robert

Palmquist, Jack August, and Adelaide Elm. Additional interviews with judges and attorneys conducted previously for other oral history projects were included with the DeConcini Project, to expand the scope of the project. The narrators, representing both rural and urban practices, were identified for inclusion by Mr. McNulty and other members of the State Bar. They included three judges, sixteen attorneys, the wife of a former state Supreme Court justice, and the legal secretary of one of the oldest law firms in the state. All transcripts and tapes are available to the public at both the Arizona Historical Society and the University of Arizona College of Law.

In addition to preserving the recollections of legal practitioners in Southern Arizona, the Evo DeConcini Legal History Project has spurred the collection and preservation of primary documents relating to legal history, such as day books, client ledgers, correspondence and photographs from law firms and individuals connected with the profession. It is hoped that the DeConcini Project will serve as a model for the collection of such memoirs and historic materials on a state-wide basis.

THE EVO DECONCINI ORAL HISTORY PROJECT: ARIZONA LEGAL HISTORY

SCOPE AND CONTENT NOTE

This collection consists of 43 cassette tapes (60 to 90 minutes in length), thirty-two 1/4-inch audio tapes, and twenty-one transcripts produced for the "Evo DeConcini Oral History Project: Arizona Legal History" by the Archives Department of the Arizona Historical Society between 1985 and 1988.

The collection is arranged in two series: (1) Oral interviews conducted for the project; and (2) Oral interviews gathered from other projects.

Series One consists of fifteen interviews: (1) Charles Ares; (2) Ralph W. Bilby; (3) Thomas Chandler; (4) Elizabeth Daume; (5) Ora DeConcini; (6) Gordon Farley; (7) Martin Gentry; (8) Thomas L. Hall; (9) Virginia Hash; (10) Norman Hull; (11) Ashby I. Lohse; (12) James F. McNulty, Jr.; (13) James Murphy; (14) Alton C. Netherlin; (15) Joseph C. Padilla; and (16) Wesley Polley. Interviews 1, 2, 3, 5, 6, 7, 8, 10, and 13 were conducted by Mr. McNulty. Interviews 11, 14, 15 and 16 were done by Robert Palmquist. Adelaide Elm conducted interviews 4, and 9, and Jack August conducted interview 12.

Series Two consists of five interviews: (17) Harry Gin; (18) Don Hummel; (19) Hayzel B. Daniels; (20) Rubin Salter; (21) Rose Silver. The Gin interview was conducted by Bonita Lam for the "Chinese in Tucson" project; Don Bufkin, Acting

Executive Director of the Arizona Historical Society, conducted the Hummel interview; Richard Harris and Carol Jensen conducted the Daniels interviews; Baiza Muhammad interviewed Salter for the African-American History Internship Project; and Rose Silver was interviewed by Mary Melcher for the "Women and Work: An Aural History," a joint project of the Arizona Humanities Council and the University of Arizona.

The bulk of the collection deals with the experiences and observations of these individuals relating to the legal profession in Southern Arizona over the last sixty years. The interviews document the following topics: education preparatory to the profession (law school, reading law, the bar exam); legal practice during the Depression, and the influence of the New Deal; relationships between the legal profession and politics; the role of judges vis a vis the Bar; the increasingly litigious nature of society; the effect of social changes on the practice of law; the experiences of women and minorities in the profession; and post- World War II changes in the legal system. Of particular interest are anecdotes about particular cases and clients; histories of several old law firms in Southern Arizona; University of Arizona Law School professors and courses of study; opportunities some had to practice law without a law degree; and remembrances of the colorful individuals who influenced the profession in Territorial days and early statehood.

The collection is valuable for its comprehensive look at

the law profession in Southern Arizona over the first half of this century, and its emphasis on the changes which have occurred within the profession during that period.



Norman Sterling Hull Interview

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## Norman Sterling Hull Interview

Norman Sterling Hull was born in Seattle, Washington, in 1904. Since both of his parents had died while he was young, he lived with his grandparents. After his grandfather died, in 1925, Hull moved Tucson, Arizona, with his grandmother. He then enrolled in the University of Arizona law school, graduating with highest distinction in the university class of 1928.

Hull began his law career with Tucson lawyer E.T. "Tim" Cusick. A year later he left Cusick and joined the firm of Matthews and Bilby. In 1930, he became Assistant United States Attorney under U.S. Attorney John C. Gung'l.

In 1931 Hull joined the Phoenix office of Ellinwood and Ross, where he stayed for the next twenty-three years. During this time the firm's principal client was Phelps Dodge. The firm also represented insurance companies and other large corporations, such as Standard Oil. During this time, Hull served as president of the Phoenix Chamber of Commerce, as well as Big Chief of the Phoenix Thunderbirds.

Hull returned to Tucson in 1954 to join the faculty of the University of Arizona law school. He subsequently became vice president of the University of Arizona, in charge of business affairs and development. After five years with the University of Arizona, Hull returned to private practice in Tucson, as a solo practitioner, where he remained until his retirement (in 1978?)

This interview deals primarily with Hull's experiences as a lawyer in Arizona for over sixty years. He discusses his

experiences with various judges and lawyers through his years in practice and as a law professor. He imparts a feeling of what it was like to practice law in Arizona during the 1930's and 1940's as a member of a large and prestigious law firm.

Many lawyers who subsequently became prominent began their careers with Evans, Hull, Kitchel and Jenckes, as the firm of Ellinwood and Ross came to be named. These included Chief Justice of the United States Supreme Court William H. Rehnquist. Hull discusses in detail how Rehnquist came to join the firm.

In this interview Hull discusses his own approach to preparing for a case; reasons for the litigiousness of society today; his feelings about the teaching of law; and his attitudes towards women and minorities in the law. The interview closes with advice to those considering the law as a career.

NORMAN STERLING HULL INTERVIEW

Good afternoon. This is May 4, 1988. I'm Jim McNulty. This is another in a series of interviews of the Evo DeConcini legal, oral history of laws, lawyers and judges of Southern Arizona in this Twentieth Century. It's our pleasure today to have present Norman Hull, graduate of the University of Arizona, partner in one of the southwest's most eminent law firms, in Phoenix, Arizona, for many years.

McNulty: Norman, we welcome you here, and thank you for coming to the interview.

Hull: Thank you, Jim.

McNulty: You began life in Seattle, Washington, curiously enough for an Arizona specialist. Is that not so?

Hull: Yes, I was born there. [February 3, 1904]

McNulty: Did you do your primary and high school education . . .

Hull: That is correct.

McNulty: . . . there as well?

Hull: Yes.

McNulty: What year did you graduate from a Seattle high school?

Hull: In 1921.

McNulty: Did you come immediately to the University of Arizona?

Hull: No. I worked for a while.

McNulty: What kind of work did you do?

Hull: Well, I worked in the county assessor's office in King County. Just doing odd jobs.

McNulty: But that was some exposure to the law, was it not?

Hull: Not really.

McNulty: Not much?

Hull: No.

McNulty: You told me earlier that your parents had both died . . .

Hull: That is correct.

McNulty: . . . when you were relatively young.

Hull: Well, my mother died of flu right after the big flu invasion in this country, and then my dad died of heart trouble a couple of years later. So I lived with my grandparents.

McNulty: Both your parents were deceased by the time you were eighteen years old?

Hull: Oh, yes. Yes. And I had no brothers and sisters.

McNulty: What motivated you to be interested in the University of Arizona?

Hull: Well, primarily, I came down here with my grandmother. And--her husband had died so there were just the two of us. I was interested in the University of Arizona, but I didn't know exactly what course I wanted to take, or what I wanted to choose. I had given some thought to the law.

McNulty: Had you had any members of your family with college educations?

Hull: Yes, but not lawyers.

McNulty: So what year did you enroll at the University of Arizona?

Hull: It was 1925.

McNulty: That means you worked, what, three or four years . . .

Hull: Yes. Yes.

Hull: . . . in King County, Seattle.

Hull: Yes.

McNulty: Was all that time with the county assessor's office?

Hull: Well, most of it.

McNulty: In 1925, of course, did students enroll directly in the College of Law, or did you have to do. . . .

Hull: No, you could enroll directly in the College of Law.

McNulty: Did you do so?

Hull: Yes.

McNulty: Do you remember the calculations that went into your decision to do that?

Hull: Well, it's rather unique in that when I went over to registration I hadn't exactly made up my mind what I was going to study and they had different registration cards for the different colleges. And I happened to pick up law. And I said, "This is good." (laughs) So I registered in law. It was haphazard, yes.

McNulty: How many years did it take to get the law degree?

Hull: I got my law degree in 1928. Three years.

McNulty: What degree did you receive?

Hull: Bachelor of Laws with highest distinction.

McNulty: Was all of that time spent at the College of Law?

Hull: Oh, yes.

McNulty: You never were in the College of Liberal Arts  
or . . .

Hull: No. No.

McNulty: . . . any other of those schools.

Hull: No, not in the University of Arizona, but I was in  
that college in the University of Washington.

McNulty: How big was the law school in terms of students in  
those years?

Hull: Well, it was quite limited. The year I graduated, I  
think there were thirteen in our graduating class.  
Which gives you some idea of the size of the law  
college. It was very small and very new.

McNulty: Dean [Samuel M.] Fegtly was the dean at that time?

Hull: Dean Fegtly.

McNulty: Who were some of the other professors?

Hull: Well, they're all gone now. [L.J.] Curtis, and of  
course, [J.] Byron McCormick. I was there his first  
year, which was my first year in law, and we became  
quite good friends. He used to visit me in Phoenix.  
Even for years and years and years after I left the  
university.

McNulty: The man who later became dean and then president of

the university?

Hull: That's right. And then he recruited me to come down to the university in the law college as a professor.

McNulty: Many years later?

Hull: Yes. In 1954.

McNulty: Did you live with your grandmother during the years that you went to law school?

Hull: Yes. I lived with my grandmother.

McNulty: Where was that?

Hull: Well, it was on Park Avenue.

McNulty: Which, of course, was the west boundary of the campus in those days.

Hull: Yes. Just about. Some of that property that's now the Marshall Foundation property.

McNulty: Yes. It strikes me that finances must have been a problem for you during those years.

Hull: Finances really wasn't a problem because I had an uncle living in Seattle who was childless, and he helped me considerably. I did not have to work my way through school. I did not have everything I wanted, don't misunderstand me that way, but I was never one that had to work in the hard way of working my way through college. I could devote all of my time to the study of law. And I did that.

McNulty: Was this uncle the son of your grandmother?

Hull: Yes.



McNulty: And so there was a really close family tie there.

Hull: Yes, it was. But he's dead now, too.

McNulty: What kind of a student were you in your elementary and high school days?

Hull: Well, I would say I was above average.

McNulty: But by the time you got to the university, you had become a very fine student, had you not?

Hull: Well, I graduated with a, what was then a 1.3 average. They figured the one from the top, which was one of the three highest in the class of 1928. There were three of us that were graduated with highest distinction. That's not just the law college, that's the entire university. So I was a good student. But that was because I felt an obligation to my uncle for helping me. And I thought that I was going to the university to try to improve myself and to do something with myself rather than to have a good time.

McNulty: Do you remember any of the members of your graduating class?

Hull: Oh, yes. There was Button Salmon, but he didn't graduate when I did. This is hard to remember. There are a couple of them still living. Divelbess in Phoenix, Harold [L.] Divelbess.

McNulty: Harold Divelbess.

Hull: And well, there's another one up there too. But most

of them are gone.

McNulty: Martin Gentry, was he your classmate?

Hull: Oh, yes. Martin Gentry. But he finished a year after I did. That is, his degree.

McNulty: I see.

Hull: But we took the bar exam together.

McNulty: In those days you could take the bar prior to getting your degree.

Hull: That's right. Yes. But I waited until, well, it wasn't quite my degree. But I went in May or June or whenever it was, and I got my degree right afterwards.

McNulty: Would you compare the current bar examination process with the process that you endured?

Hull: Well, there weren't very many taking the exam when I took it. And there were some innovations at that time. One was the use of typewriters. And I couldn't use a typewriter, so I was kind of behind the eight ball. (laughs) But, in numbers, of course, there were very few. It was given only once a year. And the grading was done simultaneous with the work. And I can remember John Gust, who was one of the bar examiners, he came over to me. First of all, he said, "Is Mr. Hull present?" And here I was working on a case, and I began to tremble. I didn't know what was going to happen. I said, "Here I am,

sir." And he came over and he said, "You've gone all around this question but you haven't answered it." I said, "Sir, I wrote it on the back." He looked at it and he said, "Fine." And that was the answer to it. (laughter) The grading was done and we passed.

McNulty: Was that all done in one day?

Hull: All in one day. Now when I took the bar exam, I'll brag a little again, I was one of the top persons. There was one person ahead of me. I was second. The one that was ahead of me was the daughter of Amos Betts of the chairman of the Corporation Commission. A woman. And she beat me by a quarter of a point.

McNulty: Women in the law practice were pretty rare in those days.

Hull: Yes. We didn't have any in law college.

McNulty: None at all?

Hull: No. I had no experience with them.

McNulty: All right. So now you've gone up, taken the examination, had it announced to you that you've passed. Were you immediately sworn in on the spot?

Hull: Yes. The next day. They said to wait over, the next day.

McNulty: So, what did you do then?

Hull: Well, I came back to Tucson and of course I was interested in finding employment. I had had no

contacts before that. And I don't remember just how it happened, but Pop [J.F.] McKale, who was then the coach of the university athletic teams, asked me if I was interested in employment, and I said, "Oh, yes." So he said, "Well I have a friend, Tim [E.T.] Cusick, and I'd like to recommend you for practice with him." I said, "Well, I appreciate that very much." So he recommended me to Tim Cusick. Tim Cusick accepted me, and for a year then, Tim and I practiced as Cusick and Hull. This was in 1928 in the old, what was then the old Hereford Building. And Ben [C.] Hill, who subsequently died, who was a prominent attorney here, had adjoining offices, and for a short period of time that following summer I acted as Tucson Assistant City Attorney while he was City Attorney. So that's where my start was.

McNulty: You mention the old Hereford Building, and that is not known to me.

Hull: Well, it was on the corner of Congress and Scott, and down below it was Dave Bloom's clothing store. There was a drugstore also, below us. And Tim and I, in the hot weather, we used to come down about seven o'clock in the morning and we'd go up to those hot offices under the tar roof on the second floor, which was all the floors it had. And then we would order ice cream in the afternoon for ourselves and for the

girls, from the drugstore down below. That was the Hereford Building. It was owned by Frank [H.] Hereford.

McNulty: I see.

Hull: During his lifetime. But he had died, too.

McNulty: How many superior court judges were there in Tucson at the time?

Hull: One.

McNulty: Who was it?

Hull: Gerald Jones.

McNulty: He was known to you was he not?

Hull: Yes. He was one of my professors.

McNulty: He taught as well as presided over the superior court?

Hull: Yes. And was an excellent teacher. And a disciplinarian. And then Louis [R.] Kempf followed him. Then Fred [W.] Fickett. Those were the first three that I practiced under.

McNulty: After the period with Tim Cusick and Ben Hill, did you stay in Tucson?

Hull: Oh, yes. I had a chance to go in with the firm of Matthews and [Ralph W.] Bilby. And I went in and had an office with them in the first year that the Consolidated National Bank Building was built.

McNulty: Is that what is commonly called the Old Valley Bank Building . . .

Hull: That's correct.

McNulty: . . . on the corner of Stone and Congress?

Hull: That's correct. And we still had the old courthouse then too. So I have practiced in the old courthouse.

McNulty: Were there just the three of you?

Hull: That's all. Three.

McNulty: And what year would you have started with them?

Hull: I started with them in 1929.

McNulty: What incentives had they provided you, either in wages or in kinds of work that you might do, to convince you to go with them?

Hull: Well, I was a kind of a neophyte in their field. They were largely interested in real estate at that time. Real estate and development. And I had some contact with them because I bought a piece of property to build a house on, out where the Conquistador Hotel was. They used to own that property. But I don't remember the exact time that I met them, but anyway, it was Matthews primarily, who made the contact with me and I went in with them then.

McNulty: How long did you stay with them?

Hull: Just one year. And from there I went to assistant U.S. attorney.

McNulty: Had Mr. Matthews kind of picked up and moved to California by then?

Hull: No, no. He was very active. But the difficulty that I felt I was under there was that I wasn't getting any trial experience. They were both fine trial lawyers. Mr. Bilby was an excellent trial lawyer. And I sat over on a couple of cases with him, but of course I could not take the lead. And I was interested in taking the lead. So, I had a chance, then, to go in the U.S. attorney's office. And I left their firm and went into the U.S. attorney's office in Tucson. Much to Mr. Bilby's distress. Because he said to me then, "Well," he said, "you're taking a political job. When you're through the best you can hope for is a contact with a good law firm and you've got that now." But I said, "Well, sir, I appreciate everything, but I am going to go." And I went.

McNulty: You had an idea that you would get a great deal more trial experience as lead counsel, did you not?

Hull: Well, I thought I could do a good job as a trial lawyer, and I found out that I could.

McNulty: Now, you would have been prosecuting principally criminal cases?

Hull: To some extent. But also I was in charge of the war risk insurance litigation, which was insurance civil cases for the district of Arizona. And I had almost unlimited discretion in that field, and I tried a lot

of those cases, which involved veterans of the World War I. Largely tubercular cases who claimed disability related to their military experience.

McNulty: And those were tried in a federal district court?

Hull: They were all tried in the federal district court.

McNulty: That's something, surely, today would be handled administratively by the Veteran's Administration?

Hull: That I don't know. But these were absolute suits--civil suits like you'd sue any insurance company.

McNulty: And the claim was that these men had . . .

Hull: Service-connected disability.

McNulty: I see.

Hull: And they had to contend that they had permanent and total disability, at the time of discharge, which they claimed that the discharging doctors missed.

McNulty: Oh.

Hull: "Therefore," they said, "we have this case and the government owes us these sums."

McNulty: I see.

Hull: And I tried a lot of those cases.

McNulty: Who was the United States attorney who employed you?

Hull: John [C.] Gung'l.

McNulty: Who . . .

Hull: From Cochise County.

Hull: . . . in years gone by been at Cochise County.

Hull: I followed Fred [G.] Nave. Fred Nave had been



assistant U.S. attorney and when he left he had told me about the opportunity of going in there. And that's why I went in.

McNulty: Were you stationed in Tucson or did you practice all throughout the state?

Hull: Well I, as assistant U.S. attorney, I did all my work in Tucson except Prescott. I had a special assignment to Prescott for the summer, and I spent the entire summer in Prescott trying cases. Civil and criminal.

McNulty: Who were the federal judges or the federal judge?

Hull: Fred [C.] Jacobs.

McNulty: Fred Jacobs?

Hull: Yes. In Phoenix. And he was the one that presided in Prescott.

McNulty: I see. How long were you with the United States attorney's office?

Hull: Just about thirteen months.

McNulty: What did you do then?

Hull: Well I was interviewed here in Tucson, by Jim Casey and John Sanders, who were lawyers and trial lawyers connected with the firm of Ellinwood and Ross, and they were trying a case down here, smoke easement cases. I had nothing to do with it, but we had some visits and that's where I made the contact. And later I met William [H.] Mackay, who was also in the

Bisbee office of this firm. This firm was a Bisbee firm, primarily Phelps Dodge attorneys. Western counsel. So, the summer that I was in Prescott, I was prosecuting a case--I remember it was a bootlegging case, this was time of prohibition--and in the back of the courtroom was an elderly gentleman whom I had never met, and I had paid no attention to. After the case was over he came up and he said, "Mr. Hull," he says, "I'm Ralph [not Ralph but Everett] Ellinwood." He says, "Would you be interested in coming to work for our firm, Ellinwood and Ross, starting the first of October at two hundred a month? I said, "I would very much. But I'd want to talk it over with my wife." This was in Prescott. That was less money than I was making as assistant U.S. attorney. (laughs) But it was adequate sums in those days. And I wanted to go with the firm because I knew its reputation. And I have never regretted it.

McNulty: Had the firm begun relocating to Phoenix by then?

Hull: Yes, they had. William Mackay went up to the firm, for the firm into Phoenix. And started it there. With the assistance of John Mason Ross and [Everett E.] Ellinwood. And when I went up there, I was with those three.

McNulty: I want to . . .

Hull: Well, Jim, they had just started in Phoenix. They were not too well known. Their background was from the northern part of the state. Now, they were Phelps Dodge attorneys and Standard Oil attorneys, but I mean with the local people they weren't so well known. But when I went up there with the firm, why, we had offices in the Luhrs Tower, and eventually we went on over to the Phoenix Title and Trust Building.

McNulty: When you first went with them, Messrs. Casey, Sanders, and [Denison] Kitchel still were all in Bisbee were they not?

Hull: Well, Kitchel wasn't on the scene yet. No, he came later. And Joe [Joseph S.] Jenckes, and well almost all of those people that you would think of now or would know were employed later. Kitchel came in quite a bit later, and he wasn't in the Phoenix office. He was in the Bisbee office, but eventually was transferred to Phoenix, when they closed the Bisbee office.

McNulty: I wanted my Ellinwoods straight, because in the Gentry, McNulty, Desens office in Bisbee, Arizona, is an old safe on which is painted on the front door "E.E. Ellinwood."

Hull: Right.

McNulty: Now what relation was he to Ralph Ellinwood?

Hull: Father. Now Everett Ellinwood started practice in

Flagstaff, and I believe John Mason Ross did too. He went from Stanford there. And Ellinwood some way or another got to be attorney for the Phelps Dodge Company and their main operation then was Bisbee. So he went down there as the attorney for the Phelps Dodge people. And he wrote John Mason Ross a letter after he had been down there about a year, and said, "I am getting deluged. I've got more work than I can handle. I think there's an opportunity for you. Come on down." And that's where the firm started.

McNulty: Just the two of them?

Hull: Just the two of them.

McNulty: Have you any idea about what year that would have been?

Hull: Well, it's a little difficult because that was before I was connected with the firm. No. I would prefer to say that I don't. But it was at least five or six years before I went with the firm.

McNulty: When did Ralph Ellinwood come with the firm?

Hull: Ralph Ellinwood never came with the firm.

McNulty: Well, excuse me, Norman. But I think you told me that the old man in the back of the room . . .

Hull: Was Everett.

McNulty: No, you said Ralph.

Hull: Well, if so, I made a mistake.

McNulty: Okay.

Hull: Ralph was the newspaper editor in Tucson. Oh, I'm sorry if I said . . .

McNulty: Wound up with the Daily Star?

Hull: Yes. It was Everett Ellinwood that was in the back.

McNulty: Okay. Yes. That's why I was saying that I wanted to my Ellinwoods straightened out. So Ellinwood and Ross then began practice in Bisbee?

Hull: Right, and in Phoenix.

McNulty: And then Phoenix. Did you ever practice with the firm in Bisbee?

Hull: Never. Not at any time. And when I went in I hadn't even met John Mason Ross, and the day that I reported to work he came in and he said, "Well, Norman, you're the first lawyer I've ever hired that I've never seen before." (laughs)

McNulty: And were then, what, there were just the four of you in Phoenix . . .

Hull: Yes.

McNulty: . . . at that time?

Hull: Well, there was--let's see--Everett Ellinwood, John Mason Ross, William Mackay, and Norman Hull.

McNulty: Okay. And did they gradually repatriate the Bisbee folk until you all finally were in Phoenix?

Hull: Well, yes. After the Phelps Dodge operations centered more up in the northern part of the state and in the center part of the state they deemed it to

be to their advantage to have a central location. So that's why they left for Phoenix. And Everett Ellinwood, I mean, yes, Everett Ellinwood was not really active in the law practice while I was there. He had the office, the main office, but he was largely interested in the Board of Regents, on which he served. And he kept an eye on what was going on in the office, but had, really, very little to do with the practice. Now, that was also to some extent true of John Mason Ross. So, it ended up that when we started there why it was William Mackay and Norman Hull that did most of the work.

McNulty: Was Phelps Dodge the principal client of the firm.

Hull: It was the principal retainer. But we rapidly had acquired other clients, so that we had most of the insurance companies and the Southern Pacific Company, which I represented, and Southern Union Gas Company. These were under my jurisdiction. I say jurisdiction, I tried most of their cases and handled most of their affairs. And then the political work, of course, was handled generally out of the office. But I didn't have quite as much to do with that as Kitch did.

McNulty: What famous names over the next few years, came to work in the firm with you up there?

Hull: Well, we had a great many.

McNulty: Yes.

Hull: Younger men who came in and who gradually went through the process with us. And I'm just going to remember a few of the late ones. Like Bill [William] Spaid. I took Bill Spaid in during the war, because we needed somebody about that age. And George Wood, who finally went down in Coolidge. Both of them practiced with me. There were a great many others. We didn't take on any other senior partners.

McNulty: Did John Sanders ever practice in Phoenix?

Hull: No, but he used to come in occasionally.

McNulty: And Jim Casey died in a car crash?

Hull: That is correct.

McNulty: Before he was ever able to get to Phoenix.

Hull: That's right. So I never had any contact with him other than personal contacts, while I was assistant U.S. attorney.

McNulty: Denison Kitchel, of course, joined the firm.

Hull: He joined later.

McNulty: Yes.

Hull: And Frank [Francis J.] Ryley joined later. And then all the rest of them that are in there now.

McNulty: Joseph Sherbourne Jenckes.

Hull: Yes, he was later.

McNulty: Some really extremely well-known names in . . .

Hull: Very capable people. And if I do say so myself, I

can't imagine a more congenial practice than we had. Like I stayed there twenty-three years as a member of that firm, and we never had any major disagreements. We had some little ones. We had some problems on name changes. We finally went from Ellinwood and Ross to Evans, Hull, Kitchel and Jenckes. And then to Evans, Kitchel and Jenckes after I came down to the university and told them that I did not intend to return to the firm.

McNulty: In the twenty-three years there, how would you describe the kind of practice that you engaged in yourself?

Hull: Well, the firm's practice was primarily corporate. And a good deal of it was retainers. And most of the work that I did, I did the trial work, and the appellate work. But not exclusively. I mean, the practice was general. And we were kind of masters of all trades. We had to do everything. (laughs) But I can--well, we had Standard Oil, we had Phelps Dodge, we had the Tovrea Packing Company. We had most of the life insurance companies. No casualty insurance. And we had a lot of tax litigation. I had a lot of tax litigation, and I don't mean by that the type of tax litigation you see today, but I mean mine valuation. I tried lots of those cases for different mining companies. It was a very



fascinating field.

McNulty: Did you train up any younger lawyers . . .

Hull: Yes.

McNulty: . . . as successors?

Hull: I did.

McNulty: Who . . .

Hull: I don't know that. . . . Well, Ralph [J.] Lester I brought in from Tucson. He had been an assistant county attorney down here, and I needed somebody to help me with trial work. I brought in Bill Spaid and turned him largely in to practice before the corporation commission, of which we had a great deal. But I always found that they didn't require a great deal of training. I mean, just exposure to the situation. And let me just add this, for whatever it's worth: we had a very, very ethical practice, and our practitioners were very ethical. So much so that today I think that some of the lawyers wouldn't understand that. I don't mean by that that they're less ethical today, but I mean we never went in for advertising. We would never have gone in for that, and I wouldn't today. If there was any dispute with a client it was always resolved in his favor. I think that probably Ellinwood and Ross, the two senior partners with whom I was associated and finally became a partner, were as ethical gentlemen

as I have ever known in any field.

McNulty: Well, that's a nice testimonial.

Hull: Well, it's nice because so many people feel today, you know, that lawyers are scamps. And whether that's true or not, why. . . . I don't think it's true. And it certainly wasn't true of the type of people that I worked with.

McNulty: At the end of twenty-three years with the firm, you decided on new adventures for yourself.

Hull: Well, I was getting a little disgruntled with the trial part of it and the appellate practice. Not that it wasn't fascinating, but all the innovation of certain rules of procedure and all, which I helped bring in (laughing). But with the discovery rules and these, the settlement of jury instructions and the delays in court, it became onerous. It became difficult for me to enjoy. And I had given some thought to leaving the firm, but I hadn't really decided until I was contacted by the University of Arizona. I mean, I really hadn't applied for anything.

McNulty: And that contact evolved into what?

Hull: Well, that was through Byron McCormick. He had been president of the university and he had been dean of the law college, and he was a professor when I was there. His first year and mine were the same. So he

told me there was going to be an opportunity in the tort field, and he said, "You've indicated some time in the past that you might be interested in teaching." So he said. "If you're interested, I'll speak to John [D.] Lyons, [Jr.], who was then dean." And I said, "Yes, I'd be interested." So he talked to Lyons and Lyons asked me to come on down. I came on down and became a professor of law. Full professor.

McNulty: What year was that?

Hull: That was in 1954.

McNulty: And how long did you continue in that role?

Hull: Well, I continued in it three years and I would still be in it if it weren't for age, I suppose. Except that they made me a vice president of the university.

McNulty: With what kind of responsibilities?

Hull: As vice president?

McNulty: Yes.

Hull: Business affairs and development.

McNulty: Did that take you out of the classroom?

Hull: Yes.

McNulty: Totally.

Hull: I was not able to do any class work. Although I would, timewise I probably would have been able to do it, but it wasn't consistent with the arrangement that I had. I started the University Foundation, and

except for that I had no real legal associations other than casual ones, after I had become a vice president for business affairs.

McNulty: Were you supervising the exchequer, so to speak, in that role?

Hull: Not really. We had a man who was an expert in that field, a comptroller, Ken Murphy who's now dead. And I left that entirely to him. He was much more knowledgeable and experienced and better than I was at it. So, while I had the responsibility, I delegated very generously that phase of it. But I did not avoid my contacts with it. I kept on with it. I had, for instance, the student union under my jurisdiction. The alumni, and--it was a kind of an unusual deal. I had to say, "No," to the deans when they wanted to exceed their budget, and, "Yes," to the alumni when we needed funds.

McNulty: (laughing) Yes. Was the promotion and the well-being of the foundation a principal task?

Hull: Yes, I would say so. Because I not only devised the form that it would take, but I selected the first members of the board. And raised the first funds that were raised by it, until I got into this deal about Tempe becoming a university. And then they tried to get me to go back into Phoenix and stop that from happening. And I went back to Phoenix and

contacted the alumni and everybody wanted to know where the support would come from, what the information was, and we had nothing to go on. So that was somewhat of a futile deal, which displeased me to some extent, because I had no objection at all to Tempe becoming a university, but I didn't think that it ought to usurp the functions of the University of Arizona.

McNulty: The present size and enormous successes of the foundation as we look at it today must be a source of some satisfaction to you.

Hull: Well yes. I'm going to be casual about that, because since then they've started the President's Club and some other phases that have to some extent superceded some of the things we did. So I'm not claiming a great deal of, of praise on that.

McNulty: Through what year did your formal association with the University of Arizona continue?

Hull: Well, it was five years. And then I went back into practice in Tucson.

McNulty: Were you by yourself?

Hull: I started with Larry [Lawrence V.] Robertson, for a while. And then Dave [David K.] Wolfe. When I say Dave Wolfe, we didn't have any contact, but I mean I had offices with him. And then finally I had office with Tony [Anthony D.] Terry. But there was no

partnership firm. I did not want to get connected with a firm again because I felt that I had reached the age now where I did not want to make that type of a contact. And I didn't want to be able to--I didn't want to be in a position where I had to have the responsibilities or the difficulties of severing relations and partnerships. So I didn't form any new partnerships.

McNulty: So you were pretty much a solo practitioner with . . .

Hull: In Tucson.

McNulty: And with the ability to choose the cases that you'd take.

Hull: Yes. And I had a number of cases referred to me by the Phoenix firm of Evans, Kitchel and Jenckes.

McNulty: Yes.

Hull: They referred a number of very important cases to me that I handled out of Tucson.

McNulty: Have you given up practice, now, entirely?

Hull: Oh, yes. Yes. I haven't done anything for quite a while.

McNulty: How long?

Hull: It's a little difficult. I'd say ten years.

McNulty: Yes.

Hull: A little difficult because I did some work after I had closed offices in Tucson. You see, I did some

work for the firm in Phoenix, where I would utilize the library and also go to Phoenix and appear in court. But I didn't have to maintain an office.

McNulty: But from the time you began law school until the time you really fully and finally got out of the practice, we're talking about a lapse of, what? Fifty plus years?

Hull: Well, I have my sixtieth year this year. I'll get my sixtieth-year certificate this year.

McNulty: From the Bar?

Hull: From the Bar. Because I still have the status of the general practitioner.

McNulty: Yes.

Hull: Active practitioner.

McNulty: Over that period of time you must have had some cases of more than passing interest. Would you recount a few of them?

Hull: That is so difficult, Jim, because I had so many. And I had so many that were terrifically involved. The one that I just happened to think of offhand is the long years of litigation that I had against Arizona Public Service Company. They were against us, really. I represented the Southern Union Gas Company, a Texas outfit, and they were trying to establish the right to serve natural gas in Northern Arizona. And they were very vigorously opposed. By

Arizona Public Service. Before the Corporation Commission for years and so forth and so on.

McNulty: Was this a question of a certificate of convenience?

Hull: Well, yes. But it went beyond that, because it went into the legal phase, you see. It went beyond the Arizona Corporation Commission into, into the, the trial on the merits of the thing. We tried the case, I tried the case in Prescott. And then it went on to the Appellate Court.

Then I can think of so many cases. I mean, for instance, some that perhaps would be of interest to you would be, I handled the Southern Pacific discontinuance of the Nogales-Tucson train. (laughs) Much to the dissatisfaction, then, of Tucson people. Also I handled the abandonment of the rail between Bowie and Globe. Those were years of litigation, too.

But I could go on, Jim, and--I don't know whether it would be productive. I mean, I have some notes here that I could refer to, but there are so many cases.

McNulty: You were involved in some Phelps Dodge cases involving taxes . . .

Hull: Yes.

McNulty: . . . that fundamentally represented lots of dollars. Is that not so?



Hull: Yes. We use to have valuation cases. And I handled, for every branch of the Phelps Dodge Company, I handled these cases. And they were extremely interesting. They weren't entirely related to mathematics. They got into, oh, your ore reserves and your potential ore reserves and your recoverable ore and economic phases, which. . . . I tried one or two in Prescott, I think. And most of them here in Tucson. But I tried for some of the other mining companies too. I handled some down in Nogales for some mining companies. I had quite a number of them.

But, we also had other cases for the mining company. I mean, you take Phelps Dodge, where you'd have tort cases. I remember one case in particular Bill [William A.] Evans and I tried together. And the U.S. Attorney's office here in Tucson. That case involved a night watchman that shot a boy. He was trespassing on the property and it got into the tears angle. And, I don't consider that a case of great importance.

McNulty: It was a case, though, that undoubtedly attracted an enormous amount of publicity.

Hull: Not really.

McNulty: No?

Hull: No. The tax cases did, because here Ralph Ellinwood was the editor of the Tucson paper, the Star. Owner

of the paper. Bill [William R.] Mathews was editing it. And he was diametrically opposed to my Phelps Dodge tax cases. And all the time I was down here--I tried one case down here for a month, down here in Tucson--and during that entire time daily papers came out, big headlines and all, all against Phelps Dodge people. Which was a rather unusual thing when there's, when the father was a member of the firm that I was representing.

McNulty: Mr. Mathews opinions were not easily changed though, were they?

Hull: Not at all. (laughter) I came down here--the year I came down here as a professor of law, I was acting as special counsel for the Arizona Interstate Stream Commission in the Colorado River suit, on an analysis of the pleadings and so forth. And I had somewhat hoped on continuing on that a little bit. But Mathews said no. He said, "It's not good policy for a state employee, as you are now as a university professor, to accept salary from another department." So I didn't argue the debate, but that indicates it. Another thing was that he was very tight on salaries, so that was somewhat a disillusioning experience with me. But I got along fine with Bill. I don't mean that I didn't, disliked him. But he was a hard-boiled egghead.

McNulty: The story always was that although the Ellinwoods owned the paper . . .

Hull: That's right.

McNulty: . . . having bought it from, actually, the Phelps Dodge, had they not?

Hull: Yes. Yes.

McNulty: That the agreement was that Mr. Mathews set all editorial policy.

Hull: That's right. Oh, no question about that. No question about that. But I had very few contacts with him other than as a friend. I used to attend the Board of Regents' meetings, though, as a vice president. Because of business affairs, why I'd go with Dr. Harvill to all the meetings in the state. So I was exposed to the contacts with the Regents during that time.

McNulty: William Mathews did two eight-year terms on the Board of Regents, did he not?

Hull: Yes. Yes, I think so. But I'm not sure about that.

McNulty: Very few people have done that. I know he was appointed twice.

Hull: Yes.

McNulty: I don't know that he served out the whole second term.

Hull: No. That I can't say.

McNulty: You've seen an unusual number of superior court and

federal court judges in this long, varied legal experience, especially from the trial experience.

Hull: Yes.

McNulty: Who are among the, what I might call, demanding judges that you remember?

Hull: Well, we used to have a federal judge that was assigned down here for the summer, from the state of Washington. I don't remember his name, but he was very demanding. I remember one time when I was prosecuting a case, I handed him some requested instructions, jury instructions. He said, "What is this?" I said, "These are instructions, your Honor." He threw them over his shoulder. He said, "I'm competent to instruct this jury." (laughter) Borah, I think his name was. From the state of Washington. He was a tough one.

McNulty: How about Arizona's superior court judges? Do you remember any of them . . .

Hull: Yes.

McNulty: . . . as being fairly demanding?

Hull: Not particularly. In Phoenix, yes. Judge Windes, I would say, whom I considered one of the best of our judges that I've had experience before. I had a great deal of respect for Judge Windes.

McNulty: Dudley [W.] Windes, you're speaking of?

Hull: Yes.

McNulty: Yes.

Hull: Now, I had some contacts with Judge Evo DeConcini. But Evo DeConcini was down here in Tucson, and I was practicing in Phoenix. I did come down and try a couple of cases before him. And I had a couple of appeals before him. One of which involved mines, again. And . . .

McNulty: This was after he went to the Supreme Court?

Tape 1, Side 2

Hull: This was when he went to the Supreme Court. And he wasn't particularly pleased with the view that I had that when you valued a mine you--a producing mine--that included everything. He didn't particularly like that, but he did finally subscribe to it. But I did have some cases before Judge DeConcini. And I found him to be a very fine judge. And, of course, he was in law school when I was there. He was behind me, but he was in law school. And I had a great deal of respect for him.

McNulty: Judge Windes is often pictured as being kind of crotchety and ill-tempered, but in fact, beneath that exterior was a very gentle, intelligent man, was

there not?

Hull: Well, I don't know. You asked me the question of who was a demanding judge, and I can remember one time when I was practicing, and not a young lawyer at that time, and had a young lawyer working for me. I sent him over to try a case alone, but I decided I'd go over and sit in the back of the courtroom. I went over there and this young lawyer was conducting a case evidently not to the entire satisfaction of Judge Windes. Judge Windes said, "I see Norman Hull's name on this pleading." He said, "What has he to say about this?" And I said, "Your Honor, here I am." So he said, "Step up here," and away we went up there. Well, I felt kind of sorry for the young lawyer because I thought he was doing a good job. But Windes was demanding. Then when he went out to the Supreme Court--he was a Supreme Court judge--he said to me one day, he said, "Why don't you lawyers ever come out and visit with me?" He said, "Nobody ever wants to visit with a Supreme Court judge." And he said, "I would welcome to have you come out." But he was not the only judge, I mean. There were--Judge Jenckes, who was Joe Jenckes father, was on the bench when I went up there. And Judge [Marlin T.] Phelps. I think there were two on the superior court when I went to Phoenix.

McNulty: Phelps being a judge who later went to the Supreme Court?

Hull: I don't recall whether he did.

McNulty: Is this Marlin Phelps?

Hull: Yes.

McNulty: Yes.

Hull: Maybe he did. I don't remember that.

McNulty: What about the Supreme Court? Were you out there on a number of occasions?

Hull: Yes, I did. I didn't have as many appeals as some lawyers. Most of the cases that I handled were never appealed, either by me or by my opponent. But, yes. I did go out there.

McNulty: Now in those days we wouldn't have had an appellate court? You'd have gone directly to the Supreme Court?

Hull: Directly to the Supreme Court. And I was out there on a number of occasions. I'd say many occasions. Yes.

McNulty: Are there any members of the bench other than you've mentioned--Judge DeConcini--whom you remember from those appearances?

Hull: Well, I remember all of them. They were all capable, and I don't remember any distinctive trait or mannerism that any one had. I respected them all. There were so many. I mean, there were some that

were on there just temporarily, like Joe [Joseph H.] Morgan from Prescott, and quite a number like that. But yes, I had a great deal of respect for the court. I still do.

McNulty: Over the years you have recruited some people to the firm of Evans, Hull, Kitchel and Jenckes, and one of those recruits is of particular interest to us today. I'm speaking, of course, of Bill [William H.] Rehnquist. Can you tell us how you came to be familiar with him?

Hull: Yes. Our firm used to have a file of applicants for positions for the firm, and it grew very rapidly from time to time, due largely to the fact that we were at that time probably as large, if not the largest firm in the state.

McNulty: How many lawyers would you have had?

Hull: We had nine. But that was large in those days.

McNulty: Oh, yes.

Hull: And also we had a good reputation. So I got an inquiry--I say "I", it came to the firm--from William Rehnquist who was a student at Stanford University. And he said that he was interested in being considered for a position in our firm if we were interested, and he sent his resume. I examined his resume and thought that it was not only adequate but superb as far as academic background was concerned.



So I called him on the phone and said, "I'm going to be in San Francisco in a short time. I'll be handling an appeal in the court of appeals. And I'll be at the St. Francis Hotel, and if you'd come down for lunch with me one of those days, I'd be very happy to go over the subject with you." So he came. And we met and I told him that we were interested, but I had to report to my other partners to see what their reaction would be. So, I reported to my other partners and their reaction was favorable. And so we offered him a position as an associate member. He then said, "Well, I'm going back to the Supreme Court as a law clerk for Justice [Owen Josephus] Roberts and I'm committed to stay with him one year. But if at the end of that time you're still interested in me and I haven't changed my mind, I would like to get in touch with you again." And I said, "Fine." Well, about eight, nine or ten months after that I got a telegram from him, saying, "Well, do you remember me? You and I talked this over. I would like to be considered by your firm." So I said, "Fine," and took it up with my partners and arranged to have him come out. So he left the Supreme Court and then came out and became an associate member of our firm.

McNulty: To what kind of work did you assign him?

Hull: Didn't assign him very much because he was

inexperienced at that time. He did just general work like any young lawyer would do in the office. Nothing of any particular significance at that time. But he later developed a general ability, of course to do things. And at that time I didn't think that I was going to, that I was employing a United States Supreme Court Justice, and particularly one who is now the present Chief Justice. (laughs) But he was a very adequate young lawyer and became a very important member, associate member, of our firm. But after about a year, after I had employed him, I had come down to Tucson, returned to Tucson. So therefore I didn't directly contact, have much contact with him. But I met him from time to time. And then the next thing happened, well we had a big lawsuit and it involved international things that he and Jim [James P.] Powers, another young lawyer in the firm, tried and lost, and so Bill Evans called me and asked me if I would come up to Phoenix and consider this thing and take it on an appeal if I thought it was worthy, which I did, and took it on to appeal. So I had some contacts with Rehnquist, but not many. I worked individually on it. And then he went to the United States Attorney's, United States Attorney General's office and from there on to the Supreme Court, and then now, of course, is Chief

Justice of the Supreme Court.

McNulty: What was the outcome of the appeal that you took for them?

Hull: (laughing) I reversed him. (laughter)

McNulty: Did your practice take you into the outlying parts of the state?

Hull: I think I tried cases in every county in the state.

McNulty: All fourteen counties?

Hull: Yes, I think so.

McNulty: Do any of those rural judges stick in your mind?

Hull: Well, the way they would stick in my mind would not be the way that you would consider of great interest. I can think of one, and maybe I'd better not mention his name, who was a judge over in Yuma. And I was trying a case for the New York Life Insurance Company against a, or was brought by a local person from Summerton. And it was a jury trial. And I won the case before the jury. And this judge assessed costs against my client, which is a little irregular in the practice of law. I immediately got on the telephone, called New York, New York Life, got in touch with the legal department, and said, "We have won a lawsuit, but we've got to pay costs. Now don't ask me any questions, and don't do anything about it, because the costs are nominal and you have nothing to worry about." Then we used to have a judge up in Florence

that was very irregular in his court proceedings. I mean, he would appear one time and not appear in others. So you never knew what would happen. And he was succeeded by a very able judge up there in that county, Pinal County. But I think I've tried in every county. We had a number of cases that I tried before the judges in Prescott. And . . .

McNulty: Was it fun to go to those outlying parts of the state?

Hull: Yes. Yes. I used to go up to Kingman quite often, too, because we were representing the Standard Oil and there were some anti-trust suits filed from time to time. There was a county attorney up there who, when he wasn't county attorney, when he didn't have a job to do, why he would sue these oil companies. And claim that there was a violation of the Arizona anti-trust laws. So I used to go up there quite a lot. (laughs) And that, some of that was rather interesting experience. But it would be only interesting, the only persons who would be interested would be those in a casual conversation. And I don't care to go into it now. I don't mean by that that there was anything improper, but there were some very peculiarities in some of these cases. (laughs) Because some of the judges, this particular judge up there in Kingman had been a school teacher, and he

acted more like a school teacher than a judge. But we got along all right.

I don't think that I can add much from the standpoint of my contacts with the judges other than to say, and I can say this genuinely, that I always did respect all of the judges that I was before. I can't think of any that I didn't respect. Or any that I didn't think were capable.

McNulty: Did you ever have any second thoughts or reluctance about going into a county some distance from your domicile and being up against a local lawyer?

Hull: Well, the only time I did that, and to a large extent, was during that litigation that I had against Arizona Public Service. Because there we had to go in all of the different counties in Northern Arizona, and in each of the counties I engaged local counsel to sit in with me. They did not do anything in the preparation of the case. They didn't even study the pleadings. But they sat in with me during the trial and they offered advice that was very valuable to me. But I had those for each of the counties. Each of the counties.

McNulty: And other than that string of cases . . .

Hull: No, I usually went in by myself.

McNulty: Yes.

Hull: I didn't, I didn't engage other counsel.

McNulty: You have been described by one of the deans of the College of Law, who watched you try a case, as an especially organized lawyer in the course of a trial. That you had prepared everything in advance and put it all in order in a brief case and--is that an accurate view of your style of doing things?

Hull: Well, I'd like to appear a little more humble, but I do appreciate that, that opinion. And I don't think I ever tried a case that I wasn't prepared for. And I don't think I ever tried a case that I was less prepared than my opponent. I don't like to lose. And I went in with the idea of winning. And I knew I couldn't win if I didn't have the evidence and the program that I wanted or thought was necessary to produce the result. And I will say this, that I very, very seldom lost a case.

McNulty: That also is your reputation. I'd like to talk a little bit about the law as you remember it in your beginning years in the thirties, and contrasted with your views, if indeed it is a contrast, of the practice of law as you view it today.

Hull: Well, I'm out of touch now, Jim. It's been at least ten years since I've been in the courtrooms. And I would say that it probably has changed a great deal. But I'm not able to give you much help on that. At the time that I left the practice I would say that

there was a big change occurring, largely through what I consider a more, well, a more interest in developing business, earning money, than I was used to in the past. Because, I suppose I was brought in with the idea of the old school, trying to do the best job in the world for the client regardless of what the situation was. Fee was incidental. And, while we had to make a living, and we did that, we weren't interested from the commercial standpoint. We weren't primarily interested in how much this case was going to earn for us. Now whether that has crept into the law or not more today, which I think it has judging from the fact that--I talk to other lawyers once in a while and I say, "What has happened in the law?" And so many, many of them say, "Well, it's not like it used to be." And most of them are critical of some of the things going on. I don't mean necessarily ethics. What I mean is that it has taken a more commercial view.

McNulty: And the professionalism has suffered?

Hull: Well I don't know. But that's what some of them tell me.

McNulty: You suspect that, though, don't you?

Hull: I suspect it. And of course it's easy for me to suspect it because I never was at the point where I had to work hard to make a living. And I suppose it

might have been different if I had had to. (laughs)  
I always had enough business that we always had  
enough practice, that I didn't have to worry about  
the commercial aspects of it. And I don't like to  
think of it today. I like to think of it as a  
profession. To that extent I'm old-fashioned as the  
dickens.

McNulty: Do you think we live in a more litigious society than  
. . .

Hull: Oh, yes.

McNulty: . . . the one of fifty years ago?

Hull: Oh, yes. And some of the judges tell me that the  
lawyers that are coming out of the law school are not  
as well prepared as they used to be. And I think  
that's probably true. That would be my impression.

McNulty: Do you think matters get into our civil justice  
system today that probably would not have fifty years  
ago?

Hull: Gee, I don't, I don't think I could answer that.  
Because I don't know. I'm too out of contact with  
it. And I wouldn't want to say something that I  
didn't know something about. And I really don't  
know. You do know that there's an enormously greater  
amount of litigation, even on a per capita basis  
today.

Hull: Well, I think, if you want my personal opinion on



that, I think and I've always thought, that we bring out too many lawyers to practice in Arizona. And I still think that. Now that may be a minority opinion. And when I was a professor of law, I did not grade on a curve. I tried to grade on the basis of my appraisal of what I thought a person would do. If I thought he was going to be a good lawyer I gave him the doubt. If I thought he was going to be a poor lawyer I did not give him the benefit of the doubt. Now maybe that's not a fair way of appraisal, but that was my way of doing it. And I can say this, that of the lawyers that I had in law school who finally became judges, that they'd all done well, and those that went into the practice generally had all done well. And there may be some that, that I flunked or did not give the benefit of the doubt to that should have had the benefit of the doubt. I couldn't say as to that, but my view was that, and it is today, that there are too many lawyers, and that that creates a compulsion or demand on the part of the people to make money, which--there's nothing wrong with making money. I'm a conservative about that. But I don't think you should do it at the expense of the profession.

McNulty: But, a society needs some method of conflict resolution. Is there a better method than what we

have here with all its imperfections?

Hull: I think not. At least it has not come to the surface if it is. I would say that if I were the one to call the shots I would turn out fewer lawyers, because I think there are too many for the volume of legitimate work. And as a result there is a compulsion on the part of these people to take on litigation which they might not take on if they had sufficient clients and sufficient business.

McNulty: What do you view as the lawyer's responsibility with respect to initiating litigation?

Hull: I take a pretty dim view of that. My view is that a person is much better off if he can avoid litigation. And I had occasion to express that opinion not long ago. A casual acquaintance of mine got involved in a real estate deal here. And he wanted to get a lawyer to represent him. I made a recommendation and I said, "I think that you'd be better off if you don't get into litigation. If you can resolve this dispute without litigation you're better off. Because litigation is uncertain and always expensive." Well, I suppose that arbitration has something to say for it. But then again, it's just another phase of litigation. But I don't know of any better system. I'm certainly not one to go out and say that there's any remedy for what I consider probably over-

litigation.

McNulty: Do you subscribe to Cochise County proverb number seven, which says that a bad compromise is better than a good lawsuit?

Hull: (laughs) Well, I wouldn't go that far. But I would certainly say that a good compromise is better than a good lawsuit.

McNulty: Should lawyers be trained perhaps even more extensively than they are, if indeed they are, to mediate these conflicts short of the courtroom?

Hull: Probably. Of course I think that one of the difficulties with the law today, that is a legal education--and there will be a lot that disagree with me--is the proliferation of courses. I don't think that a great many of the courses that are stressed in some of the law schools are important at all. And I think if more attention were given to the basics, we'll say the reading, writing and arithmetic of law, that they would turn out better lawyers. I don't think that a lot of these unusual courses, which might help in a particular situation are the way to train a person to be a lawyer. Now that's my view of it. I suppose the law college would disagree with me on that.

McNulty: Can you give me a couple of examples?

Hull: No, not really. Although, when I was teaching law my

primary phase was a course in the litigation and in the tort field. But I did teach corporations one year and administrative law, which I taught as if it were a branch of constitutional law, because I thought that administrative law was a fine thing to know, but the main thing is if you know the administrator. (laughs) So I tried to develop it more as a branch of constitutional law. Now I don't say that administrative law is not important. I'm just using that as the only personal example that I have of a course that I did teach that I thought perhaps was not necessary. I also taught one semester of partnerships, which is fine, and is good to know. But I think if we spend more time on contracts, torts, constitutional law, and courses like that, that it would turn out a better-rounded lawyer. But of course I have that same view about education generally. I think if reading, writing and arithmetic were stressed and other things were not stressed unless there was an opportunity to develop them without superceding the reading, writing and arithmetic, that we would have a better-educated society. Because it seems to me that it is a terrible thing that in the United States of America that so many people can't read and write.

McNulty: Well, we are told that there is something like twelve

million functionally illiterate Americans.

Hull: Well, that's not right.

McNulty: Something that some people have described as a phenomenon, I'm not sure that's the appropriate noun, is the enormous number of women who practice law today. It's a subject to which you alluded briefly earlier. Have you any feeling about that development and the enormous number of women in the practice?

Hull: No. I would think that if a woman were a good lawyer, why it wouldn't make any difference if she was of the female sex. I wouldn't think that would make any difference, although in my contacts, you see, we didn't have that. We had none of them in our law office, and we had none of them in law school when I was there. But it was only because it was a later development that we didn't have them. We weren't discriminating against them. There was just nobody applying for that sort of a thing. I would think that a good woman lawyer would be just as good as a good man lawyer. Now there might be some cases that would be, and if she had to deal with some of the rougher aspects, we'll say, of litigation she might not do so well. Although I see in the County Attorney's office and U. S. Attorney's office over the country that they prosecute these cases and seem to do just as well. So I have no feeling against

women.

McNulty: How about women on the bench? Were you ever before a woman judge?

Hull: Yes. I've tried cases before women on the bench and I thought they were very good. I thought they were very good.

McNulty: The efforts being made to bring minority students into the College of Law, I think to some degree that might have been under way when you were on the faculty at the College of Law.

Hull: Very, very little. We only had one person that I remember that was thought to be a Mexican, and the dean leaned over backwards on grading because of this minority aspect. But it turned out that he was an American citizen, and the dean had given him a break that he shouldn't have given him because of the minority aspects. But I have no feeling against minorities. We had no Blacks, we had no Mexicans as I recall it. We had no Orientals in the law college. We just didn't have those. During the years that I taught. I taught just before the Viet Nam war.

McNulty: Today we're told that about fifty percent of the entering students of the College of Law are women or minority groups.

Hull: I had a couple of women in the law college when I taught, and the one that I happen to think of right

now turned out to be an excellent student. We graded on the blue book, which means a book that's not signed and entirely in the handwriting of the person, but without any means of identification of who the person is. When I came down here one of the law students who had had a good record as a law student was considered to be at the top of the class, and when I graded the books--I graded at home--I was looking through these books. And I said to my wife, I said, "You can sure tell so-and-so and so-and-so because he stands out so much like a sore thumb above the rest, in my courses." It turned out that it wasn't that individual. It turned out it was a little woman called Sophie Silverstone. I don't know whatever happened to her.

McNulty: She's practicing here in Tucson.

Hull: I don't know. (laughing) But, she got the top grade in this class, that. . . . I hadn't realized that it was a woman, or I hadn't realized that it wasn't the top person in the class. No, I don't, I don't have any prejudices. But when I taught, one thing I should say is that we had a very, very good crop of young people. They were veterans. I'd say the average age was twenty-seven, twenty-eight or twenty-nine. Almost all were married. They weren't the least bit interested in displays like you see today,

or riots or things of that nature. Now, they weren't all smart as might be, but they all tried. I don't believe we had anybody in there that didn't try.

McNulty: If a young person were to seek your counsel about the law as a possible profession for them today, what would you tell them?

Hull: I would tell them to go into something else.

McNulty: Why?

Hull: Well, it's difficult to pinpoint. I don't think it offers the incentives that some of the other phases, that the other fields do. And, I have two sons as well as a daughter, and none of them showed any inclination in going into the law. I would suppose that I would prefer the medical profession, not for myself but for recommending somebody to a profession. Or a good business. I have grandchildren now engaged in real estate in California and they are doing extremely well. All college graduates, and none of them lawyers. I have no disrespect for the law, but I think that it's just a field that doesn't appeal to me anymore. I'm glad to be out of it, because of the confusion and difficulties you have in getting your matters before the judge and getting to be heard, the delays you have, and I could go on and on and on. But I'm not here to criticize it, just to say that it doesn't appeal to me. I'm glad to be out of it.



McNulty: Norman, that winds us up here for this interview. I think when we have all of these interviews transcribed you're going to be pleasantly surprised to find how many people share as many of your feelings as you've expressed here this afternoon. But we're grateful to you for your candid thoughts on this program of the Evo DeConcini oral history of laws, lawyers and judges of Southern Arizona. Thank you.

Hull: Thank you, Jim.

End of interview.

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