

Arkansas Supreme Court Project
Arkansas Supreme Court Historical Society

Interview with
Annabelle Imber Tuck
Little Rock, Arkansas
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Interviewer: Ernest Dumas

Ernest Dumas: I am Ernie Dumas and I am interviewing Justice Annabelle Imber Tuck. This interview is being held at her home in Little Rock in Pulaski County on December 3, 2012. The audio recording of this interview will be donated to the David and Barbara Pryor Center for Oral and Visual History at the University of Arkansas. The recording transcript and any other related materials will be deposited and preserved forever in the Special Collections Department, University of Arkansas Libraries, Fayetteville. And the copyright will belong solely to the University of Arkansas and the Arkansas Supreme Court Historical Society. Would you please state your name and spell your name and indicate that you are willing to give the Pryor Center permission to make the audio file available to others?

Annabelle Imber Tuck: I am Annabelle Imber Tuck and I am willing to give the copy rights and all of the materials that you gather today to the Pryor Center and to the Supreme Court Historical Society.

ED: OK, let's start off at the beginning with your birth. Tell me the date of your birth and each of your parents and also where each of them was from.

AT: First of all, I am a native Arkie. I was born in Heber Springs at the oldest hospital there in 1950—July 15, 1950. My father was an extension agent in Heber Springs for Cleburne County. My mother was a schoolteacher. I was the bumper crop because my parents were... As a matter of fact, I am always amazed that my mother had me when she was in her forties. She and dad had their first family, my brother and sister, back in the 1930s —1933 and 1935. My sister, Mary Alda, was born in 1933 and my brother in 1935, right in the Depression. They were both raised in White County. My mother was from Pangburn; she was a Marsh, up on Marsh Mountain outside of Pangburn, from a farm family. She had one sister and five brothers. My father was raised in a farm family in Clay, which is between Searcy and Pangburn. So they didn't know each other, though. These two were, I guess you would

say, the products of the desire to get off the farm because they saw... Their families lost everything in the Depression.

ED: Pretty common impulse in those days.

AT: Yes. Right. Excuse me. If you could excuse me on this. (Answers telephone call.) Anyway, my parents, my mother—she loved to read, she was a good student and everything, and of course Pangburn, interestingly, didn't have a high school—got to the point where she wanted to go to college and Galloway was in...

ED: In Conway.

AT: No, it was in Searcy at that time.

ED: Oh, OK.

AT: Galloway was in Searcy at that time and she wanted to go. They were Methodists so my grandpa farmer went down and said if he could trade foodstuffs for her to be able to go to college...and they said "No, we only do that for preachers' kids." So, she went off to Jonesboro, when it was a two-year college, and she met my father there. Meanwhile, my father had run away from home. His father was very abusive and he ran away from home and went to Jonesboro and lived in a cow barn and went to high school. He was older than most of the students there but went to school and went on to finish junior college and then went to Fayetteville and got his bachelor's.

ED: Can we get your parents' names?

AT: My mother was Anna Inez Marsh, and then when she married: Davis. And my father was William Lovard Davis. You know, we were related to the Van Pattens in Searcy. My grandmother on my mother's side was a Van Patten.

ED: So your parents had children...

AT: Before I was born.

ED: So they were back in the 1930s. So they [her siblings] were 17, 18, 19 years old when you were born.

AT: Absolutely, right.

ED: So had they left home at that time?

AT: My sister, Mary Alda, died when she was sixteen, suddenly. She was a basketball player and she came home after a game and got real sick at night.

ED: So you never knew her? So she died before you were born.

AT: Right. My brother I knew. He was married when he was 17. He married a girl from our town, Heber Springs. He had to finish high school. Darline, the woman I am talking about, finished high school a year before him and she came down here to Little Rock and went to Draughon's School of Business during the week. Meanwhile, she was pregnant. Then after he graduated they went to Fayetteville. Their baby, Marsha, my niece, and I—Marsha was two

years younger than I am—stayed with my mother. So my mother, at that time, was raising two babies.

ED: So you were not as though you were an only child growing up? You did have a niece?

AT: Right. Though, it was short-lived. She went to Fayetteville and they lived in Terry Village. At that time, that was the married students' residence. My brother got his degree in agriculture and his master's degree in marketing and economics.

ED: So when your mother had you she was how old?

AT: She was born in 1909 and she had me in 1950.

ED: So she was forty-one.

AT: She was forty-one. And in those days her doctor said, "don't do it."

ED: But it was a planned pregnancy?

AT: On her side.

ED: On her side. OK. She wanted to have another child?

AT: Yes. She had a birth, before my sister died, in the same year, in January. She had Sarah Angela, who was stillborn. Then Mary Alda died in May. The doctor, Claude Barnett, said, "don't do it" and her mother said, "don't do it." But she did it and I was a C-section, which was unusual in those days. You know where the building is, when you're coming into Heber Springs, and you're coming down the mountain?

ED: Coming up from the south.

AT: Yes, coming up from the south and you come to the main street.

ED: The Y?

AT: Yeah, the Y. That apartment, that building right in front, which you go up long stairs, was the hospital.

ED: I think I remember that.

AT: So I lived in Heber Springs my first five years of life.

ED: And your mother was teaching school?

AT: At Wilburn.

ED: At Wilburn? Not in Heber Springs?

AT: No, not in Heber, at Wilburn.

ED: And your daddy was the Cleburne County extension agent?

AT: Yes. And I got acquainted with a lot of things about my dad. Because my dad died when I was 20, from cancer, I got acquainted with a lot of things about my dad when I was doing campaigns around the state and meeting people who had known my dad, because he had been an extension agent in Randolph County, too. He learned some political lessons over there and he got crossways with some JPs [justices of the peace] and was asked to leave.

So he learned about that and, of course, my mother was always worried that he would lose another job, but anyway...

ED: How long did your mother live?

AT: She lived until she was almost 88.

ED: So, she didn't live to see you get elected to a court?

AT: Yes, she did. She did. To both the Supreme Court and Chancery Court... She came to my first swearing-in, in 1997. She came to that first swearing-in. She was in a wheelchair, but my brother brought her. It was real emotional for me.

ED: So you lived in Heber Springs until the age of five, and then you moved to Bolivia?

AT: My father and mother had, not just the house in the town, but my brother grew up and went to high school with Cecil Lewis Alexander. My mother was bridge-playing buddies with Cecil Lewis's mother, Evelyn, and with Ollie DeBusk, Johnelle Hunt's mother. Those people played bridge together all the time.

ED: I should point out parenthetically that Cecil Lewis Alexander was a state representative from Cleburne County and was once the speaker of the House of Representatives and an influential lobbyist for many years after that—kind of a powerful figure in Arkansas politics in the 1970s and '80s era. And Johnelle Hunt was the wife of J.B. Hunt, the great transportation mogul.

AT: Right, and he grew up in the cow barn there. My daddy knew him. Johnelle's father was a chicken farmer and was very well off. J.B. married Johnelle and, in my view, Johnelle...He was the salesman and she was the...

ED: Did Johnelle already have money?

AT: Well, some.

ED: Some.

AT: But, it wasn't like that; they made it on their own. They went down to Stuttgart and started hauling rice hulls and they were true entrepreneurs. But Johnelle was the businesswoman behind it. It was a true partnership. So, going back, not floating around here, going back to... My father and mother had a farm out near Clay. They had bought about 900 acres. Clay is a community between Searcy and Pangburn. So my brother had a life in town. They had a cow and a horse and he'd ride the horse up to the farm and help my dad on the weekends and everything. But, bottom line, the cattle market went bust in 1954 and they lost a lot of money. It was one of those things—my mother was so mad that my father had invested in cattle, because he didn't tell her he was going to do it. In fact, one of her brothers helped him keep it a secret. So she went back to her dad's farm back up on Marsh Mountain and told my grandpa, Wesley, that she was leaving Lovard. He

looked at her and said, “Well, if he’d made a lot of money you would’ve stayed, so you just need to go home.”

ED: So she did?

AT: So she did. So they had to figure out a way to make more money, and an extension agent’s salary wasn’t very much in those days. So he decided to join the International Cooperation Agency, which was Eisenhower’s agency for international development. So we went to Bolivia because it was a hardship post.

ED: And where did you live in Bolivia?

AT: In La Paz.

ED: In Pa Paz, which is the only sizable city in Bolivia.

AT: Right. My dad traveled the whole country and he loved it. He loved being with the campesinos [farmers]. His Spanish was terrible, but he liked working with farmers and didn’t care where it was. He wanted to help farm families and that’s what he did in Cleburne County, and as far as he was concerned—and I would say to this day—Arkansas is a third-world country.

ED: Bolivia was probably one of the poorest nations in South America. It didn’t have access to the sea.

AT: No, well, they had constant fights with Peru and Argentina about their access to the sea. But, he loved working on the Altiplano and helping the farmers with better yields. I’ve got pictures of him standing in the soybeans pointing out the difference between levels of this because it’s an experiment with fertilizers and everything. He was in seventh heaven doing that stuff.

ED: So how long did he do that?

AT: We stayed five years in Bolivia and then we were transferred to Brazil.

ED: So in Bolivia...that’s about the time that you were five years old, when you went there, so you started school there. Was it an English school?

AT: Yeah, it was British school, because they came in and built the railroads. My parents, though, would pull me out of school to go on trips and so I had the distinction of almost flunking out of the second grade. My mother taught me at first. Calvert—I remember it was a home-school program. But it was not a successful venture for the two of us. So I was put early into school, the British school, and I remember I was put into the kindergarten program or something and became a little bossy in the program, so I was pushed ahead. But they would pull me out to go to Argentina and to these places because they thought it would be a good learning experience. Well, it didn’t help my educational career so they had to figure out a way to keep me at home even though my father traveled all the time.

ED: How did you travel?

AT: On the railroads.

ED: On the railroads. So you didn't do much driving across the country?

AT: Well, the interesting thing was we had a home leave in 1957 to come back. They always want you to come back and do your reporting and remember you're Americans, so we stayed in America for about three months and came back to Heber. I think I went to a part of third grade in Heber and then we went back and my parents had the bright idea that we would go down to New Orleans and catch the boat and then take a car back with us. We would go through the Panama Canal and dock at Lima and then we'd drive over the Andes. And we did it. Scared to death...

ED: How were the roads?

AT: I mean, we're talking one-lane roads. You might have a little wedge if another truck came up. These were trucks with campesinos in them. They were not small trucks, and you would see crosses all along the highway. It wasn't paved. I remember it was the only time I saw my mother smoking. And you always brought your toilet tissue with you, and your water, and your whiskey. So we drove over and drove into the Altiplano and then went into La Paz.

ED: So you had a car at the end, after the first couple of years?

AT: Yeah. And we lived down in the valley. It was called Calacoto. We lived down there and there was an American school there. I went to an American school there and my mother taught there. But you always took the local language. I took Spanish. I had a wonderful teacher and I can say she taught me fourth and fifth grade—Mrs. Olmos. I'll never forget her.

ED: And she was Bolivian?

AT: Bolivian. Some way she got to me. Up until that point I wasn't interested in studying. There was something about how she taught and encouraged me that I began to really be excited about reading and poetry and that kind of thing. I got sick and they diagnosed it as tuberculosis. Of course, up there you had a lot of tuberculosis and I played...My friends were Bolivians and so I played...but who knows? So she would bring my lessons to me and I would do my lessons at home. That went on until we left and I was checked to be sure. The State Department had said that I had beaten it, in the sense...I had some calcification in my lung lobes and I was able to overcome it. I've always had to be...Well, I've never smoked because I knew that would be the end of me. She was so loyal in continuing to help me keep my schooling up, so I see her as one of those points in my life when I began to believe in myself.

ED: What type of place did you live in in La Paz?

AT: We lived...Of course, I thought it was a palace...

ED: How big is La Paz, by the way?

AT: Oh golly, I don't know how big it is now.

ED: No, then?

AT: Maybe 10,000, or 15,000.

ED: Oh, is that as large as it was?

AT: Yeah, it was a big place. But, a lot of people were coming in from the countryside. But it was still very small in the sense, kind of like Little Rock is. Everybody knew everybody and, especially in the expatriate community, everybody knew everybody. But our house was in Calacoto. It was stucco with tile brick and it had large living areas. I can remember a large living room, and the colors were rose, kind of persimmon, and a couch that wound around the wall. To me, it was like a palace. So mother and dad did entertaining. They had to do entertaining for all of their... See, my dad was there to train his replacement and local replacement. He was not there to do their job. He was there to train somebody just like him, so we always had a lot of functions. I remember she had big wooden bowls that she had commissioned to be made and filled them up with a big casserole. We had a cook and I loved to go in and get the hot bread after she had made the hot bread, and I would always get whacked.

ED: So moving to this third world, underdeveloped, desperately poor South American country was a dramatic improvement for you from Heber Springs?

AT: Oh, absolutely, from Heber Springs, oh yeah! And instead of having a yard with a lawn we had a yard with a gardener, and we were growing corn and cabbage, in town. My father wanted to grow all the crops that he could and it was an estate where you had... All of these houses would have, not walls, but bushes that surrounded them, and we lived next to an old racetrack, an abandoned racetrack, probably from the days when silver was king and they had made a lot of money. I went out and played on it with all of my friends. It was just a great place for a child's mind to roam and make stories and creative play.

ED: So you were there five years and then you went to Argentina?

AT: No, we went to Brazil.

ED: Ah, Brazil.

AT: We were supposed to go to a place called Florianópolis, which was south of Rio. But things changed, so mother and I stayed in Rio and my father commuted up to the north part, to Recife and Belém, where there was drought and starvation, and he started working up there. So I saw much less of him in Brazil than I saw of him in Bolivia. So I went to an American school and lived in an apartment on the Ipanema beach. Really, in both places, the cultures were very different. The Bolivian culture is very

different than the Portuguese culture in Brazil, the Carioca. So I learned another language and then we moved to a place called Visconde de Albuquerque and lived in a duplex there. That experience of growing up in two foreign countries had a deep impact on me, about understanding that there were different ways of looking at the world. For example, we went to Brazil in 1960, and that was when John Kennedy came in. It was when Castro took over Cuba. That was when Brazil elected its first president—Janio Quadros. There was a sense in Latin America of “the times they are a’changin,” like in America, too. Their view of Cuba and Castro was very different than the American view of Cuba and Castro. So when I came home on home leave one time, as a kid, and I was talking about Castro, boy I got shot down real quick.

ED: “That Commie!”

AT: Right. That wasn’t the view of Latin America. So I learned that there are a lot of different value systems. It was something where I realized I didn’t have all the answers.

ED: In Arkansas, we have all the answers, of course. Speaking of Cuba, did [Ernesto] “Che” Guevara die in Bolivia?

AT: Yes, he died in Bolivia.

ED: And that would have been some years later.

AT: Years later. I think it was more toward the time I was in college.

ED: So, when you were in Bolivia, you didn’t have all the insurrections going on at that time?

AT: Oh, yeah, we did. We had all the revolutions on a regular basis while I was there. When I was a kid, I didn’t really care about all of that. But I remember one specific instance when I went off to play with a little girlfriend at her house, and didn’t tell my parents where I was going, and there was a revolution going on across... There was gunfire going across the tops of the mountains. When I sauntered home and found my parents sitting on the front steps, that was the first time and last time I got a good whipping because I was just oblivious. Now, Americans weren’t in danger in those days, during a revolution, as long as you stayed out of it and didn’t start messing and inciting things. But I remember that one well.

ED: So, how long were you in Brazil?

AT: We were there three years. We stayed there from 1960, well almost four years, to 1964.

ED: So Kennedy had been assassinated before you left.

AT: Well, actually, we were home on November 22, 1963.

ED: You were back in Heber Springs?

AT: Yeah, my mother and father, in fact, were back in Heber Springs the fall of that year when we dedicated the dam [at Greers Ferry] and Kennedy came.

ED: Were you there?

AT: I was not.

ED: I was there. I covered it for the *Arkansas Gazette*.

AT: I was in Washington, D.C., living with my aunt going to school, in Maryland—my mother's sister, who was married and living in Maryland. So I was in the fifth grade. I remember that specifically. Actually, I take that back—I was living with my brother. He was there. When he graduated with his master's, he went to the Department of Agriculture in Washington, D.C. He and Dick Bell were in the same training group.

ED: This is the Richard Bell who later was in Stuttgart at Riceland foods and...

AT: Yes, at Riceland and then at the Department of Agriculture here. So Dick went the political route and my brother went the foreign-agricultural-service route. They were living in Maryland, so I lived with them, going to Roger B. Taney Junior High. I remember when they announced and sent us home from school when President Kennedy was assassinated.

ED: You would have been thirteen?

AT: I was thirteen. It was a terrible day. It was my youngest niece's birthday, Mary Davis' birthday, and we were going to celebrate her birthday, and it was just like a pall over the room.

ED: You had returned for good?

AT: From Brazil. My dad was being transferred to Nigeria, to a place called Benin City, about eight hours from Lagos.

ED: He was assigned by the same organization?

AT: Right, the Agency for International Development by then, under Kennedy. It became the Agency for International Development. He was going there. They didn't have a school for me out there, so I was going to have to either go to boarding school or—they looked at Lausanne in Memphis, they looked in Switzerland. They were trying to figure it out. Well, my father's view was that it was about time that Annabelle learned how to be an American. So the plan was I would live with my brother's family in Maryland and go to public high school in Maryland. That's what I did.

ED: In 1964?

AT: 1964 was ninth grade at Roger B. Taney Junior High School. Then I went on to Crossland Senior High School, which was nearby and it was a brand new high school, to start the tenth grade. I went to Nigeria for the summer to be with my folks and that was an interesting...

ED: You were living with your brother and his wife?

AT: And their two kids.

ED: And their two kids. And you had a bedroom of your own?

AT: No, I shared a bedroom with Marsha, my niece, who is like a sibling.

ED: And she's slightly younger than you are?

AT: Yes, she is two years younger. And she was upset because she thought she was going to have her own bedroom, finally. And that didn't work out.

ED: Did you all get along? Did you squabble a lot?

AT: I think she was more resentful than I was. We were two different peas in a pod. I was kind of the bookworm and she had all the friends and was out getting around. But Marsha and I now are really like sisters; she and I are working on this issue about her mother together. I did well in high school and then my father got sick with cancer. He was sent home. Meanwhile, my brother was to be stationed overseas, in an embassy in Turkey. So we traded houses. We lived in their house and they went overseas.

ED: They went to Turkey, along with the whole family?

AT: We moved into their house and stayed, and my father went to Bethesda Naval Hospital for treatment.

ED: And how long did he live?

AT: Well, his first diagnosis was shortly after he went to Nigeria and he died in May of 1971, right when I was to graduate from college. It was May 1, it was Derby Day.

ED: When they went to Nigeria and left you, did you feel kind of abandoned? Did that have any kind of effect on you?

AT: That was a little hard. I had to learn to live in a family where there were other people that I had to share with. Marsha knew how to work the system. She would disappear in the bathroom at the end of a meal and then I would be left doing the dishes. She had it all figured out. And me, I was just out of it and in my own little world. I can remember sitting up late at night trying to work math problems and my brother would come in to tell me I had to go to sleep and I would tell him, "no, I've got to get this." He'd say, "you'll probably get it if you get some sleep."

ED: So you were a bookworm. Did you make good grades? Make honors?

AT: Yeah, I was in the honor society and I made good grades. I was in drama club and choir, I loved music, and I loved drama. I loved literature and one of the summers when I was in Nigeria I spent the whole summer reading *War and Peace*.

ED: Done that.

AT: Done that, been there, got that badge.

ED: You read *Ulysses*, probably? [*Ulysses*, by James Joyce]

AT: Yes.

ED: You actually read *Ulysses*?

AT: Yes.

ED: Did you read *Remembrance of Things Past* [by Marcel Proust]?

AT: Yes.

ED: Now be honest, did you finish *Remembrance of Things Past*?

AT: Well, I don't remember if I finished it, but I took French and so I did some reading in French.

ED: So you read *Remembrance of Things Past* in French?

AT: Mmm hmm.

ED: Wow, OK. You did better than me. I think I got through the first of the three books after many tries. But beautiful writing.

AT: I liked Marcel Proust. I liked all of those authors. I struggled with *War and Peace* and all the names and all the little different names for the same people. Right now, I am reading *Clarissa* [*Clarissa, or, The History of a Young Lady*], which is fourteen hundred pages, because I wanted to see what it was like for a woman in those times. It was written in the 16th or 17th century by Samuel Richardson. I was talking to Emily Lewis—she is a friend of mine, went to Bryn Mawr and teaches at Hendrix right now, teaches writing, and has at UALR in the past.

ED: Who is this?

AT: Emily Lewis. She taught at Parkview, I guess advanced English and composition and everything. I told her I was reading this and she said, “Oh, you’ve got to be kidding me!” I don’t know, I just want to see... It’s letters back and forth.

ED: This is Richardson, right?

AT: Right.

ED: 18th Century? 1700s?

AT: Right. Right. 1700s. Interesting about women and how they...

ED: I didn’t read *Clarissa*. What is the most famous book we had to read in Victorian literature? I forget. [*Pamela, or, Virtue Rewarded*]

AT: I liked *Silas Marner*. George Eliot [the author of *Silas Marner*]. Jane Austen. All the Thomas Hardy... I liked all that stuff.

ED: Well, I did, too.

AT: I did well and then the issue was college. My father, as I said, came home and then got treatment and then got sick again and came home. So he was home in my senior year, but doing more treatments. He was assigned at the Department of Agriculture to help foreign students who were over here training in agriculture at universities all over, at UC Davis [University of California at Davis], and all over. He loved mentoring young people. He was on the phone all the time with these young foreign students, talking to them about what they were doing and that stuff. He was doing something, he just

wasn't at home. But my mother, as I said, wanted to go to Galloway, and never got to go. So she started, probably long before that, planting the seed of a woman's college. I had been to a public high school, so it wasn't like I had been to a parochial school and never been to a co-ed area. So I applied to Vassar, I applied to Smith and Duke.

ED: And to Bryn Mawr?

AT: I did not apply to Bryn Mawr and do not know why. I got on the wait list at Duke and I was accepted to Vassar and Smith. And I can't remember about Wellesley. I decided to go to Smith.

ED: Smith is in Massachusetts.

AT: In Northampton, in western Massachusetts. I had met some Smith women and I thought they were just wonderful. They didn't sit on their "touches". They were out doing things, making things happen. When I got there, I was amongst a bunch of people who had gone to prep schools, and I had to work my butt off the first couple of years to make up for, probably, not have written as much as I should have in high school. You start off reading Socrates and Plato and you go, "What is this? I don't understand any of this." I wanted to major in government. I wanted to go to the U.N. I wanted to be an interpreter. This is what I thought I wanted to do.

ED: You wanted an international foreign service kind of career because of your...

AT: Right. I went my junior year abroad. I went to Geneva and lived for a year and went to the university there. They had an Institute for African studies and they had an International Institute so I did classes in different places in Geneva, and wrote. I did a paper on the French agricultural system in my sophomore year, and in my junior year I started getting very interested in South Africa. I wrote a paper on the Liberal Party there, which was Helen Susman, and their efforts to end apartheid. Then I wanted to do an honors thesis my senior year and so I did, on the World Bank and their theories of economic development, and trying to put Western development on top of countries that they didn't really work with. The world was my oyster. I loved it, I loved everything about it. But my father died in 1971, just before I was to graduate. And, in fact, he died the day I was going to take my comprehensive government exams. On the day I did, he died. I didn't know that he was dying, but for some unknown reason, I must have had a feeling because I was just at my wit's end trying to get my mind so I could sit down and look at this piece of paper and organize my thoughts and do my essays. I couldn't do it. So my advisor sent me back to my dorm and then came about an hour later and told me that my dad had died. I came home for the funeral and told my mom I wasn't going back. She said, "Oh yes you are, young

lady! You are doing back to take your comprehensives and I am going to be there for the graduation and your father's going to be there too." So I did that.

ED: So what was your degree in?

AT: It was...I majored in government, which is called political science, but their theory was it was the art of government. And I minored in French.

ED: And this was...

AT: 1971. And at that point I had applied... I knew I was going to have to get a job. I didn't think I could ask my mom to pay for postgraduate education.

ED: Was she still teaching?

AT: No, she was retired. She had given that up.

ED: She would have been, by this time...

AT: In her sixties.

ED: Mid-sixties.

AT: Yeah, and she had nursed my dad and she was worn out. They retired. They moved back to Heber Springs. They moved back into the same house they had left.

ED: So when you go off to college they had come back to Heber Springs?

AT: Yes, in 1968 they came back to Heber Springs. In fact, in the summers I would come home to Heber Springs. I waited tables at the Red Apple Inn in the summers.

ED: You might have served me at some time. We occasionally got up there.

AT: Yes. I loved it in the summers up there. It was great. I could water ski during the day and then go to work at four o'clock and make enough...

ED: Did you go out to Herbert Thomas's house?

AT: Oh yeah, and his wife trained me because I took over the Gate Room the second summer, which was the fancy dining room. And that was the year we landed on the moon. I remember everyone wanted to watch this and so we had to have a TV in the Gate Room.

ED: I remember the night Kennedy came down to dedicate Greer's Ferry [October 3, 1963] and the night before there was a big event in Heber Springs. So I went up. The *Gazette* sent me up there, and there were a lot of reporters around, and so we had a big party at Herbert Thomas's house...

AT: Oh yeah.

ED: ...the night before, in the wee hours of the morning. And everybody got, I didn't get drunk, but...

AT: A lot of people did.

ED: I was the only reporter who didn't get drunk. Then we went out to the dam the next day. Everyone had a hangover except me and I was able to get the story. So I remember Heber Springs and the Red Apple Inn.

AT: It was a lovely way to spend summers and I was able to make some money that way. But, as I say, I had to get practical. I remember my father. The last time I saw him was my spring break. He had gone to Searcy and bought me a car.

ED: What kind of car did he buy you?

AT: A Toyota. He didn't like buying non-American, but he did.

ED: Was it a new car?

AT: It was a brand new car from Capps.

ED: John Paul Capps—Capps Motors.

AT: Yeah, and the Treat brothers were there and that's where he dealt. He drove it home and I think that's the last time he drove a car. The cancer had gone to his kidneys and things were going south. He was talking to me...I remember him being in this hospital bed in the back room and he was talking to me and asking me, "So, what are you going to do when you get this degree?" And I was being typically nonresponsive. Then he said, "Well, if all else fails, you can go to cosmetology school."

ED: Was he kind of kidding you? Was he serious?

AT: He was serious. This type of liberal arts degree was my mother's bright idea. He thought I should go to become a teacher or a nurse.

ED: Or a hairdresser.

AT: Well, or a home demonstration agent. He thought this was totally impractical and he was a very practical man. He had come out of the Depression and he didn't think you had the luxury of reading books all the time. So I guess that was the start of my...He was just worried. He wanted to be sure I was OK. At the time, I really resented what he said because it didn't give any value at all to what I had been doing. I had graduated *magna cum laude* and it didn't mean anything to him. At that time, the legal field was just beginning to open *en masse* to women. Harvard was beginning to take them. So the Smith women were now looking at this as an avenue for careers. I didn't know lawyer one. My family wasn't in that business and, in fact, my father didn't much care for lawyers. He and mom...

ED: My father didn't either. My father said, "I don't care what you do, but you aren't going to be a lawyer." He had some bad experiences with lawyers. My father was uneducated and had some bad experiences. So neither my brother nor I could be lawyers.

AT: Right. Well, my father and mother went to Leon Reed and had wills prepared and do you think they went back and signed them? Nope. They came recruiting on the campus for a new profession called "paralegals"...

ED: At which campus?

AT: At Smith. They wanted to introduce this new concept, like the medical field had forever had paramedics, and they thought if this was a group of lawyers that had created an Institute for Paralegal Training in Philadelphia they wanted to get students into big law firms in New York and California and start this new way of practicing law. Lawyers are just so conservative. To get them to do anything different is a major undertaking.

ED: So the paralegal system was a way to get into the law practice?

AT: Yeah.

ED: Rather than law school?

AT: Right, it was a way to be a part...What they were trying to do was help lawyers keep the costs of the practice down. So you have paralegals doing certain kinds of jobs at a lesser rate than lawyers.

ED: So kind of going back to an older system where you read under a lawyer?

AT: You would never be a licensed lawyer. But I thought this would be a great way for me to find out if I wanted to be a lawyer. That I could be in a law office and see what it was about and I wouldn't do three years of law school and hate it. So I went to that school. The deal was great. The fall after I graduated, I went to that school, and it was only a semester, and took their general practice course because I wanted to come back south. I didn't want to be up north. I had made a decision that I didn't want that lifestyle, which was hectic and always looking after who was ahead of the Joneses and all that stuff. I didn't care for that. I wanted to come back south. And, with all the traveling my folks did, they inculcated in me that this was Arkansas and that this was my home. And I wanted to come home. Well, Little Rock didn't know what a paralegal was. Memphis didn't know what a paralegal was. So I ended up in Houston. The deal was great. If they couldn't find a place that had a job for you, you got your tuition back. So I went to Houston to a patent, trademark, and copyright law firm, of all places.

ED: Had you had some paralegal training?

AT: Only that semester.

ED: One semester?

AT: One semester. That was eight hours a day.

ED: And that was at Smith?

AT: No, that was at Philadelphia.

ED: Under the auspices of...?

AT: Under this group of lawyers who had decided to try to push this particular type of practicing law. So I went to Houston and I was hired, at first, to help one of their senior partners supplement a book he had written on patent law, under Matthew Bender. You know, you always have these supplements, bringing things up to date. So I helped with that and, as time went on, I

realized I wanted to go to law school so I started at night in Houston at Bates College of Law.

ED: Bates College of Law. Now, was that law firm Arnold, White, and Durkee in Houston? So that was where you did your paralegal training?

AT: Yes, I started in January of 1972 and stayed there until July of 1975. Meanwhile, I got married...

ED: Whom did you marry?

AT: I married Lee Clinton.

ED: Was he from Houston?

AT: No, he was from Arkansas. We had met each other one summer up on the lake.

ED: Where was he from?

AT: He was from Little Rock and his dad worked with the post office. He was up there doing a summer program for the Corp of Engineers. And that was Vietnam time, so he went into the Air Force, and did a tour. He started out on Easter Island, because he was in electronics, and then [President Salvador] Allende was killed and they sent the Americans away, out of Easter Island, and he came back to Columbia, South Carolina.

ED: So he was stationed there in Chile?

AT: Mmm hmm. So that was while I was in Europe. But we corresponded and...

ED: I see Salvador Allende....

AT: He kicked us out.

ED: Henry Kissinger had him killed, I think...

AT: Yeah, who knows? I don't know. We had a long-distance courtship, and then when I came back and finished college, he asked me to marry him and I asked him what he was going to do. He said, "Well, I am going to go back to college." Because he had started LRU [Little Rock University, later University of Arkansas at Little Rock], but wasn't very interested at that time. So he went to San Jacinto Community College on his veteran benefits and then he started at the University of Houston engineering school in the third year. Meanwhile, he decided he wanted to come home. So I came home and started interviewing for jobs.

ED: Came back to...?

AT: Little Rock. I interviewed at The Rose Firm, I interviewed at Wright, Lindsey and Jennings, and I think I interviewed at the House Firm too.

ED: As a paralegal?

AT: Yes, as a paralegal.

ED: How much did it pay?

AT: About \$8,000.

ED: That was your salary in Houston? About \$8,000 a year?

AT: Mmm hmm.

ED: Not a bad salary.

AT: No, not a bad salary. Now I took a cut coming home, but that was okay. Then I enrolled in night school at the University of Arkansas School of Law that was here, the night division. And it was very hard...

ED: Now, at that time, was it down on Broadway?

AT: No, it had moved into the Bar Association building. So I was within walking distance of many of these law firms. I always get tickled...At that time, Glenn Pasvogel was acting dean and I walked in there during the Christmas holidays and said that I'd like to transfer from Bates College of Law and he says, "Well, come on."

ED: And that's all there was?

AT: That's all there was. I thought, "Wow!" I couldn't get into that school today. I could be a Jurist-in-Residence there but I couldn't get into that school today, so it's so funny to think about the difference. Of course, eventually it became a part of UALR, but at that time it was still affiliated with the Fayetteville division.

ED: So you got a paralegal job with Wright, Lindsey and Jennings? Then you were going to law school at night?

AT: Right, so I was doing the law all day and at night. In fact, I would go home at night and get home in time for ten o'clock Perry Mason. I loved to watch Perry because Perry solved everything in one hour.

ED: That's the way it ought to be.

AT: That's right.

ED: You interviewed at several law firms. Did they have paralegals much then?

AT: No. They were only going to hire me as a secretary and I wasn't going to do that. The only one that wanted me as a paralegal was Wright, Lindsey and Jennings and they didn't have a clue about what I did.

ED: Did they have a paralegal at all at that time?

AT: Nope. I was going to start their program.

ED: Who did you interview with there?

AT: Winslow Drummond.

ED: Winslow left and went to the McMath Law Firm.

AT: Oh yes, he said he got tired of being told by insurance companies what to do.

ED: Tired of representing the big dogs...

AT: The big dogs...

ED: The malefactors...

AT: He saw the light. Winslow hired me. He said, "I'm not sure what you do but I can't believe you can't help us." So I had to convince people... Alston at first...

ED: Alston Jennings?

AT: Alston Jennings said "Well, I don't need any help. I've been doing this my way."

ED: Was Ed Wright still alive then [Edward L. Wright Sr.]?

AT: He was still alive.

ED: He would have been supportive, was he not?

AT: Oh yeah. Yeah. It was so interesting because basically what I'd have to do was go into people's offices, go through their files, grab a couple of files, go prepare some interrogatories, or index some depositions, and bring it back to them and say "Here's what I can do for you. I can organize all of the facts in this case for you and you can go try it." Because I am real good at that.

ED: And you can knock down the big bucks and I'll take my eight thou.

AT: Right. Meanwhile, your insurance companies don't get billed as much. So I remember doing that with Bill Overton, Jim Moody [William R. Overton and James M. Moody, both later United States district judges]. Those guys were kind of in the middle at that point.

ED: Phil Anderson [Phillip Anderson] was still there?

AT: Oh yeah. I worked with Phil on cases and Gordon Rather. I worked for a lot of people.

ED: Peter Kumpe would have been there. Bob Cabe [Robert Cabe] was there at that time still, he hadn't left. Bill Allen.

AT: And Gus Walton. There was a whole crew of them. I guess they had about—when I went there—about 20 or 25 lawyers.

ED: Mark Lester would have been there at that time.

AT: Right, before he decided to go get educated.

ED: Now he's a distinguished professor of history at Birmingham College.

AT: Right, right. It was a wonderful place because there was a sense of community and a real sense among the young associates that you needed to give back to your community. So you were encouraged to be a part of the local bar, a part of the Arkansas bar, you were encouraged to be on committees and to help with civic projects. You know, the whole thing.

ED: So, this was Ed Wright's concept, basically, wasn't it?

AT: Yes. And it was a committee...It was run by a committee, not by one person. There wasn't a managing partner; we had a committee. Then, when I graduated from law school...

ED: You start in the Wright firm in...?

AT: 1975.

ED: 1975.

AT: July of 1975.

ED: And you got your law degree in...?

AT: May of 1977. I didn't know if the Wright firm would make me an offer. I did apply. I remember that the discussion was going to be held on a particular Saturday down at the Capital Club, among the partners, and we all...The protocol was that we all knew that if you got a call from Mr. Wright you were going to get an offer because what he would say was, "Would you like to come down to the Capital Club for a drink?"

ED: The Capital Club was, at that time, in what building?

AT: Worthen Bank building. It was still Worthen then. And so I got the call. And I was the last person he offered a job to before he died.

ED: So you go down and have a drink with him?

AT: And I don't ask what my salary will be.

ED: So you were the first woman there, right?

AT: No, Kathy Graves was the first woman. She was hired the year before. Now you can go talk to Ginger Atkinson about how they treated her. She applied and she was the valedictorian of the University of Arkansas Law School class and they didn't take women when she applied.

ED: That would have been some years earlier.

AT: Right. See, Ernie, I came at a time when things were just opening up. It was like this outlier's book. You're at the right moment, the door is opening. You're either gonna take it or you're not. I love the law. And I love the philosophy that the Wright firm had about the honorable profession. I learned under Jim Moody. People would tell you when you went out around the state trying lawsuits, they'd say, "You're with the Wright firm, aren't ya?" And they didn't know. It was because of the way we handled lawsuits. We didn't do a bunch of interrogatories, we just said, "Can you send me all your meds?" The way that the McMath firm and the Wright firm handled things, they could work alongside; they could work to get the meat of the coconut on the case. So it was a very different time. I, unfortunately, when my son was born—Will was born in 1981...That was about the time I was going to be considered for partner. My pregnancy was not easy, and unfortunately my marriage was breaking up. So, when we separated, I went to Mr. [Robert] Lindsey and I said, "Mr. Lindsey, I want you to take me off consideration this year because I haven't produced a thing. I've done OK, but I haven't been able to put the hours in."

ED: This was while you were considered to be hired there?

AT: No, to be a partner.

ED: Oh, to be a partner. This was after you went there.

AT: Yeah, I went there in 1977.

ED: When is this occurring?

AT: I am talking about 1981.

ED: 1981. OK.

AT: So usually, you got considered for partnership about four years out. What I was trying to do was break into jury trials and circuit court cases. Most of the women lawyers, other than Hillary Clinton at the Rose Firm, were just doing family law and chancery court. I wanted to be in the circuit courts.

ED: So is that what you had primarily been doing? Family law and domestic law?

AT: No. I never did it.

ED: You never did it?

AT: No. I refused because I did not want to be stereotyped.

ED: Did they want you to do that at the Wright firm?

AT: No, they wanted me to be doing “fender benders”. So I started out trying “red light, green lights” or settling them, if I could.

ED: Your clients were insurance companies?

AT: Right, for the insurers. I started practicing... They knew I knew a lot about copyrights and trademarks so I did some of that. I did a lot of contract cases. I represented Worthen Bank when they had all those lease-to-own things under Falco Leasing and the usury issues. I did libel and slander cases. Of course, we represented the [Arkansas] *Democrat* at the time, and I was always getting John Robert Starr [managing editor of the *Democrat*] out of a problem. He was always getting sued for libel.

ED: He went to the *Democrat* in 1978, or ‘79?

AT: Mmm hmm. And because Phil Anderson represented the *Democrat*, he pulled me in on their libel and slander practice.

ED: And I guess Peter Kumpe did some of that as well?

AT: Yeah. But we represented *Time* magazine on a slander case. I had my areas, but I wanted to be trying lawsuits. I did not want to be doing just an office practice.

ED: So, did you do much trial work in the courtroom?

AT: Oh yeah. We did. I did.

ED: Did you go to trial on any libel cases?

AT: Well, I was able to... Well, in one of the cases, the *Time* magazine case, we went to trial.

ED: What was the *Time* magazine case? Was it an Arkansas case?

AT: Yes, it was an Arkansas case and it was an article about a minister and his alleged dalliance with a congregant.

ED: An Arkansas minister?

AT: Yeah. I can’t remember who it was.

ED: It made *Time* magazine?

AT: Yeah, it made *Time* magazine. It was an article about E&O coverage for ministers and all of that issue.

ED: E&O is...?

AT: Errors and omissions. But *Time* had written this article and, of course, he was saying he had been libeled by *Time*. David Lewis was on the other side. He had filed the lawsuit. I had been very successful in most summary judgment situations, because usually it was a public official or a public figure and the standards were pretty high.

ED: The *Sullivan* case?

AT: Yeah, *New York Times v. Sullivan* case.

ED: Settled all that?

AT: Yeah, settled all that. As I recall it, we also... Oh, golly, the *Dodrill* case.

ED: Art *Dodrill*?

AT: Art *Dodrill*. I lived that case backwards and forwards. I tried to get... They were... I argued up there that we shouldn't go—they were setting new standards—that we shouldn't go to a negligence standard for nonpublic figures and *Gertz v. Welch* and all that. David Lewis was on the other side.

ED: On the *Dodrill* case, too?

AT: Yeah, at its second life. It had several lives.

ED: Art *Dodrill* was a Little Rock lawyer.

AT: And his whole business about not passing the bar and all this stuff. Because it turned out that he'd failed the bar. He hadn't, he just hadn't passed the character part of it and all this stuff. They were going after the *Arkansas Democrat* on that. It was a... I think that case, though, was used to develop law in the libel area. Because it was just the time period when they were trying to... when the U.S. Supreme Court was basically saying you could have a negligence standard for a nonpublic figure. You didn't have the actual-malice, reckless-disregard standard. So I lost that argument. The Supreme Court decided they would go with negligence. I think it was the strangest case I have ever seen in my life. I don't know how it had such a long life, but it did. So I did that kind of... and I was involved in commercial litigation and antitrust litigation, and I was a part of the *Democrat Gazette* team.

ED: The *Democrat* team at that time?

AT: Yeah, at that time, on the issue of ad lineage and what was happening in selling ads with different customers—going around to different customers and finding out what kind of deals were being given by each side.

ED: You would not have been representing the *Democrat* when the *Gazette* lawsuit came along? That would have been about...?

AT: No, yeah, that's when I represented the *Democrat*.

ED: OK, so you represented them in the case...?

AT: In the antitrust case.

ED: And the [*Arkansas Gazette*] lawyer's name was Susman?

AT: Yeah, Susman from Houston. Steve.

ED: Susman with his...?

AT: Fancy stuff.

ED: Gold watch chain.

AT: He had a colleague, a woman, who wore the highest heels and the shortest skirts in the courtroom.

ED: That must have been great for the federal jury.

AT: Right.

ED: I always thought we should have hired Bill Wilson as the *Gazette's* attorney. He would have gone down to the courtroom with a wornout old suit with shiny elbows and so forth.

AT: Or Sam Laser.

ED: Or Sam Laser, either one. Wilson would have been great in front of the jury. He would have talked the right language.

AT: It was a real interesting process of being in a big lawsuit. I was given the job of kind of managing the team. In other words, what we needed to get done, everyone had a job. I managed the paralegals. By that time, I had hired and trained several paralegals: Cathy Cochran, who is now Cathy Smith, married to Vann [Smith]. Oh...Keller, Chris Keller's wife, Julie, I trained her. One of them [Mary Ellen Russell] is still at Wright, Lindsey. Now they have a huge paralegal department.

ED: I interrupted you. Let's go back. So your child is born.

AT: Yeah, he's born. Will and I...

ED: Will Clinton.

AT: Will Clinton. William Pierce Clinton. And Lee and I separate. I go to Bob Lindsey, Robert, and I just prefer not to be considered for partnership right now because I don't think you're going to see good numbers from me. He said, "Well, you don't worry about that. We don't look at just today or yesterday, we look at the future as well." And so I was made a partner. I remember the spring...Will was born in August of 1981 and in the spring of 1982 I was trying a lawsuit in Eureka Springs with Jim Moody. The water-intake structure had been blown up by the contractor, Jimmy Patton, and, of course, Jimmy was blaming the engineers. We were representing the engineers who designed the water-intake structure. Jim...help me, the guy who was with Tyson?...He's an old-time lawyer.

ED: Jim Blair?

AT: Yes, Jim Blair.

ED: James B. Blair of Springdale.
AT: James Blair of Springdale was on the other side.
ED: The state's greatest lawyer.
AT: Right. In his mind. Anyways, so...
ED: We'll strike that in the transcript if you want to.
AT: Oh, that's OK. Jim knows me. Because Jim would call me, in that case, "Ms. Annabelle, Ms. Annabelle," because he was trying to turn the jury against me. Jim Moody one day pulled me out of the courtroom and told me, "Don't let him do that! He's just riling you up to make you not stay on track and he knows you know that case more than anyone else. So don't go there. Just let him do what he wants to do." Well, of course they won, broke my heart. Eight hundred thousand dollars for this engineer and they weren't at fault. I'll never...I had to brief that and take it up on appeal and argue about the standard of care for engineers and lost the appeal at the Supreme Court. But the next time we were against each other was in 1985 or 1986. It was the [Fort Smith] Co-op. Remember Jack White and how he defrauded everybody in Fort Smith and the Co-op? Well, we represented the Board of Directors of the Co-op. We were called in at the last minute and the accountants that had been sued were being represented by Jim Blair and Mike Mashburn.
ED: Remember where Mike Mashburn is from?
AT: I don't remember. He's been a judge up there and he was married to Mary Anne Gunn. I don't know if they're still married or not.
ED: Judge Gunn.
AT: Right, now Judge Gunn. We were in this federal courtroom with Frank, he's deceased now...older gentleman...
ED: Judge? Federal judge?
AT: Yeah.
ED: Not Franklin Waters?
AT: Yes! Franklin Waters.
ED: Law partner of Jim Blair.
AT: Right. I'm better than Peter at realizing when things are hurting us and when they're not so I have to stomp on Peter's foot to keep him from...
ED: This is Peter Kumpe?
AT: Right, keep him from standing up. One of the old-time lawyers had represented the board through all of the Jack White thing. He's from Fayetteville. He's now deceased. This is terrible. I am having trouble with names.
ED: A lawyer at Fayetteville?

AT: Yep, an old-time lawyer. He's also honored at the law school with a courtroom. I'll think of it in a minute. Anyway, the point is that Blair was pulling the "Ms. Annabelle" again and I heard this before, and I went "uck." That jury didn't buy it. Didn't buy it at all. The accountants lost and we got some directed verdicts. This lawyer that I was talking about, an older gentleman—I had to cross-examine him and I felt bad about it because he was revered. But he had filed a cross claim against our board members and I thought, "How am I going to do this without turning the jury against me?" Well, I'll just ask a straight-out question: "Mr. So and so, would you tell the jury what you think your clients, the board, did wrong?" He just sat there. No answer. Then he said, "I think you'll have to ask my lawyer about that." Then I sat down. I felt bad about it, but on the other hand, I knew I had to do my job.

ED: Sure.

AT: We got a directed verdict on that claim. That's what we get paid the big bucks for, to have some judgment about what we file and what we don't file. I had clients that wanted me to do things and I told them to go to somebody else to do that, I'm not doing that. There's no good-faith basis for it, so I'm not doing it.

ED: So, where are we? You're at the Wright Firm from...?

AT: So I was involved in these big, monster cases from the time I was partner until Bill Clinton appointed me to the bench.

ED: 1984.

AT: 1984. I was on that bench for one full year and then I came back to the...

ED: That was the Fifth Division Circuit Court?

AT: Right, I took Lowber Hendricks's place. He retired.

ED: He retired.

AT: It was an experience.

ED: So you were a circuit judge for one year.

AT: In the criminal division, for a year.

ED: So you just tried criminal cases? Entirely criminal.

AT: Entirely criminal.

ED: And you had very little criminal experience, criminal law?

AT: Criminal experience. And, as a matter of fact, when I was appointed and the press was there for the appointment in the Governor's Conference Room, they asked me about that and I said, "Trying a lawsuit is trying a lawsuit. The Constitution is the Constitution. I am going to have a learning curve, but I still think that I am just as qualified and I will do a good job at this." I loved it. I loved it. I had lawyers, like they all do with a new judge, who'll

test you. I remember Richard Mays, who was there representing somebody...

ED: This is Richard Mays, the civil rights lawyer?

AT: Yeah.

ED: Not Richard Mays of Heber Springs.

AT: No, no. Richard Mays, civil rights... So he cited some cases to me on a bond hearing and I said, "Well, I'll go back and read those cases tonight and I'll let you know tomorrow." I read them, and they didn't have a dang thing to do with anything. So when he was standing before me the next day I said, "Would you tell me why you cited those cases to me?" He said, "It's worth a try." I said, "Well, remember next time that I'll still be looking." That's what I tell young lawyers. The first impression you make on a judge, they are going to check you every time if you aren't straight as an arrow with them. But, the public defenders did a great job in the courtroom. I've always been impressed with Bill Simpson and how he's run his shop and how he's trained young lawyers. He has trained so many lawyers in this state. Chris Piazza was the deputy in my division. We had Henry Lee Lucas in my division because of the...

ED: Piazza was a deputy prosecutor.

AT: Right.

ED: Who was the county prosecutor at that time?

AT: Dub was the prosecutor at that time. [Wilbur "Dub" Bentley]

ED: You didn't have any Tommy Robinson stuff at that time, did you?

AT: Oh, that was another thing. I was involved in the whole Tommy Robinson thing, when the McArthur thing...

ED: The murder of Alice McArthur?

AT: Yeah, and all that. We had people wanting our reporters to disclose sources. I remember, Mike Mashburn or something, and Mike Masterson. Mike Masterson, not Mashburn, and we had a deposition and I told him, "You take the first." So, he took the First Amendment for every question. They wanted to know where he had gotten the information. I helped draft a nationwide, at least the Arkansas part, manual on libel law and F.O.I. So I was...I loved that part of the law.

ED: So you were in criminal trials for one year. By the way, did you know Bill Clinton?

AT: Well, he had been...During that two-year hiatus, he had been at our law firm.

ED: After he was defeated for reelection...[in 1980]

AT: He came back to our law firm.

ED: Of counsel or something.

AT: Well, he was up there. He and I had worked on a couple of things together. But, I don't know how much he really worked on cases. He did work on a couple of cases with me. Betsey was up there.

ED: That's Betsey Wright?

AT: Betsey Wright. I think the idea was that they wanted to appoint a woman to the circuit bench. And I don't know if they approached anybody else, but Betsey called me and asked me if I'd be interested. I went and talked to Bob Lindsey and I said, "What do you think?" He says, "This is a win-win deal for you. You can go get some experience for one year and then come back to the firm. You don't lose anything."

ED: Why would it be one year? Because somebody else was...

AT: Because he retired and Lessenberry ran for the position.

ED: Oh, I thought someone else was appointed for an interim period.

AT: No, I was appointed for the balance of the term and [Jack] Lessenberry ran and I couldn't run for it.

ED: Yes.

AT: So I went back to the firm. It was an experience where I realized that the decision-making process...I thought I had something to give in the decision-making process. I wouldn't let the prosecutor talk to me by himself.

ED: Did he want to?

AT: Sure he did.

ED: I guess that must have been fairly common.

AT: Mmm hmm. I said, "Well, you bring the defender up here and I'll talk to you."

ED: The defendant lawyer as well has to be in there?

AT: Right. So that was a little different. And the same thing happened when I actually went on the trial bench after being elected. In 1989, I went to the Chancery and Probate Court Sixth Division. What happened was, they [Legislature] created two new [court] divisions. After the Co-op case and the trial of the *Gazette*...

ED: What was the Co-op case?

AT: That was the one I told you about that we were trying in Fort Smith with the bankruptcy of the Co-op and who was at fault. After that case, and the *Democrat/Gazette* case, I was worn out. I went to the partners and I said, "You know, I am not with my son enough. I've got to do some reevaluating." And they said, "Well, why don't you take a sabbatical?" Well, I took my son to England. I had friends over there and I went and we stayed about two, two and a half months. So I was just mom.

ED: How old was he then?

AT: He was five.

ED: So you lived in England? Where?

AT: We lived in a little village called Naccolt, which is near Ashford.

ED: And so how did you choose that place to live?

AT: Because I had friends who lived in Ashford and found one of these rowhouses out in the field that somebody wanted to lease. So I leased it for that time. Got an old Saab, an old Saab, that you get for nothing, then you give back. He got the experience. I wanted him to have the experience of being...Even though I didn't take him to a country where they didn't speak English, I wanted him to have the experience of being in another country with another culture and another value system and, of course, he was in a boarding...Not a boarding, but a day school for boys. He had to learn about rugby and he was totally buffaloeed. He had played soccer, but all of this was brand new. He'd say, "Mom, they say I have an accent." I said, "Yes, you do, Will." But he loved it. He had a great time. We went to London and it was the holidays, Christmastime, and we got to see the Pantomime and do all the London things and went to Cambridge. Had a wonderful time. Unfortunately, my mother had a massive stroke and I had to come home early. But, by that time the legislature had created these two [new judge positions in Pulaski County. I thought, and I thought. Well, I had friends and I had been mouthing off about the quality of the judiciary. They said, "Put your money where your mouth is."

ED: So you ran for the...this is the chancery judge, this is different, a different animal.

AT: Yeah, chancery and probate. And, I tell you, I came to the conclusion that all I was doing in the circuit court in the criminal division was warehousing people. I didn't like it. I just felt...They came back through, even within that year, again. The same person. And even if I gave them probation and put them on our probation service, it was not really a probation service. You just didn't feel like there was much that was helping them break those patterns. So, I thought, "Well, maybe helping families get through tough times in family matters"...And I had been through a divorce. Hillary represented me in our divorce. I thought, "I think I have something to offer here." So Vann Smith was running. He and I ran against each other and it was a hard-fought race.

ED: I forgot that you ran against Vann the first time.

AT: Yeah.

ED: So you were the only two candidates for the position?

AT: Yeah. In the primary.

ED: That's right. In those days we were still running partisan.

AT: Right, it was partisan and we were both Democrats. Sheila Galbraith, now Bronfman, was my campaign consultant. I remember sitting down with her on a Friday and her telling me all the bad stuff about campaigning and that I was going to have to have people who would help me with Will. I was going to have to have what they call “Will helpers.” Travel aides and “Will helpers” and I said, “OK.” She went through all the negativity that would happen. She said, “Now, you go home and think about this and tell me on Monday whether you want to do this. Because I don’t want you waking up three months from now and tell me that you didn’t bargain for this.” So I went home and thought about all this and thought “I think I can manage it.” I had a lot of friends and they helped me a lot in taking care of Will, and my ex-husband and his wife—Will was with them a lot. I always got along with Will’s dad. It wasn’t an issue of parents that didn’t get along. We got along on raising Will. So that was a long, long haul. But it was honorable.

ED: It wasn’t a nasty campaign. I don’t remember much about the campaign.

AT: No. It wasn’t. As a matter of fact, I had really thought I had lost it, on election day. I went home and called Sheila, and said, “Sheila, just go ahead and tell me the bad news and get it over with.” And she said, “Why are you calling and tying up my line?” Sheila was a little strong. She said, “You know, just get in the shower, have a good cry and come down to the hotel and we’ll have a celebration.” I thought, “How does she know?” Of course, you have your ways of knowing. I won handily. Vann and I met within a week and I urged him to run again.

ED: And he did, what, two years later?

AT: Yeah. He ran again and won.

ED: Won. So, you’re...

AT: And by the way, I never ran for dogcatcher. I was in shock. When I told Sheila, “In previous campaigns, when I had signs up for people that I supported, did you know that my campaign signs disappeared?” She said, “Oh, we’ve got a long way to go with you.” And then, I was pretty down in the dumps at one point, and she went in my neighborhood and had signs put up along where I would drive in.

ED: Just to help...

AT: Just to help me get up because she wasn’t going to put out our signs too early. There wasn’t early voting in those days. So she only wanted our signs up three weeks out. Because she said that if your signs are up too early, then people stop seeing them. They just begin to blend in the background.

ED: Vann’s signs went up a little earlier?

AT: Very early.

ED: You were discouraged?

AT: I was discouraged and I think some of my law firm didn't know if I would pull it off. But I had a lot of...I mean, I had feet on the ground. I remember George Jernigan coming to me. He was Vann's brother's partner. Bless his soul, he came to me and says, "How much can I pay you to change your last name?" It was Clinton at that time. I said, "I don't think so, George."

ED: Of course, George had been beaten by Bill Clinton.

AT: Mmmhmm.

ED: What did George run for? Oh, attorney general, that's right.

AT: Right.

ED: He beat George Jernigan for attorney general in 1976.

AT: Right. It was right after I came to town.

ED: Yes.

AT: And I started working at Wright, Lindsey, and Jennings.

ED: George now lives in a nursing home.

AT: I know. Very sad. I knew his nurse, one of his nurses.

ED: He lived in a nursing home down the hall from my mother for several years out there in Briarwood. I'd go down and spend some time talking to him.

AT: Good. Good. He couldn't vocalize, could he?

ED: He could say a few words. He could say "Razorbacks."

AT: Good. Well, I remember his March parties. He always had the Irish.

ED: Well, you became a circuit judge in 1989. I guess you took office...

AT: Chancery and probate in 1989. My mother was alive for that one and my family came. I was sworn in. I remember there wasn't a courtroom for me. The county judge said, "Well, we're going to be redoing things downstairs on the first floor. Would you rather have a courtroom up on the third floor or on the first floor?" And I said, "I would rather have a courtroom on the first floor because I know, from Mr. Treadway, how the electrical system is being held together by chewing gum in this building and when there is a fire I am out of here."

ED: [Phone rings.] Let's pause here.

AT: OK.

ED: OK.

AT: I wanted to be out of there because I remember it would be so hot on the fifth floor where the fifth division was. I would complain to Mr. Treadway about the air conditioning—this was back in 1984—and he'd say, "Judge, you'll just need to wear a bikini underneath that robe. Nothing I can do about it."

ED: Was he in charge of the maintenance?

AT: He was a GS [General Services] man. He was great. Mr. Treadway could make anything work with very little. He was a saint.

ED: A little duct tape.

AT: Right. But I didn't trust because now we were loading computers onto it and we were doing all this stuff so they redid that whole area and I had a small courtroom right there on the first floor. Right there where the circuit clerk used to be, the first door on the left when you come in. That was my courtroom.

ED: Now you say there were two new judgeships. Who was the other one? Ellen Brantley?

AT: Right. We were at the same time. I think she had been appointed earlier and then she got elected.

ED: She had been on the attorney general's staff under Bill Clinton.

AT: Right.

ED: Did you all know each other earlier?

AT: Not really. Not really. Not very much.

ED: She was in Hillary's school.

AT: Mmmhmm. She went to Wellesley. Yeah. She went to Wellesley. I wanted to start...Like I said earlier, when the prosecutor couldn't come talk to me without the defense lawyer, the same thing happened. I made clear that if we were going to have discussions about a case, that we were going to have it out on the record so that their clients could hear it.

ED: So no in-chambers discussions?

AT: Nuh-uh. Part of the reason was because I knew what it felt like to be on the outside. Like when I'd go out around the state and not be a local person and be waiting in the courtroom and I knew how clients felt about it. They wondered what was going on back there and was their lawyer selling them down the river? And I said, "I don't want any of that. I want everyone to know what everyone is doing." I remember Mr. Stubblefield came to visit me. He was an old-time lawyer.

ED: Where was he from?

AT: He was here in Pulaski County. I think his office was in the Tower Building or something. I can't remember. Anyway, he came to visit me and he says, "You're acting like a federal judge." And I said, "What do you mean, Mr. Stubblefield?" "Well, that's not the way we've done it." I said, "Well, I understand that, but I also understand how clients feel. They're not lawyers and they don't understand what's going on in the back room. I think it's important that we make sure they understand what's going on." The other thing I did...Cathy Cochran came back. She had been a paralegal at the Wright firm and she went to...And when I went on the bench the first time, she went to Philadelphia to be a paralegal at a large law firm there to get better experience. She came back and she was my case coordinator. I wasn't

going to let the lawyers handle the docket. I was going to handle the docket, which meant that I didn't want lawyers saying, "Well, I can't get a hearing with the judge" when they hadn't even asked for one. It's one of those deals. So I let lawyers tell me how much time they wanted. They knew their cases better than anyone. I gave them all the time they wanted to try a case. But once they told me that time, they had to live within that time. And if they went over, then we'd have to reset it for another time. I wasn't going to push back so somebody else who was waiting—you know somebody else who was in the lineup. The other thing was, if they didn't set the case for trial, we had a letter. I had, being a good Jewish girl, I had called it the "Come to Jesus letter," which was "Set it, settle it, or I'll set it for you." It would go out six months after the case was filed so that we'd get the case moving. Many judges had let the lawyers run the docket and I didn't think that was good for the clients.

ED: Going back a second, you said, "Being a good Jewish girl." You had converted to Judaism.

AT: Right, in 1987. Before I ran for the bench.

ED: You had met Imber...

AT: Well, no. I didn't meet him until '89. I never met him. I had had some personal theological struggles. I had been raised a Methodist. I was an active member of Pulaski Heights Methodist Church. Dr. [James] Argue was the minister there and I went and talked with him about some struggles I was having. I was struggling with the Trinity and just really didn't understand why we needed the Trinity. He said, "Well, let me give you something to read." He gave me Abraham Joshua Heschel to read. I read several things. I read Chaim Potok, I just read a lot. He said, "I suggest you go over to the Temple and take a course in Bible." I had been teaching the single Sunday School class on the Old Testament. I don't think the Protestant Church...I didn't think the Methodist Church did a very good job of teaching the Old Testament. The focus was on the New Testament, of course. So I went over to Rabbi Palnick's [Rabbi E. E. "Zeke" Palnick] and asked him if I could take his course on the Torah. He says, "Well, first you need to take basic Judaism." So I took the basic Judaism course. It met once a week at night and I went through the whole thing. I began to think, "I really needed to reconsider and look at Judaism" because I was much more in tune with their doctrine of faith, which was "The Lord God, the Lord is One". Part of my problem, also, had to do with saying that Jesus is the only Son of God. There are lots of sons and daughters of God. Some of us...I talked with Jay McDaniel at Hendrix about process theology. I had been exploring Buddhism and I had been looking. I didn't understand why there was only

one Son of God. There are others like Buddha, who had answered positively. Mahatma Gandhi, Martin Luther King—People who were saying “yes” to the call. I said I don’t know why we have to limit it and be so exclusive. In my view, there were many prophets. I gradually came to the view that I need to make a change. Of course, Rabbi being Rabbi, turned me down two or three times. One time I talked with Phil Kaplan about it and he says, “Why do you want to take on the guilt, the troubles?”

ED: He discouraged you?

AT: Oh, yeah.

ED: Phil did?

AT: Oh, yeah. Jews don’t proselytize.

ED: Nope.

AT: He says, “Why do you want to take on all the troubles we have?” And I said, “Phil, I just...it seems that is where I belong.” Now my family, my mother was...It was tough for her. She couldn’t understand. I tried to make her understand I wasn’t rejecting any values that she had taught me. In fact, I found out that if you read the Torah closely, most of our laws come out of the Torah. If you look at them. If you look at “An eye for an eye and a tooth for a tooth” it’s actually equity, compensation for damages, it’s tort law. You look at all this stuff coming out of Numbers, Deuteronomy, Leviticus, it’s the foundation of our society.

ED: Leviticus?

AT: Yeah. It’s very interesting if you really read...If you do Torts 101 and Contracts 101, the system of society that was set up through Moses, allegedly, and the laws for the society, and the judges, and the ‘this’ and the ‘that’, have been taken and reformulated, but still the basics are there.

ED: I always thought Leviticus was kinda squirrely.

AT: Well, I understand what you are saying. There is a lot of stuff about the cult practice, the sacrifices, and all that stuff. When you really talk about the parts where they are talking about how you are going to deal with your society and how you are going to manage your society, very practical...I am teaching a course right now on Jewish virtues, at Temple, and it’s all about how Jewish wisdom is practical wisdom. What do I do when my cow gets lost? And that kind of stuff. I’ve always been intrigued by that, how did we adopt all of that and use that and move on? As I say, it’s a living process; it’s not something that stands still. I am not Orthodox. In fact, I told Rabbi Palnick, I said, when he was talking about Israel and the right of return and how I won’t be considered a full-fledged Jew by certain sects of orthodoxy and all this stuff, I said, “You know, Rabbi, I am already a second-class citizen as a woman in this country. I am not getting into this to be a fourth

class citizen. I'm a woman, I'm divorced, I'm a convert. What's this about?" He says, "Let's be fair about this. As a Methodist, do you consider the standard of whether you're a Christian to be your particular Methodism or some other Pentecostal version of Protestantism?" And I said, "Well, I don't judge it by some other standard." And he said, "Well, then don't judge Reform by that." I work real hard because I think Jews have that problem of always looking at the Orthodox as the "standard." It's not the standard. I'm a little bit of heretic in my own household too.

ED: OK. Well, I got you off track but I wanted to explore that whole thing at some point.

AT: Well, and I remember going back to the politics of it. I remember Sheila saying, "Why did you convert before you ran?" I said because, "Because I am who I am. They need to know who I am." If I'm out on the campaign trail, and somebody says, "Are you a Christian?" which is likely to happen, I would say, "I have a strong belief in God." Then they would say, "Where do you belong?" and I would say, "I belong to Temple B'nai Israel."

ED: So she was worried that Judaism could be...

AT: Hurtful.

ED: Could be a problem? But turns out it was not.

AT: It never was. Never was. Never was. And that was very heartening because Heber Springs was founded by Jews, by the Frauenthal family.

ED: I didn't know that.

AT: There were seventeen thousand Jews in Arkansas at the turn of the century. Now we've got two thousand. They were all in these little towns, all over. They had immigrated in the 1800s. Arkansas had a lot of Jewish culture, Jewish Southern culture.

ED: OK, so we go back. You become a chancery and probate judge in January 1989.

AT: Right.

ED: And, this is dealing largely with family issues?

AT: Well, what was interesting is it was a good chunk of family. You learn a lot about people. You learn that people in chancery court are good people who don't act very well. They act very poorly. In criminal court, sometimes people were not very good but they acted well in the courtroom. When you're going to lose your family and maybe your home, it's very hard on people. But, I also had issues concerning real estate, foreclosure, boundary issues, probate matters, guardianships of young people, babies, or the elderly. I had constitutional questions all the time with agencies.

[State]Agencies had to be sued in Pulaski County. We would get assigned those cases. I just didn't get the tort cases. I didn't get the fender benders or

product liabilities. I did a lot of product liabilities cases when I was with Wright, Lindsey and Jennings and I didn't get those cases because those were jury trial. I didn't get the criminal because those were jury trial. But basically, it was the status of people and things—families fighting over estates, tax questions, illegal-exaction questions—and, of course, I had the school funding case, eventually.

ED: Yes, we'll talk quite a bit about that. Are there any other... You mentioned broadly these types of case, but do you remember any specific cases that are particularly memorable? Illegal-exaction cases, for example? That goes back into the '90s.

AT: Well, I was trying to think... Some of them dealt with the state Revenue Department and some of their interpretations. So it was really a particular...

ED: Tax questions?

AT: Tax questions. But I did have the Aearth case, which came before me, because it was bouncing around from circuit to chancery.

ED: Which case was this?

AT: It was a case where a fellow had sued Regions [Bank]—well, First Commercial [Bank]—over loans it had made to him, and he was charging that they were messing in his business as the lender. So he was saying they caused the downfall of his business. It was a huge case. They had a Texas lawyer and we tried it for three weeks and I wrote an opinion that was probably about a hundred pages long with findings of fact, conclusions of law, and I told them they didn't have anything. It went up to the Supreme Court of Arkansas and they held that I didn't have jurisdiction so it came back to the circuit court. That's why I was in favor of merging law and equity, because this was ridiculous.

ED: Which eventually happened.

AT: Eventually happened.

ED: Ten years later.

AT: 2000. Yeah. Then, it got tried in Judge Piazza's court, by jury, and they gave the fellow a million dollars, let's say—I don't remember exactly, but quite a bit. Went up again to the Arkansas Supreme Court. By that time, I was on the Arkansas Supreme Court but I didn't sit on the case. The issue was whether there was any claim. What had happened was, his company, which he was making the claim for, their franchise had long expired, so he couldn't make the claim for the company. So it went away. After all was said and done my result was right, but I didn't have jurisdiction so they couldn't even get there the first go-around. So that's why I was so in favor of merging law and equity. I'm trying to think of... I remember it embarrassed me a little bit

in his closing argument. This Texas lawyer called me the “Goddess of Justice” and I thought I was going to die.

ED: In the courtroom?

AT: In the courtroom.

ED: The Goddess of Justice?

AT: And it got around the courthouse. I just thought, “You know, there is no jury here. This is not appropriate. But, what can I say, his being from Texas?”

ED: So, did you become known as the Goddess around the courthouse?

AT: The Goddess of Justice. Yes, yes, which was lovely.

ED: The G. J.?

AT: The G.J. I am trying to remember some of the others. There was the Alltel arena tax, to build it. I originally had that case but then it went to Robbie. I am trying to remember how that happened. I don’t remember how that happened.

ED: This was in chancery?

AT: Yeah, in chancery. I decided...

ED: Robbie was Robbie Mays?

AT: Robbie Mays. I decided that there was sufficient nexus with having that tax for a major metropolitan area and all the reasoning that could go behind that. So that eventually went up and was upheld. But I think Robbie—well, maybe I made that decision I can’t remember, but I know there was more than one judge on it.

ED: Well, let’s go ahead and talk about that you made a reference to the Lake View school case, which would have been filed about 1992.

AT: 1992, and we tried it in 1994.

ED: So this was a case filed...To go back a little bit, in 1983, the Supreme Court had ruled in the *Alma v. DuPree* school case. Alma was a school district in western Arkansas. I think there were eight or nine different school districts that had sued way back there, alleging the funding system for public education was unconstitutional because it relied, basically, on the property tax and the wealth of the local district, and the kids’ educational opportunities depended on the level of wealth of the school district, in violation of the Constitution. So you had had that decision way back there. You had ten years or so under that decision and obviously they had not resolved the issues and school funding was really no better, no more equitable than it had been before that. So then, Lakeview, which was a little school district down in Phillips County...

AT: Yeah, it’s in Phillips.

ED: Sued. But was that the only school district that sued? Was that the only plaintiff?

AT: I am not sure. I think Jimmy Wilson [attorney from Helena] wanted to bring some others in. I remember he didn't originally file as a class action. He wanted to change it into a class action after he got the decision.

ED: So they filed the case. Again, making again essentially the same allegations that were made back in the *Alma v. DuPree*...

AT: Carbon copy.

ED: The same thing. You had, I guess, a lengthy trial...

AT: Oh, we had a lengthy trial and then I knew that the legislative session was coming. I think it was going to be in January and this was in the fall. I knew I had a problem because *Alma* told me what I had to do. He had given the facts to support it. It wasn't rocket science. It was really easy. You looked at the amount of money certain school districts had for their education—I think some had six thousand dollars a kid—and down in their district, a thousand dollars a kid. It didn't take a whole bunch to see that wasn't equal protection under the Arkansas Constitution.

ED: But there were others who entered the case besides Lake View, because you had other people...

AT: To be honest with you, I cannot remember. I have the opinion I wrote at the [UALR] law school. I have an office there and I kept a copy of the opinion.

ED: I have it in my computer as well.

AT: The Department of Education was in it. I think there were... What happened was that they pulled in named school board members at first, from Lake View. He didn't file it as a class action at first. After my decision came down, then all of a sudden people wanted to intervene.

ED: So they intervened on appeal?

AT: Yeah, well, they intervened actually when the Supreme Court sent the case back because they said I had given the legislature two years to fix it. They said they didn't have a final order.

ED: So you gave the legislature two years to fix it and the legislature did indeed pass...

AT: Did something.

ED: Some measures. This would have been in the '93 legislative session and Jim Guy Tucker would have been the governor.

AT: No, well, I handed down the decision in '94.

ED: OK, all right, so you handed down the decision in '94. So the legislature met in '95 and Jim Guy Tucker was the governor, and it passed a new school-aid distribution formula. It also referred a constitutional amendment, which went on the ballot and became Amendment 74, which basically said that the state's going to levy a basic twenty-five mill tax in every school district and that money will flow to the state and then be redistributed to the schools...

AT: As a minimum...

ED: As a minimum to help guarantee that, along with state aid, would...

AT: Even it out.

ED: Would even it out. Of course, that case is still going on as of last week.

AT: Yeah.

ED: We won't go into that.

AT: Yeah, I can't. It will be reheard I'm sure.

ED: You think it will be reheard?

AT: Oh, I'm sure there'll be a petition for rehearing.

ED: There will be a petition. Do you think there'll be any chance...?

AT: Oh, I don't have any idea.

ED: That is extremely rare.

AT: Extremely rare. Very rare.

ED: Judging by the strength of the opinions...

AT: I think they've had a firm debate already.

ED: Already, and nobody's going—I don't think [Justice Paul] Danielson's going to give in. Maybe [Justice Donald] Donnie Corbin might. Donnie's so [un]predictable. Anyway, that's neither here nor there. So that case goes up to the Supreme Court, and they send it back down.

AT: Because they said it wasn't a final order, because I had given the legislature two years to fix it. I remember [Justice] Tom Glaze telling me later, "How could you give anybody two years to make something constitutional? It's either constitutional or it's not!" I said, "Well, the reality is, I could have shut down all the schools in this state. Immediately. Now what good was that going to do without the legislature?" And I had case law from Kentucky where the same types of issues were going on, and Texas. I mean, we weren't the only state in the Union dealing with this. We had researched it and this to me seemed like a good, logical solution. To give the legislature...I'm not supposed to tell the legislature what to do, but to give them an opportunity to go back and look at it.

ED: Which is eventually what they did again, many years later.

AT: Yes.

ED: [Justice] Tom Glaze kind of went back and forth.

AT: He went back and forth on the issue.

ED: At the end was...

AT: Firmly committed...

ED: Firmly committed at the end.

AT: They went back and [Circuit Judge] Collins Kilgore took it on.

ED: OK, so when it comes back...

AT: I'm already on the Supreme Court.

ED: You were elected to the Supreme Court in 1996 and take office in 1997.

AT: January 1997. What happened was, I was ready to go forward and have hearings on the remand, but I realized that this was useless because I was already going to be on the Supreme Court before I could even get a ruling issued. So why was I going to hear something and then make them go through it again with another judge?

ED: Did you recuse and it was reassigned?

AT: I recused and it was reassigned to Collins [Judge Kilgore]. Then, of course, the whole debate about attorney's fees and the "alleged settlement" and all that. Then all that went up. I don't remember all the details, but it was a problem where he didn't really go back and final it out, but supposedly there was a settlement that the state had made with Jimmy Wilson [an attorney for Lake View School District]. I didn't award Jimmy any attorney's fees and he was mad as hell. Part of the reason was because I didn't have a common fund to award attorney's fees from. It wasn't like an illegal exaction case. Where was the money? So I denied him that, and that's why he was battling that out after I ruled originally. So they were fighting over attorney's fees and they supposedly had a settlement on that and they went up [to the Supreme Court] and it wasn't a settlement. But, the state had admitted certain things, which came back to haunt them, I think. Then they had to go back to Collins and then Collins had to go forward and make a decision and then it went up again. It was just...I can't tell you how complex and convoluted it got.

ED: Oh, yeah. It was nightmarish for everyone to follow.

AT: Nightmarish.

ED: It was the biggest case, most far-reaching, most important case. Well, if you count *DuPree* and *Lake View* together, which was essentially a single case...

AT: Hickman wrote *DuPree*. [Justice Darrell Hickman]

ED: Hickman wrote *DuPree*?

AT: I think he did. Didn't he?

ED: No, I don't think so.

AT: Was it Steele? [Justice Steele Hays]

ED: Steele wrote *DuPree*.

AT: OK.

ED: Hickman may...It was probably a five-to-two decision.

AT: Mmm hmm. I remember there was a dissent.

ED: Dissent would have been...Arnold? No, Dick Adkisson maybe? There were a couple of dissents. [Justice Steele Hays wrote the majority opinion in *DuPree v. Alma School District, et al.* Justices Darrell Hickman and John I.

Purtle wrote concurring opinions. Chief Justice Richard B. Adkisson wrote a dissent. The vote was 6 to 1.]

AT: But it was very clear from that opinion. That was my template. Very clear. I didn't know... I stayed out of it, obviously, after I went on the Supreme Court and they had specials to sit in my place. Carol Darby, I think, was one that sat in my place.

ED: [Governor] Mike Huckabee appointed Carol Darby of Texarkana to be the special...[justice].

AT: She stayed in it the whole round.

ED: She did, and I thought he might be appointing her...The governor strongly disagreed with the decision, but in the end he became...

AT: The number-one advocate.

ED: The number-one advocate, which I think helped make Mike Huckabee's legacy probably one of the most progressive.

AT: Well, in terms of how he wanted to use the tobacco settlement money...

ED: Tobacco settlement money, plus he wanted to raise taxes, all kinds of ways. He talked as an arch conservative but governed as a very progressive...

AT: Moderate...

ED: Or moderate. At any rate, the school case was one in which he came to champion school consolidation in the end.

AT: If you look back, I come from a family who got an education. My mother took oatmeal every morning to Wilburn to feed those kids, because they didn't get breakfast.

ED: To where?

AT: To Wilburn. In the '50s.

ED: Wilburn. That's a community...

AT: Well, to the east of Heber Springs, on the Little Red [River]. Our family felt that education was the way out of poverty. In my sense of ethics, the school-funding case was so important because it meant, no matter where you were born in Arkansas, you were going to be given an opportunity. Didn't matter where you were born as an Arkansan. It was in the Constitution, see. It wasn't something that was my deal. It was the Constitution.

ED: It's very clear in the Constitution.

AT: It's very clear in the Constitution that the State is responsible for the education of its people.

ED: And it had to be suitable, adequate. I think the word is "suitable" education and it had to be—other parts of the Constitution say education has to be equal.

AT: Right. The equal-protection part of it. The fact that the Supreme Court was willing to appoint masters, like Brad Jesson and David Newbern, to come

in—so it wasn't constantly going back to the trial court—and move this matter along.

ED: Well, although you recused from that case because you had been involved in the trial, did you participate in any way in conference?

AT: I left the room. I was never in the room when they conferenced that case.

ED: Did they consult with you?

AT: Nope. They wanted to consult with me, you better believe it. But I wasn't going to do it.

ED: Well, they obviously wanted somebody who could...that was a difficult case to get up to snuff on.

AT: Get around.

ED: You can turn to somebody and say, "Oh, you know all this."

AT: Right, right. But I couldn't do it. It just wasn't the right thing to do. They, in final analysis, they were reviewing Collins's decision.

ED: His became the operative case?

AT: His became the operative decision. But, things hadn't changed that much when he'd handed down his, as I saw it. I feel very strongly that that decision will make or break Arkansas. If we don't stay with that, because this state...The only reason this state really has lagged in economic development is because we don't have the educated people to do the work required now. You just can't have a good back and a strong body and be able to...You've got to have other skills. Falcon Jet and all of these places want workers, but we don't have the educated workers to give them.

ED: It is still that common issue.

AT: Yeah.

ED: This is December 2012, and it's still a big issue. Last week, last Thursday or Friday— Thursday I guess—in a sharply divided opinion, four to three I guess, the Supreme Court ruled that two school districts that were wealthy school districts could retain part of that twenty-five mills, even though it gave their kids better opportunities than kids other places. Very nasty kind of...

AT: Well, the issue was, was it state revenue or not?

ED: Was it state revenue or was it state tax? The majority said it was [not] a state tax and not a local tax, but a hybrid animal of some kind. So we'll review all that...

AT: We'll wait and see what happens on the petition for rehearing, as you say. It's highly unusual for one to be granted.

ED: Well, if it does, I...the legislature can cure it, I guess, by...

AT: Except, but it still means that...Yeah, I see what you're saying.

ED: Apparently, the majority just looked at the wording of the statute. It was clumsily worded so I could see how they could rule that way. Of course, they [the legislature] might not fix it. They might make it worse.

AT: You know, that's one thing I learned, that people would say, "Well, this issue is coming up the pike, you can read about it in the paper." I said, "Until I get the issue, I haven't got the issue." One thing I learned over the course of my twenty-two, twenty-three years on the bench is 'don't close the book prematurely'. Keep your mind open. I know that there are a lot of people who think that because judges are elected so they should be telling you their opinions. [Dog barks.]

ED: We elect judges in Arkansas.

AT: Right, even though it is not partisan.

ED: It used to be.

AT: Right, it used to be partisan.

ED: Did you ever feel any pressure in your mind in high-profile cases—obviously, you never did sit on the *Lake View* case—but any pressure of "I will be facing an election, and this might be unpopular." Did you ever feel that?

AT: Well, I will say that when I handed down the trial court opinion in the school-funding case, I thought, "This is the way it's got to be and I may lose my next election."

ED: You thought about that?

AT: I thought about that. But I said, "I can't worry about that now."

ED: And my guess is that your successor to the *Lake View*...

AT: Oh, Collins Kilgore?

ED: My guess is, Collins might have lost that state Supreme Court race later because of that [ruling].

AT: Well, what was really strange was, I ran for the Supreme Court after that decision and I ran unopposed, Ernie.

ED: Yes.

AT: I really thought I would have an opponent, because of *Lake View*.

ED: Yes.

AT: Who knows? I don't know. I don't have a clue. I ran every Supreme Court race unopposed. I ran three of them.

ED: Oh, did you run three races?

AT: I had to run...

ED: Oh that's right...

AT: I had to run because I was taking Steele's place. I had to run for two years; then I ran for another eight.

ED: And you never had an opponent?

AT: Never had an opponent. I still don't understand it. It wasn't like *Lake View* wasn't alive, well and living.

ED: Do you favor elected judges or the merit-selection system?

AT: It's so strange. When I first was...I was active in the Arkansas Bar Association's House of Delegates and we, two times, tried to get merit selection in the Constitution passed. I was in favor of it.

ED: In favor of it?

AT: In favor of it. Then, after I ran, I altered my position and part of the reason I did was I think merit selection, first of all, doesn't take the politics out of it. To get nominated, you've got to know the right people. And I certainly wasn't a person in the political route. I got appointed by Bill Clinton, but it wasn't because it was what I wanted. It was what he did. I didn't solicit it. [Her husband, Henry Tuck, comes home. Small talk.] I didn't solicit that appointment. I was just minding my own business, doing my own thing, trying to be a good trial lawyer. I really feel that judges need to have their feet on the ground. They need to remember that people are out there and they're judging their lives. Because what happens is, if you get too isolated, you really don't have much practical sense. It's not like I'm taking positions on things when I'm out with people. I'm just trying to educate them about how the judiciary works and my qualifications and people say, "Well that's not enough for an election." My answer, if I had to run again, and I thought about this long and hard, if somebody started asking me about my opinion, I certainly have first amendment rights to mouth off. The U.S. Supreme Court said I did.

ED: Eventually you did.

AT: I did. I do. Does that mean I need to mouth off as a judge? Because that's closing a book. The minute you start mouthing off in an opinion, in the abstract, about something, you've already closed the book. You don't even have the facts, you don't even know what the issue is, and all of a sudden...it's kind of like the pledge all of these politicians have signed about no taxes. They're making the pledge in a vacuum, without any regard to the situation that may face them. That would be like asking me to make a pledge that I am only going to rule this way ahead of time. So I had thought about this before campaigning, and if somebody asked me, I'd say, "I'll presume you want a judge who will listen to your arguments without having predetermined the answer."

ED: But you never had to face the kind of race, like David Newbern did.

AT: Right.

ED: Bob Sanders ran against him and demanded that they have a debate on the death penalty, obscenity, and all kinds of issues. David wouldn't do it and feared he was going to lose because of it. But actually, he won decisively.

AT: Right. I still think, if you put to regular people, the issue, which is you want a fair and impartial judge to judge your case, don't you? And you don't want that judge making up his or her mind ahead of time before you've even, or your lawyer, have had an opportunity to have a hearing.

ED: Were there cases—well you had the one, of course *Lake View*, when you were chancery judge that could have had some political impact if you ran again, but it turned out it did not—while you were on the Supreme Court? I know there was one and we'll talk about that, but any others besides the sodomy case where you thought about it or you think the other judges thought about the political implications?

AT: I can't remember any right off hand, other than that one. I am sure I could come up with two or three other ones, but I just can't think of any that meet that... Now, I remember specifically thinking, and I remember telling my law clerks: "I'll either be in the majority on this, or I'll be a dissent of one. And this one I'm holding the line on."

ED: And we're talking about the sodomy case?

AT: Yeah.

ED: Well, let's talk a little bit about that. The case originated in down in Judge David Bogard's court [Pulaski Circuit Judge David Bogard].

AT: Right and he ruled in it.

ED: And to give a little background, I guess: I think in nearly all fifty states back thirty or forty years ago, in all of them, criminal law outlawed sexual contact by opposite sexes. Some of them had been struck down. I think Arkansas had passed our sodomy statute about 1977 or somewhere along in there. I think Bill Clinton was attorney general when they passed that act.

AT: Vic Snyder kept trying, when he was in the legislature, to get it repealed and never could.

ED: Never could get a second to a motion to pass it from committee to the floor senate. So the case, I think, maybe seven gay or lesbian...

AT: It was professional people. They had licenses—teachers, nurses. So technically they were criminals.

ED: So they filed a lawsuit challenging the constitutionality of the sodomy statute, on the grounds of equal protection and privacy...

AT: Under the Arkansas Constitution and under the Federal.

ED: Under equal protection, privacy, under both documents. Although the state hadn't been enforcing it, at least against consenting adults, there had been a

few convictions, a case or two in Pulaski County, in public facilities or something. Judge Digby...

AT: Uh, Judge Bogard.

ED: Judge Bogard, excuse me. He goes up to the Supreme Court...that case goes up to the Supreme Court. This is 2002 and...

AT: Right, about 2002.

ED: Can you talk about how that case comes down in conference?

AT: Well, I was assigned as the main...

ED: The cases come around...

AT: They rotate. It's mathematical. It's not like the chief in the U.S. Supreme Court where the chief assigns writing. I knew this was my case.

ED: So it was your case. Maybe number four, and this case is filed and it becomes your case. So you're assigned to...

AT: What it means is that I present first in the conference. My check judge, and I don't remember who that was, will present second. Then we'll go around counter-clockwise with the discussion. So I present first and then my check judge could agree or disagree with me. If my check judge disagrees with me and I don't get three other votes the check judge becomes the main and writes the opinion.

ED: You don't remember who your check judge was?

AT: I don't remember who it was.

ED: It was obviously somebody who agreed with you that it would be affirmed.

AT: Yeah. But what was interesting was, the dogfight in that case was not about the merits; it was about the jurisdiction. The issue was—and that's what the attorney general was fighting about—was these people haven't been charged. How do they have standing? How do you have jurisdiction to take this case? So that was the big fight. Justice Thornton wrote the dissent on that issue only.

ED: And Judge "Dub" Arnold joined him in that dissent?

AT: Chief Justice. Right.

ED: Was there was a third one?

AT: No, I think it was five to two.

ED: Five to two. Yes.

AT: So what a good chunk of my opinion was about—I looked at cases involving the monkey trials. You know, the teacher who...

ED: The Susan Epperson case.

AT: Yeah. And cases where they went up to the U.S. Supreme Court and they found jurisdiction even when there wasn't a criminal charge.

ED: As was the case with Susan Epperson. Biology teacher at Central High School. She had not been charged...

AT: No. And our court took jurisdiction.

ED: And ducked it.

AT: And ducked it, but took jurisdiction nonetheless. The big dogfight was about that. The privacy issue—that was what everybody thought was the strongest argument and I agreed. You’ve got to understand, the U.S. Supreme Court had handed down an opinion—what? in the sixties or seventies, I can’t remember—that said it wasn’t a violation of the federal Constitution.

ED: Well, that was the *Hardwick*...

AT: *Bowers v. Hardwick*.

ED: *Bowers v. Hardwick* was a Georgia case. I think it was 1986. It wasn’t so long ago.

AT: It wasn’t so long ago. But a year after our opinion comes down, the U.S. Supreme Court comes down with a Texas case, agreeing with us.

ED: Yeah, what was the name of that case?

AT: *Texas v.* something, I don’t remember. [*Lawrence v. Texas*]

ED: Maybe it was *Bowers*, maybe I have it backwards.

AT: No, *Bowers* was the earlier case. But [Justice Antonin] Scalia dissented because he said *Bowers* should control.

ED: Scalia and [Chief Justice William] Rehnquist and [Justice] Clarence Thomas.

AT: Five to three.

ED: It was a six to three decision in *Texas*.

AT: I think really the privacy issue between consenting adults in their home, in their own bedroom, was the big thing to me. Otherwise, you’re going to have the police coming in to look in your bedroom?

ED: Yes.

AT: And the whole issue...[Pulaski Prosecutor] Larry Jegley argued that well. We’ve never charged anybody and so really, effectively, it isn’t doing any damage. But yet you have this law in the books that people are in fear of, as these litigants were.

ED: So I guess the attorney general joined in...

AT: Oh yeah, the attorney general fought for the constitutionality of the statute.

ED: I guess as they are required to do.

AT: I am sitting here...

ED: Was [Mike] Beebe attorney general then?

AT: Maybe it started out with Mark [Pryor]?

ED: Mark, it started off with, yes, because he was elected in ’96. So it probably started off with Mark.

AT: Right. Yeah. In fact, the church from Kansas came right after that. Of course, we were on summer recess then, and they picketed. I got very threatening letters.

ED: Did you? After your decision comes down?

AT: Yeah, and I don't keep those. I forward those to the clerk.

ED: Do you remember how many you got? Do you remember what the nature of them was?

AT: They were hellfire and brimstone types of things.

ED: Like, you're going to hell?

AT: Yeah, that type of thing. I don't remember it being...I will say, even on the trial court I remember watching to see if anybody would follow me home, quite a while. People in some of these groups, they are...They have killed people over...They've killed judges. I had to do what I had to do.

ED: But you got the case because it was your turn, not because...

AT: It was my turn. As I told my clerks: "The law to me is very clear here." It was kind of like the school case. "It's very clear to me and no matter what happens, this is what I'm going to do, because I have no choice. This is the law. And it may be the end of my career. But so be it."

ED: That occurred to you?

AT: Yeah. But I can always go back and practice law. I remember saying that.

ED: But you said that the issue in conference was not on the merits but on the jurisdiction issue. At the time, my thought was that the jurisdictional issue was simply an impulse to avoid this terribly controversial case. I remember—I might as well get this on the record on this tape—going back...You mentioned the *Epperson* case, which was before the Supreme Court. Carleton Harris was, at that time [1968], the chief justice, and I've tried to talk to Conley Byrd about it, but he didn't want to talk about that case.

AT: Oh, really.

ED: He had just gone on the court and, of course, Judge Murray Reed was the chancellor. He struck it down, the old initiated act outlawing the teaching of evolution in schools. He declared it unconstitutional and it went up to the Supreme Court and they sat on it for a full year. This was the inside that I got from a law clerk for [Justice] Lyle Brown. The story was that it was such a terrible case, and the chief justice thought it was going to be terrible for the court and that they all had to be united, that they couldn't go out split. They had to be a united court, but yet it was four to three. George Rose Smith, J. Fred Jones and Lyle Brown all three dissented. [Justice John A.] Fogleman wrote a huge decision defending that act, and they sat on it because they couldn't arrive at a consensus. Finally, after almost a year, coming down to

the last session before they were going on summer recess, George Rose Smith and J. Fred Jones agreed. All right, they would switch and go over and vote to reverse with the majority, which would have been Fogleman, Conley Byrd and Carleton Harris and somebody else who would have been on the court at that time, but only on the condition that Fogleman's opinion be withdrawn. They could not go along and sign on to that opinion. So if he would tear up that opinion and it would just go out as an unsigned *per curiam* order. Lyle Brown...

AT: It was a *per curiam* order, I remember that.

ED: It was a *per curiam* order and Lyle Brown said, "Hell no! I want my dissenting opinion!" He had written a dissenting opinion, but they still wouldn't go out with it. So finally... This is the story, it might be apocryphal, I don't know... At the last session, Carleton Harris finally said, "We aren't going out with this." So Lyle Brown just ripped up his opinion and threw it across the table. I like that gesture. And he said, "All right, but I want to be recorded as voting "no," as dissenting. So that's how it came down.

AT: Right. He didn't write, but he dissented nonetheless.

ED: Of course, it goes up to the U.S. Supreme Court and they unanimously strike it down and they have some unkind words to say about the Arkansas Supreme Court. I don't know why I told all of that story. Anyway, we always think of the U.S. Constitution as superior to the Arkansas constitution. In your opinion, you could have gone either way. You could have relied on the federal Constitution on privacy and equal protection...

AT: I couldn't because of the U.S. Supreme Court's decision.

ED: Oh, OK, that's right. OK, that's why you had to rely....because at that time *Bowers v. Hardwick* was the law of the land.

AT: Yeah, that was the law.

ED: But you said that the Arkansas Constitution its the declaration of rights was stronger than the federal Constitution.

AT: Exactly.

ED: Which I had never gone back and looked at. 'Cause we wrote it in 1874 in order to get back into the Union after Reconstruction.

AT: What was interesting was, we had several constitutions and that didn't back in [sic]. Three constitutions in that short period of time and it was all about keeping the government out of your business. It was about what the government shall not do, and shall not do, and shall not do, and so it's strong. The U.S. Constitution isn't that way.

ED: Also, like the federal Constitution, there's nothing explicit about privacy in the Arkansas Constitution. So you had to build the case that there is an implied privacy right in the Arkansas Constitution as well as the... You

know, the U.S. Supreme Court had to do that in a case, I've forgotten what the case was...the famous case...

AT: Yeah, it was one of the abortion cases, wasn't it?

ED: It was an abortion case. It was...They went back and relied on an old decision to show that there was a fundamental privacy right in the U.S. Constitution. OK. So, I guess that was the biggest case that you had. It was a long, long opinion.

AT: Yeah. And I will tell you, it was...We were conferencing it at the end of the term. I thought, "Oh, this is going to be good, if this is held over." So, I pushed to get that written and get it circulated immediately after the oral argument so that we could hand it down.

ED: That was a long, long opinion. I've forgotten how many pages, sixty or seventy? It was an unusually long opinion and...

AT: And I really wanted us to...There was another case. I had an election case opinion that I handed down that was all...Tom [Glaze] was big into all the election statutes and everything. This was all about absentee ballots and fraud and all of this. But that one was so fact-driven. But this one was more law.

ED: It was the Conway County case that came along.

AT: Yeah, yeah.

ED: No, the Conway County case was earlier...

AT: That was earlier.

ED: That was 1986.

AT: Yeah, that was before my time. This one was in Camden.

ED: Camden. Two guys running for municipal judge down in Camden.

AT: You've got a great memory of all this stuff.

ED: Well, I have some reason to remember all of that because...One of the most miserable times in my life, Tom [Glaze] and I did this book last year...Was it last year?

AT: Yeah.

ED: Well, anyway, it was an ordeal for him and for me because I had dallied so long and he got Parkinson's. I told him many years ago I would help him write this book. He promised those women up in Conway County that he would do this and they kept dying and he would call me and say, "They're all dying up there." And I went to bed every night because I hadn't done anything and I'd wake up in the morning because I was retired by then. And I would think, OK, I'm going to work on the book today. And I never could. I could never bring myself to do it because I didn't want to. Finally, he retired from the court because of his Parkinson's disease, his health is failing. And I go over to his house, and he tells me another one of the ladies

had died. He said, “Dumas, another one has died, and I’m dying, and when I go to heaven, and the first people that meet me there are those women and they are going to say, ‘Tom, what happened? You told us you were going to do a book about all the Conway County stuff and you never did.’ And you know what I am going to tell them, Dumas?” And I said, “No.” And he said, “I am going to tell them, ‘Look, Ernie Dumas is responsible for that and in the unlikely event he ever shows up here, you talk to him about it.’” So I said, “OK.” And so I did it. By that time, he was in such pain and he could not participate in writing it and I sort of had to do it all and take over a chapter at a time. It was just a nightmare for both of us. Anyway, he had all these boxes of stuff. Fortunately, we had spent a lot of time talking about all of this stuff, about these things. In the end—it has nothing to do with this—he was so distraught and in so much pain and had gotten paranoid about that case. About the Camden case and then the one right at the end, the Phillips County election case. He was upset until he died. It consumed him. At the end, that’s all he could think about. So that’s how I remember those cases.

AT: But he was always very personally invested in every election case.

ED: Even though it wasn’t his turn usually.

AT: No, he felt like he was involved in the rewriting of the election laws. I think it was after Rockefeller.

ED: When Joe Purcell was elected attorney general [in 1966] he brought Tom in as his deputy. I think he and Bobby Smith were both...He was chief deputy for something, maybe for special projects. So he wrote that election code and went out to the legislature in ’69 to try get it passed. Mutt Jones [state Senator Guy H. “Mutt” Jones] got it amended and took the guts out of it, all the reforms and absentee-ballot protections and all that. He was upset about that and felt like it was a failure because Joe had let him down and not pressed...

AT: Pressed the issue.

ED: And so at the end he felt personally responsible for there still being crooked elections and it consumed him.

AT: Oh, yeah. He had felt that on the court, too.

ED: He still held these grudges about it. I think Bob Dudley wrote an opinion in 1986 on a Conway County liquor case, where there was all this massive fraud going on, and Bob had ruled the wrong way to Tom’s thinking, and Tom, I think, was alone. It was six to one. But his good friend Darrell Hickman had gone over...George Rose had been gone by then, I guess. But anyway, they all relied on an opinion of George Rose Smith. If George Rose Smith said something it was the law. Tom thought he had been wrong in that case. At any rate, he still felt very strongly.

AT: I remember there were some cases where I disagreed with Tom on them and he'd come by my office and say, "Have you rethought that?" and I said, "Nope." And he said, "Well, I need to start working on your law clerks now." And I said, "Fine. But nope, I haven't."

ED: How did he go in conference? Did he get pretty argumentative in conference?

AT: Well, there were times when it got argumentative, but the great thing about that court, when I sat, I came on when it was myself, Dub [Arnold], and Thornton.

ED: Who?

AT: Ray Thornton.

ED: Ray Thornton came up. Yes, OK.

AT: So we had three new folks and any new person coming on changes the dynamics of a group discussion. But, in the whole tenure when I was there, somebody may have lost their cool once a month. We conferenced every week. But once a month, it was something where you did it, and when you left the conference room it was gone. You could hold very firm. There were some firm disagreements about things. What I learned was, that if you wanted to persuade somebody with your writing, you don't attack someone personally. They're just going to get defensive. So what I just tried to do was point out how this was contrary to this, and this, and this, so that reason and logic might move them. It might not. On the other hand, to go personally after somebody wouldn't do anything except make them defensive. All of us liked each other. I must tell you that. All of us liked each other. Each of us had a particular talent to bring to the table. I can remember at the beginning, and I knew Judge Newbern was kind of a mentor...

ED: So you overlapped a bit with Newbern?

AT: I sure did.

ED: Three years, maybe?

AT: Two or three.

ED: Maybe '98 would have been...

AT: No, let's see I came on... Well, maybe that's right, '98 he went off. It seemed like I was on with him maybe a full year and half.

ED: So you went on in '97 and were on with him...

AT: The end of '98.

ED: So you were there two years with him.

AT: I realized that I might have a bright idea, but I didn't throw it out until it was my turn to speak. By then, by the time it got to me, maybe it wasn't such a bright idea. Because I had listened. So I was always trying to encourage all of us to be listening because every one of us had something to offer.

ED: So, did factions develop on the court while you were there?

AT: No. There had been some of that before. I had been told that, and I take this as pretty truthful, that during the time I was on the court it was probably, looking at the past, a much more collegial court.

ED: I don't recall any. Of course, earlier I covered the court for many years—every opinion, every dissenting opinion—for a period way back in the '60s and '70s when I was out there for the *Gazette*...I don't recall during that period any opinions where there were...sort of like the ones this past week...when there were some really sharp attacks.

AT: Yeah, pretty sharp.

ED: I didn't recall any from the period of time.

AT: I don't recall. I think that maybe the worst words anyone would use would be "misguided" or...It's not like the U.S. Supreme Court at all, where you see a lot of this stuff going on. I just didn't see the use of that. It not only is not useful in advocacy and persuasion, it also doesn't help in terms of the reputation of the judiciary as an institution. I just, to me, it was...I knew when I went in there that there were going to be disagreements. Those cases are hard. They're there because they are hard. So yeah, we're going to disagree. What else is new? This business of making somebody out to be the devil incarnate if they disagree with you is just antithetical to everything this country is supposed to stand for. And that worries me about our civil dialogue in civic society. I am very concerned that people are not listening to each other. They listen to what they want to hear, their version. Whether it's the media they listen to or books they read or whatever. That's all they listen to. They don't listen to all sides. I don't understand that.

ED: You were the first woman elected to the Arkansas Supreme Court.

AT: I was.

ED: There have been maybe three or four women who had been appointed...

AT: There was Andree Roaf, Elsijane Roy...

ED: Betty Dickey.

AT: Well, Betty was after. I was elected before she was appointed.

ED: OK, she was appointed. Huckabee appointed her.

AT: After Dub Arnold went off.

ED: Now, of course, since then, in the last two years, we've elected three. Karen Baker and Courtney Henry.

AT: And now Jo Hart [Josephine Linker Hart].

ED: Jo Hart. So you didn't find any problems when you joined the court, as a woman, in conference and so forth? Did everybody have to restrain their language?

AT: Well, it was funny. I asked them about that. In these criminal cases when there's some raunchy stuff that gets discussed, they said, "Well, maybe we are being a bit more reserved in what we're saying." We'd have to look at videos and stuff, and I remember there was one case where I really had to do some soul searching for myself. That had to do with illegitimate children and what their last names would be—where the parents are not together but the child has been legitimized by the father, the father has been determined through DNA, so the father's family wants the child's name to be the father's name. But under that circumstance, the mother had named the child her maiden name. So the debate is over that and how do you tell chancellors—how do chancellors decide that? One chancellor had basically said, "Well, this is the way it's always done. It will be the father's name." And that just sent me into a tizzy. It might not be the right thing for that child. I don't know. We were trying to struggle through factors to be considered to give the chancellors guidance on how to do this. I remember being probably more emotionally involved in that debate because I just felt like it was just the same old patriarchal stuff. Our society, I thought, had gone beyond that, but it clearly hadn't. So it was very interesting, a very interesting debate. We came up with some good factors, I think. The question is how it is going to be applied in the field.

ED: So was that a case where you dissented?

AT: No, actually, we worked through it.

ED: Oh, you worked it out?

AT: I really wanted us to work through things to give some guidance to the trial court. I've been a judge and when you don't know how the folks upstairs want you to analyze it and decide a fact like this, that affects a child's life. I didn't see any point in that. I really tried to work with consensus building. I can say that, in some ways, that would be the better course in some cases, instead of the fuming dissent that was an ego game. Didn't need it, wasn't going to be of use. It wasn't like this was a law decision. If I'd been in the dissent in the *Picado* case, I would have been in the dissent, because it was a law issue to me.

ED: Any other cases that come to mind that were memorable in any way?

AT: It's so interesting because those cases move through so fast. It sounds like they don't. But they move through so fast. You get eight new cases every week. You're writing your opinions on the prior week's cases, and you get eight new cases to read up on everything. To be honest with you, when I'd go through them, that was behind me. I was moving on. I was pretty focused on what I was doing at the time. I am in the present moment, doing the

present case. My focus is pretty intense, so I am sitting here racking my brain.

ED: Well, typically you would get eight cases and then finally, you reach the point where you conference on that case...

AT: We conference all the cases.

ED: Right, but any particular case, when it comes time for conference on that case and you go around and you're going to write the majority opinion or else you will say you are going to dissent...Typically, would it be two or three weeks before that case would be...?

AT: If everyone is in agreement, it could be handed down in one week.

ED: One week. So you conference, typically, on Friday?

AT: No, we conference on the day of the oral argument: Thursday. We conferenced right after the oral arguments. It used to be Mondays.

ED: Used to be Mondays.

AT: I started out with it being Mondays. So you conference on Thursday now, then on Tuesday by noon you circulated your drafts of that opinion.

ED: Now, would you do that in cases like the sodomy case? It would take a lot longer than that, wouldn't it?

AT: Well...

ED: I mean, you can't type that fast.

AT: Well, no. It was hard. That was a special case. Ordinarily, it might take two weeks to circulate. But a lot of times, you circulated the next week, then everybody read the respective drafts from Tuesday at 1 to Wednesday at 9:30, when we meet in an opinion conference and a motion conference. And at that point, you know whether you have, did any of the judges...You know if you've got everybody's vote? You go around and you put copies of their opinions on their chair if you agree with it. If you don't agree with it, you're going to keep it and you write a dissent or a concurrence. So if I go to my place and I'm number four and I have six versions of my opinion, the copies that everybody else has read, I've got to hand down the next day. But, if I don't I know...

ED: Do you know who dissents?

AT: Oh yeah. Well, no, who will it be who doesn't agree. Then we go around and discuss those opinions and what the disagreement is, right there. We're going around with each case. The chief will call out his cases first, then we go around. So we know what's going to come down by the end of that conference. We know what's going to be held. If you have a dissent you are going to be circulating and somebody agrees with that dissent, then they'll give you copy of the dissent you circulated and say, "I join."

ED: And I think the old system had been set up by George Rose [Smith] way back.

AT: It's a wonderful system.

ED: 1948 or '49, whenever he went on the court.

AT: It's a wonderful system. When you go to conferences in other states, and federal conferences, they are absolutely amazed.

ED: They are behind.

AT: Years behind. The theory, and I thought [U. S. District Judge and then 8th U.S. Circuit Court of Appeals Judge] Judge Richard Arnold said it best, he said, "You'll never know that case better than at that moment, that you have got it ready, you're a hot court, you've decided it, write it." You just have to relearn it all if you go back. I did that on the trial bench. I tell people when they go on the trial bench: Don't take cases under advisement. Decide them then. As a trial judge, you're going to be trying another case tomorrow.

ED: Once you start delaying...

AT: It gets worse and worse. We have to write a letter. There is a rule that we have to write a letter as trial judges or as appellate judges if we can't get a case decided within ninety days after it was submitted.

ED: You have to write a letter to the attorneys?

AT: To the chief.

ED: To the chief, explaining why you can't get it done. Does that happen very much?

AT: Not much, but it did happen when we were struggling. We were struggling. In the case of the trial bench, you make this report quarterly, of cases you have pending more than ninety days after submission. And we look at those to make sure our judges are keeping up with their dockets and, at times, we've had to send other judges in there to help them with their docket. You can't dilly-dally. I will tell you, Ernie, I loved the collegial decision-making process. It's more than the sum of its parts. It's good intellectual debate. I heard things that I never would have thought of and needed to be considered, and I am sure I put things out that no one else would have thought of. I just think it is a great way to make decisions. But, it takes people who are willing to listen and debate. If I'm going to walk in there and say, "This is how I'm going to vote," what's the point? What's the point of having the conference? Just stay in your office and vote. I really think it...As a trial judge, I was all by my lonesome and that was my role. I remember after my first oral argument, after I was first sworn in, and after my first conference, I felt like I had died and gone to heaven. I really think people of good will can disagree and disagree civilly and firmly about difficult issues and still be friends.

ED: All right, any other...

AT: I can't think of any other cases right now.

ED: You decided in 2009 that you had some health issues and you were not going to run again.

AT: Well, I lost my husband, Ariel Imber, suddenly. He died in 2001. November of 2001. I was the only justice who had ever been through that on the court, when they were sitting on the court. Most of the times, it's the fellow, and the spouse is not on the court. So this was a different experience for me. So I had to figure out how to be diligent and do my job when I effectively was impaired. We worked out a system where I took a half load. I would take three cases a week and then if they needed me on other cases I would get on them and work them up. When you are going through the grieving process, you have a great deal of difficulty focusing. I felt it important for me not to deny that part of the process. I had to do it honestly and openly. Then I had the summer recess. Well, eventually, I started having heart problems. My heart was just running, going ninety to nothing as if I were running a marathon. I was wearing down. I went to a cardiologist. I went to Kumpuris's group, cardiologists [Andrew Kumpuris], and they started me on some meds. The problem was a med that would take care of one thing and not the other. I had atrial fib, I had heart flutter and tachycardia, all at the same time. So one med would work for one thing and not for another. Then, I remember, toward the end of one term, in late June, I fell out at home. I blacked out. I was taken to the hospital and put in I.C.U. Eleanor Kennedy was my cardiologist. She said, "I want to keep you in I.C.U. for about five days and try all kinds of things on you." I remember Drew Kumpuris coming to see me—he's with the same group—and he said, "You know..." And I am reading all my briefs, I'm reading my motions.

ED: You're there in the hospital?

AT: There in the hospital with all that stuff, doing it. I would call my clerks and give my votes and they would come by and visit with me. He said, "Déjà vu. I had the same experience with George Rose Smith." He would be in the hospital with heart problems doing the same thing. He recommended that I go to the Cleveland Clinic for an ablation procedure. He had done it; he had it done to himself. So, I went in August of that year, and had an ablation procedure done. It's a lab work where they go through your groin and up to your heart. They had to go into my left atria, which they didn't do here in town. They just did the right. So I was on the table about eight hours as they were going in and, I guess, I call it soldering each thing. Anyway, I went back to the court for the new term and it didn't work.

ED: The ablation didn't work.

AT: Didn't work, so we decided that I would go back to the Cleveland [Clinic] in December and do it again. This time, instead of heat, they would use cryo. Freezing.

ED: Do what?

AT: Freezing. Call it cryo.

ED: OK.

AT: That worked. I really...All I could do was go to work and go home. That was it. I could do nothing else. I was so worn out all the time. So I recuperated. This was in '09. I had the last procedure in '08. I thought, "OK, I'm on the mend, I'll be fine." But then in the summer of that year, I got a headache. I never have migraines. I got a headache that was unbelievable. It would not leave. It turned out I had a tumor on my pituitary gland. We were out of town, in Florida, and my salt had gone way down. So I was really *in extremis* at that point and they recommended I stay and get my saline up and I did. Then Henry drove me back. Meanwhile, my head is just killing me, I have double vision, I can't see.

ED: So, you were married by then?

AT: No, we were engaged. We were engaged and I told him he could back out if he wanted to. He didn't sign on for this job. He had already buried one wife. But, he hung in there with me. I had to be in a dark room, I couldn't move. It was...I had never been in anything like that. So David Redding, a surgeon here who does this kind of surgery all the time... Ruthie Kaplan has had this surgery. They go in up through here [upper lip], go into your brain where the pituitary is and take off the tumor. But basically they cut you here, and go up under your nose and in. So basically you are on life support. So he did that in July, well, yeah, July. I just went to him and said, "Put me out of my misery, one way or the other. I can't live this way." So I had to do some tall thinking. I thought, "I may be slow, but I'm not stupid. Maybe I just need to not have so much stress and so much pressure because this is obviously not helping me right now, with my health." So, Henry and I talked about it, I talked with Sheila about it...

ED: Sheila Bronfman.

AT: Sheila Bronfman. We decided that I would write a letter to the governor in September, but I wanted to talk to my colleagues first. At a conference, I talked to my colleagues and then the letter was delivered. It was the best decision I could have made for myself. I loved doing the job, but it's not a job you go to as a career-capper. It takes every ounce of your energy.

ED: So you and Tom left the court about the same time?

AT: Yeah. He left before I did.

ED: A little before, I guess 2008 was when he left.

AT: See, I left at the end of 2009. I am chair of the Access to Justice Commission now and really giving back.

ED: What is the Access to Justice Commission?

AT: As you know, we are all entitled to a lawyer if we are charged with a crime, but we are not entitled to a lawyer in civil cases. This is about legal aid for people of limited means. Lawyers are supposed to give fifty hours a year of free legal services to people of limited means. So I'm out on the bully pulpit, raising money, because legal aid, as you know, is being cut under national LSC [Legal Services Corporation] funding. The state funding, because of the justice fund and its problems, has been cut. We had money out of that fund that the legislature gave us—ten dollars of every circuit court filing fee for legal aid—and they cut us eighteen percent.

ED: IOLTA money goes into that as well? [Investment on Lawyers Trust Accounts]

AT: No. Effectively, IOLTA money goes to legal-aid providers but there is no IOLTA money now.

ED: Oh, is there not?

AT: No, the interest rates are so low, that cut it deeply. The attorney general gave us two million dollars to set up systems to help with the foreclosure litigation, helping people of limited means with foreclosures. So we're setting up that system, but that will be over a three-year period. I just feel that is where I can help. I am also on the Health Exchange Advisory Committee.

ED: Under the [Patient Protection and] Affordable Care Act?

AT: Yeah, working with that. And then I'm also a member of the Board of the Judges and Lawyers Assistance Program for judges and lawyers with substance-abuse problems. I'm busy, but I'm not...It's not the kind of stress.

ED: It's not deadlines every day, where you've got to get this done...

AT: My Sabbath is Saturday, so I worked every day except Saturday—morning and night. You saw how Tom worked. When Henry and I started dating, he said, "God, I didn't know this." I said, "Yeah. We're the ones getting the big salaries." I remember when I was on...The chief had formed a commission about judicial pay and we got lambasted by everybody about how much we were making. I was thinking...But the question is, "How do you recruit good lawyers to come and do this job?"

ED: They haven't gotten a raise in some years now. Probably part of the fallout from the *Lake View* decision, and now they've struck down...Even worse, they [the Supreme Court] keep handing down decisions declaring part of the tort reform act clearly unconstitutional. The legislature is furious about that.

AT: Sure they are. It's kind of like when the chief went over there...I went over because of Access to Justice funding, the chief [Chief Justice Jim Hannah] was having the budget hearing and there had been an indication that he was going to be challenged about the fact that the legislature doesn't appropriate the [attorney licensure fees]. And, of course, out of those monies, the law sets fees. We support the discipline committee [the Professional Conduct Committee], we pay for all the staff on the discipline committee, we pay for Chris Thomas's shop [Professional Programs], which is the bar exam and continuing legal education, the Judges and Lawyers Assistance Program Committee and Foundation and the Access to Justice Commission. All of this is about the practice of law so it's a constitutional issue—Amendment 28. They [legislators] wanted him to give an opinion right there, and he was having to delicately refuse. He says: "I realize there is conflict between us, but that is part of the system. You have your job and we have our job." I thought he did a great job handling it.

ED: My guess is they will not get a raise again, this time. [The judges did get a raise in the 2013 General Assembly.]

AT: That's OK. We have to do what we have to do.

ED: Yeah.

AT: Even though, when you think about it, you've got to do what you've got to do. Let the chips fall. If you spend your time worrying about all the possible ramifications of an opinion you hand down, jiminee. I just never could...I just didn't want to get into that kind of mindset, because, if you do, you're not doing your job. I could always go back and practice law, probably make a hell of a lot more money. But money wasn't what motivated me. Have I given you enough?

ED: Yes, I think so. I don't think there is anything else we need to cover. You had mentioned in there that you and Henry Tuck were married...

AT: In December of 2009.

ED: I guess weeks before you physically left the court...

AT: Retired.

ED: You've lived happily ever after?

AT: We're having a good time. We're traveling; we did our honeymoon on a cruise around South America for seventy days. We've gone to Israel. I wanted to take him to Israel. We've gone to the Baltic, which I had never been to.

ED: We went to the Baltics several months ago, I guess.

AT: Beautiful. St. Petersburg...

ED: Stockholm. Helsinki. St. Petersburg, Gdansk, Bruges, and all of that.

AT: Wonderful. We went to France this fall and did an overland tour. I speak French very well and we wanted to not do a boat. We've done a river cruise up the Danube.

ED: We've done that too. Done one up the Danube, and one down the Danube.

AT: Right.

ED: Great trips, wonderful trips.

AT: So, we're doing that. I have some family issues, as I've said, and I need to be focused on helping my family here. It's a good life. I feel like I've been very blessed and very fortunate. Have a lot more to do. It's not like I'm lying down on the job. I am just doing it in a different way that keeps me healthy.

ED: Good. Well, if you can't think of anything else we haven't covered we'll...

AT: Wrap it up?

ED: We'll wrap it up. Thank you so much.

AT: Thank you, Ernie.

ED: [Ernie describes next steps for transcription, editing, and finalizing the interview.]