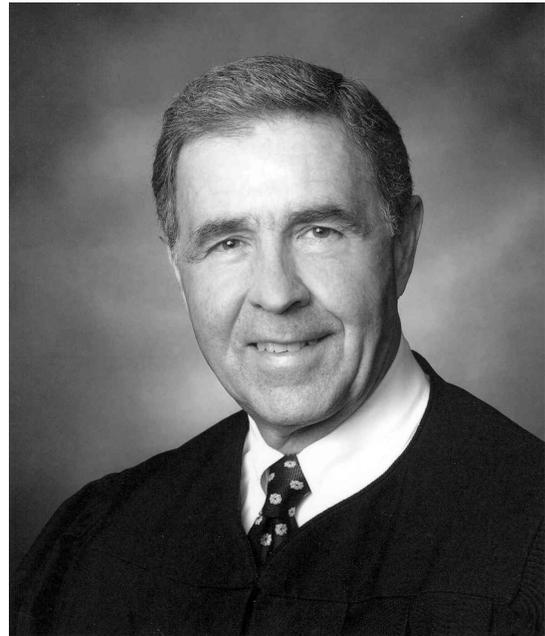


Garr M. King: An Oral History

Garr M. King

An Oral History



FOREWORD BY JUDGE OWEN PANNER

**US District Court of Oregon Historical Society
Oral History Project
Portland, Oregon**

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FOREWORD

The Oral History Project of the District Court of Oregon Historical Society began in 1983. Through the efforts of Judge James Burns and his wife Helen, a gathering of lawyers, judges, and historians took place at the Society's inception. The Honorable Robert F. Peckham, District Judge for the Northern District of California, discussed the Northern District Historical Society and the inspiration was born for Oregon's District Court Historical Society, the second such organization in the country. The original Board of Directors of the Society was composed of twenty-one members with bylaws including the Presiding Judge of the Court, the Chief Justice of the Oregon Supreme Court, and the President and a representative of the Oregon State Bar. The original officers and directors included outstanding judges and lawyers – Judge John Kilkenny, Honorary Chair, Judge James Burns, Chairman, Randall Kester, President, Manley Strayer, Vice President, Elizabeth Buehler, Treasurer, Susan Graber, Corporate Secretary, and Robert M. Christ, Executive Secretary, along with many other top names in Oregon's legal history.

The Society decided to collect, study, preserve, analyze, and disseminate information concerning the history, development, character, operations, and accomplishments of the United States District Court for the District of Oregon. It was therefore logical that the Oral History Project should be established to preserve the histories of the judges, law firms, and lawyers who actively practice in the Court. With the assistance of Rick Harmon and James Strassmaier, the Oregon Historical Society held seminars to educate volunteers in taking oral histories with a biographical and

Court-oriented focus. The Oregon Historical Society has been most cooperative in agreeing to maintain these histories in their permanent collection for study by scholars and other interested parties.

These oral history interviews have been taken by recording devices, and are either transcribed or transcription is underway. A transcript reproduces, as faithfully as possible, the original sound recording that reflects the special value of oral history, namely its free and personal expressiveness. Most of the transcripts in the District Court Collection have been lightly edited and reviewed for clarity and accuracy by the narrators. That process continues. It is through these wonderful oral histories that the story of the Court is told. We now have recorded nearly 120 individuals since the project began. The goal is to record the individual histories of all the judges of the Court, as well as those of participating lawyers. The Court has a rich tradition reflected in the activities of the judges and lawyers of the Court. The recording has been done not only by professional historians, but also by dedicated volunteers. As one such volunteer said, "The opportunity to interview someone that you always admired is truly an exciting experience."

The history of the Court is being created by the men and women who have participated in its collection and activities. The Society's goals are to collect as much of that history as possible, because it is the history of the law and those who make it that constitutes the moral development of humanity. All of us who are students of the law venerate it. We are also interested in the people who make it.

Judge Owen Panner
February 28, 2006

INTRODUCTION

Garr King was born in Pocatello, Idaho on January 28, 1936 to Warren and Geraldine (Hanlon) King. When Garr was one year old the family moved to Salt Lake City. King's father was an accountant and owned and managed two restaurants. His mother was primarily a homemaker and raised their seven children, but later in life went to work for the Veterans Administration. King attended Salt Lake City's only Catholic school, Judge Memorial, from second grade through high school. His favorite subject was math, played multiple sports, and envisioned a career as a baseball player. He fondly remembers Sister Theresa who was, "so full of life. She used to have us sing in Spanish to learn it." He worked odd jobs throughout high school, and "washed an awful lot of dishes" in his father's restaurants for thirty-five cents an hour.

King enlisted in the U.S. Marine Corps while still in high school, and reported for "boot camp" in January 1954. He was assigned to an office job at Treasure Island and remembers San Francisco as "a wonderful place in the fifties." It was there that he met and courted his wife Mary Jo. In 1956, King was stationed in Japan for a year and visited Tokyo, Mt. Fuji, and Nagasaki where, he saw the destruction from the atomic bombing eleven years earlier. He and Mary Jo were married after his discharge from the service in 1957.

The couple settled in Salt Lake City where King entered the University of Utah, intending to go on to law school. He needed to work and landed a job with a brokerage firm tending their new computer punch-card system. But working slowed his studies. Garr heard about Northwestern Law School from his brother-in-law, where one could enroll without an undergraduate degree. In addition, Mary Jo wanted to return to her hometown, Portland, and the Kings moved to Portland in September 1959.

Garr King entered Northwestern Law School and immediately got a job in the computer department of U.S. Bank. He worked days and attended law school classes at night. King was promoted to a position in U.S. Bank's Trust Department and later became a trust officer at Oregon Bank. It began to feel like he was on a career path in the banking industry. "At that point, you think: Do I really want to continue with law school? Fortunately, I decided I did." King graduated from law school, passed the bar and was immediately hired by George

VanHoomissen as a Deputy District Attorney for Multnomah County in 1963. He worked alongside other young lawyers who became prominent figures in Oregon's legal community: Jacob Tanzer, George Juba, Des Connall, and George Joseph. In 1966, Garr King accepted an associate position at the law firm Morrison & Bailey doing mostly insurance defense work. An early high profile case involved defending Harvey Aluminum from claims made by cherry growers that the plants' emissions harmed their crops. He lost the case. "The jury believed the cherry growers and gave them everything they asked for."

In 1973, Garr King formed the Kennedy & King partnership with Jack Kennedy. The firm "did everything," from representing amusement park operators to Fred Meyer executives. King's trial work frequently brought him before the federal bench, and he often defended other lawyers, including then lawyer Owen Panner. Panner was one of numerous Oregon and Washington lawyers sued for damages when the issuers of Washington Public Power Supply System (WPPSS) bonds defaulted. "Owen was sued for about a million dollars. I used to like to tease him that he didn't really have that much money."

After thirty-four years as a successful lawyer, Garr King was appointed to the U.S. District Court of Oregon by President Clinton in 1998. He has earned a reputation as a fair, hard-working judge who knows the law and treats everyone in his courtroom with respect. King has ruled in hundreds of highly complex, significant cases ranging from the Capital Consultants bankruptcy, to Indian fishing rights on Icicle Creek, when he admitted oral histories as evidence. King's most vexing cases are the Al Haramain terrorism cases. King ruled against the Bush Administration's motions to dismiss on the grounds that presenting evidence would compromise national security. "I was frustrated with the government's position: 'You have to dismiss this case because it involves national security. But we can't tell you why.' My comment, which was quoted in the newspaper was, 'This sounds like Alice in Wonderland,' which is exactly what it was." King's decision was upheld by the Ninth Circuit Court on appeal.

Michael O'Rourke
September 2011

Family Background

MO: We're now on tape on June 9, 2010 with Judge Garr King in his chambers here at the U.S. Courthouse. Judge King, I just wanted to start by asking you a little bit your early life, maybe starting with some of your earliest memories that you can recall from your childhood in Pocatello. Or maybe you can't remember back that far, maybe Salt Lake City would be your first. But what are some of your earliest memories?

GK: We moved from Pocatello to Salt Lake City when I was a year old so I have no memories of Pocatello, as you picked up.

As far as Salt Lake, some of the early memories I have are basically this very large brick house we lived in Salt Lake on Green Street. We lived in the upstairs part of it for a while then lived in the downstairs part of it for a while. I recall some of the specifics of growing up there mostly that we lived across from a park called Liberty Park, which was a great park. We used to spend a lot of time over there hanging around and finding things to do and so forth and so on.

MO: Okay, I'm going to pause here. *[Recording stops, then resumes]* Tell me a

little bit about your parents. I guess your father Warren was an accountant?

GK: Yes. He went to high school in Utah, moved to Salt Lake after I was born, [and went to school there. I don't really recall that much of how far he went in school. He studied accounting and he was an accountant for most of his life although he went into the restaurant business for a while. With a partner, [he] owned a couple of restaurants in downtown Salt Lake; was not successful long-range on them. They both went under. He worked for a couple of companies as, I'm assuming, he was doing accounting clerk type work. I don't think he ever practiced as a CPA. He used to do tax returns for lots and lots of people. But I can't even tell you for sure whether he had his CPA shingle.

MO: Mm-hmm. Part of the time he worked for companies and part of the time he was self-employed it sounds like?

GK: Yes. He was self-employed as a restaurant owner. He was self-employed doing tax returns for people, whether they were all just friends or clients that he had accumulated. But that's basically what he did.

MO: What would you say his personality was like? What sort of person was he?

GK: He was an outgoing, social guy

who had a serious alcohol problem. He had the Irish curse.

MO: [Laughs] So he drank a little bit, huh?

GK: [Laughs] Yes, there we go.

MO: Or maybe more than a little bit.

GK: Yes.

MO: And what about your mother? Her maiden name was Geraldine Hanlon?

GK: Hanlon, H-A-N-L-O-N. Mother was sixteen when she married my father. She had seven children. She was, and is, a wonderful woman. She's still living. She's eighty-nine right now. No, no, no, she's ninety-one or ninety-two. I'm sorry. But in any event, she was the primary parent-er in the family. She didn't work outside of the home until much, much later. I was probably about fourteen or fifteen when she went to work outside the home.

MO: So during most of your childhood she was a housewife and took care of things in the home.

GK: She was at home, took care of things at home, yes.

MO: Then when she did go to work, it was for the Veteran's Administration?

GK: Yes. She worked for the Veteran's Administration at the Veterans Hospital in Salt Lake City. When she moved to Portland she worked at the VA Hospital here in Portland.

MO: Mm-hmm. How would you describe her personality?

GK: Well, she was and is a beautiful woman. She was just a great mother to all seven of us at all times. She has always had a very positive outlook on life. She remembers only the good things. She doesn't remember all the tough, tough times that she had raising us. She was a single mother for a long time, but she did a wonderful job. But as I said, she did whatever she had to do to take care of her family and raise and support her family.

MO: You said she was a single mother?

GK: By single mother—she divorced my father when I was fourteen and she raised us from that point forward. My father was really not a factor either in support or in parenting. She wasn't a single mother as such. She was a divorced mother.

MO: Right. Probably she was the one that mostly raised you and interacted with you as a child? Is that right?

GK: Yes, that's basically it.

Growing Up

MO: You had three brothers and sisters.

GK: I have three brothers and three sisters.

MO: Three each. Where were you in the order?

GK: I was the oldest.

MO: You were the oldest, the first-born. That makes sense based on what you've already told me.

GK: Right.

MO: How did you get along with your siblings in those days?

GK: Generally got along, although my brother Pat and I fought a lot, as we got older, particularly when we were in high school. After we both grew up and got married we'd become very good friends and see a lot of each other. And the rest of the crew—I was somewhat older than them. We got along fine, although I'm sure we had our little tiffs and spats and so forth. In fact, I know we did. But we got along.

MO: You must have attended elementary school in Salt Lake?

GK: Yes.

MO: How was school like for you as a young boy?

GK: I thought it was pretty good. I attended Judge Memorial High School, which was the only Catholic high school in the city at the time. Judge Memorial was in a large old brick building, which had previously been a hospital. You went there from first grade through senior in high school. The bottom two floors were for the grade school; the top two floors were for the high school. I started there in the second grade and stayed until my senior year of high school.

MO: So that's where all of your pre-college education took place.

GK: Yes. I was educated by the nuns there at Judge Memorial.

MO: Were your parents involved with the Catholic Church?

GK: Yes. Mother is a devout Catholic. She's the one that made certain we went to Mass. My father paid lip service to church. He was a member of Knights of Columbus. He went to Mass, but he was not what I would call a good, devout Catholic.

MO: But your mother was?

GK: Mother was and is. She still goes to Mass every morning.

MO: Mm-hmm. Were either of your parents politically involved at all?

GK: No.

MO: No, okay. What was your sort of coming-of-age experience like, say in your high school years? Did you have any idea at that point what you might want to do with your life and your future?

GK: I can't recall having any idea other than being a baseball player. *[both laugh]*

MO: You were involved in sports?

GK: I was involved in sports. I played football, basketball, and baseball. I played a lot of baseball. I liked that sport a lot.

MO: Did your high school team—

GK: We were a small school. We had two hundred kids in the high school. I include boys and girls. I played football. I can't remember how many boys went out for football and the other sports. But most of us played all the three sports that I mentioned. I shouldn't say most of us. There was a core group of athletes that played a lot of those sports.

MO: On the academic side, were there any subjects in school that you particularly liked?

GK: I was always pretty good at math.

MO: Any teachers from back then that stand out in your mind or were very influential?

GK: I remember Sister Teresa who was about five-foot tall, Hispanic nun who taught Spanish, which is one of those persons who were so full of life. She used to have us sing in Spanish in order to learn it. Rather than Latin, I took Spanish. I thought it was a lot better. Maybe I thought it was easier, I don't know. But I remember her. And I remember Sister Irene who, again, was a very outgoing, friendly, humorous nun who taught us in, I believe, seventh grade.

MO: Any other hobbies or activities during your childhood besides sports?

GK: Primarily sports. We lived right across from a municipal baseball field, a good one. I was over there a lot of the time when the weather was good. We skated on the lake in the park that was right across the other street from us. It would freeze during the winter and you'd skate on that lake. I can't recall any particular hobbies or anything I had. I think sports were the primary thing that I was interested in.

MO: Mm-hmm. I guess your next experience after high school was the Marine Corps, is that right?

GK: That's right.

MO: Actually, before we go there let me

ask you one other question. Did you have any early jobs during your high school years?

GK: I worked all the time. *[both chuckle]* If we were to have any money we had to work for it and earn it. So we were looking for every odd job and job we could find. I washed an awful lot of dishes in restaurants all through high school.

MO: In your father's restaurants?

GK: I washed dishes there initially. He paid me thirty-five cents an hour. Then when I went to work for someone else I think I got fifty cents an hour. I don't recall I ever got more than that when I was in high school. I had other types of jobs too. I remember one when I turned sixteen I got a job parking cars for a smaller hotel. You'd park the cars of the people who were registering. I remember secondly that I wasn't very good at it, that I scratched a few of those cars right off the bat. In any event, we worked whenever we could get a job. I caddied.

MO: Were you a golfer?

GK: I'm a golfer now. I didn't start golfing myself until much later in life.

MO: Your father's restaurants, what types of restaurants were they?

GK: They were both downtown restaurants. One is what you would call

a breakfast and lunch place. It didn't have much dinner business. The other was an evening restaurant that had a lot of business in the evening. One was more like, not a cafeteria, but it was a bigger place on a corner there. I worked there for the entire time he had it.

MO: When did you finish high school? You directly joined the Marines then?

GK: I joined the Marine Corps before my senior year. I joined the day I turned eighteen, which was I think the first day I could do that without parents' permission. So myself and a buddy, who had talked about it for some time, enlisted in the Marine Corps. I enlisted in the Marine Corps before I graduated from high school.

MO: This is something that you'd been thinking about and planning for a while.

GK: We'd been talking about it. He had a brother who was in the Marine Corps and was telling us how great it was. It sounded better to me than school at the moment.

MO: Mm-hmm. You weren't necessarily under any pressure, any draft pressure anything like that?

GK: No, no. The Korean War had just ended in September. Frankly, during high school, we all expected to have to be drafted and to go into the service and end up in Korea. Then the hostilities

ended, I'm going to say summer of '53. While that wasn't a factor, we'd still had this mindset about going into the military. We decided rather than be drafted to the Army we would join the Marine Corps.

MO: You did, to some extent, anticipate being drafted?

GK: Oh yes. I was comfortable I would be drafted. We had no money to go to college. You got a deferment if you were in college, but I knew I was going in the service at some point.

MO: Did you have any thoughts of college at that point?

GK: That's a good question. I don't recall ever thinking during the time I was in high school about college because it was not something that seemed like it was going to happen. I have to tell you at this point I can't remember any process of thinking one way or another—that I was, couldn't, and wouldn't be able to—this type of thing. I think I was just wasn't interested, frankly, in college.

Military Service

MO: Tell me a little bit about your Marine Corps experience? It probably started in boot camp?

GK: I went to boot camp January of

1954 at San Diego at the usual boot camp. Following boot camp, I was sent to Camp Pendleton where you go through infantry training. Then I got an office job. They assigned me to an office job in Treasure Island in San Francisco, which was a great place to be assigned. I was fairly lucky in that regard.

MO: How did you find boot camp?

GK: Boot camp was good for me. It really was. [*chuckles*] I tell you, you became squared away very quickly or you had a lot of trouble if you didn't. So I think both physically and mentally boot camp was good. I didn't like it at the time, but looking back I was thinking it's one of the best things you could do for young men who really don't know what they want to do in life. [*both laugh*]

MO: You needed a certain amount of squaring away?

GK: Yes. I had never been in any kind of trouble or any particular thing, but I think I needed to mature a lot.

MO: Then your desk job later on, what did that entail?

GK: Basically it was in the post office. As a Marine, they assign you a job but you're also basically a rifleman. So you would do all of the things. Get up in the morning and do your calisthenics, do your marching, do your going to

the rifle range, all those things. But also you had a job that they assigned you to. That's where they assigned me, primarily, I think, because I had worked as a mail clerk for about six months. Not for the post office, but for a company.

MO: So you had some experience?

GK: They picked that up, yes.

MO: Then you were stationed in Japan for a while?

GK: Right. I was transferred from Treasure Island to Japan to the First Marine Air Wing. I think I was at Treasure Island about a year, year-and-a-half, something like that.

MO: Before we go to Japan I should ask you how it was for a young man who had spent his entire life up to that point in Salt Lake City to all of a sudden be in San Francisco?

GK: Oh yes. San Francisco was a wonderful place in the fifties. I enjoyed it tremendously. That's where I met my wife. San Francisco was a good place.

MO: How did you meet your wife?

GK: One night a group of us from the base went out. We went to a bar that must have known we weren't twenty-one but they used to serve us anyway. That bar was below a Catholic Church

called St. Boniface's Church and we heard they were having a dance upstairs so several of us went up to the dance. When we got there, one of the guys I was with was from Portland. He knew Mary Jo, my wife. She had moved to San Francisco from Portland to live with her sister and go to work down there. It was because she went to a church dance. She knew the guy we came in with. We were introduced and over time we corresponded and courted.

MO: Mm-hmm. What sorts of things would you do in San Francisco?

GK: What did we do?

MO: Either you or you and your wife, then girlfriend, I guess?

GK: I guess you do about the same thing as you do if you were a teenager or nineteen—eighteen, nineteen, twenty years old in Portland. When I was going with my wife, we went out a fair amount. We went out to eat. We went out to movies. We went places. We went to the beach, the usual things. I can't recall anything terribly exciting, although I do recall with the guys from the base going to football games at Berkeley and going down to the California coast and things like that. So we got out and did the kind of things you do anywhere.

MO: Okay. And then you were transferred to Japan.

GK: Right.

MO: Were you married yet at that point?

GK: No.

MO: Okay. I guess Mary Jo stayed—

GK: She continued to live in San Francisco.

MO: What was it like in Japan for you?

GK: It was interesting. I had never been out of the United States before. This was 1956. Let's see. I got out in '57. It would have been late '55, '56. The war had been over for ten years but there were still vestiges of that. I remember going to Nagasaki where the bomb, atomic bomb, had gone off and seeing the areas that had not been rebuilt.

So it was a completely different culture than you were used to. We used to ride the trains into the city, to Tokyo and Yokohama and so forth. I traveled a reasonable amount. We went to Mt. Fuji and places like that. Basically, you had your job and you did it. When you went on liberty you went off with a bunch of guys, basically, and did your thing.

MO: Was your job there also handling the mail?

GK: Yes.

MO: It must have been interesting to see Nagasaki, that's for sure.

GK: Yes it was.

MO: I imagine it was probably still a little radioactive at that time?

GK: It probably was, you know. It was interesting to see, yes.

MO: You stayed in touch with Mary Jo while you were in Japan?

GK: We corresponded; we wrote quite a bit.

MO: How long were you in Japan again?

GK: A little over a year.

MO: So it was a little over a year in both places?

GK: Yes.

MO: Were you discharged when you return from Japan?

GK: Discharged at the end of my three-year enlistment. I think I was discharged January 31, or something like that, of '57. [*mulls date*] Yes.

MO: You were the rank of sergeant by that time?

GK: Yes. I was what they call a buck sergeant, three stripes.

MO: Did you, at any point, consider a military career?

GK: The only time I did was the master sergeant that I worked for suggested to me that if I were interested he would recommend me for the NAVCADs, the Naval Cadets. We were in an air wing and they were flying jets off there. That was of interest to me but you would have to reenlist for about six years. I did not want to do that. [*both chuckle*] I would have liked to have flown jets, but that was something that wasn't in the cards for me at that point in time. I was ready to get out and get back home.

MO: Mm-hmm. Did you have any idea in mind what you would do next once you got out?

GK: My intention was to go back to Salt Lake and go to school.

MO: Probably your service enabled that. Did you get some sort of assistance like the GI Bill?

GK: Oh yes, the GI Bill, which was wonderful. It paid for my school all the way through. It was something that gave you the security that you knew you could afford to go to school. I worked all the time that I was in school, but with the GI

Bill you had that little extra money. A little more than a little! It covered school all the way through. I had no debt from school, not like the kids today.

MO: Then you went back to the University of Utah?

GK: Yes. Well not "back to." I had never gone there before.

MO: Well, right. Back to Utah.

Marriage & Further Education

GK: Mary Jo and I got married in San Francisco the day I got out. I shouldn't say that—I think it was two or three days after I got out. We got married in San Francisco and moved to Utah. Came to Oregon first and met all of her family, and she got all of her stuff. We went to Utah and set up housekeeping.

MO: Had you met her parents previous to this?

GK: No, no. I had not met her parents or family. She had not met my parents or family before we got married until they came for the ceremony in San Francisco.

MO: And was it a big wedding?

GK: Big? My mother and my aunt were there. Her mother and grandfather and

three of her girlfriends were there, and some of my friends who were still at Treasure Island. When I got back I got out at Treasure Island. There were still some of the people I had known when I was stationed there. Her sister and her husband and their two little kids were living in San Francisco so they helped arrange the wedding ceremony. It was a very small, quiet wedding ceremony as you can see. We just decided to get married when I got back. The issue was: Do you go back to Portland or stay in Salt Lake? Or do you go to Salt Lake? Or do we get married and both go to Salt Lake? That's what we decided to do. It was a lot simpler and a lot less expensive that way.

MO: [*chuckles*] Especially compared to weddings nowadays.

GK: Yes.

MO: So what was your experience at the University of Utah?

GK: I took all night classes at the University of Utah. I got a job immediately when I got to Salt Lake City at a brokerage firm. I was working in their IBM section. You probably remember using cards with computers—punch cards.

MO: Yes.

GK: Well computers were fairly new

at that time. I got a job working in the—I forget what they called the section—but it was all computerized. These were computers that were almost as big as this room.

That was my first job working at a brokerage firm. I worked during the day and I took classes at the University of Utah at night.

MO: You got that job based on some of your experience you picked up in the military maybe?

GK: No, I didn't have any experience at all.

MO: Okay. But you were good at math at least.

GK: Yes. I think if I remember right, I was reading the newspaper and saw the job and applied for it and got it.

MO: So you were taking night classes and working that job during the day?

GK: Yes.

MO: What did you think of the work at the brokerage firm?

GK: I liked it! It was something completely new. I basically worked on a collator that collated the cards and you had other machines that did something to it. The experienced guys would be the computer programmers. That was in the day that

when you programmed a computer you had a board about the size of a washboard and you would plug the—I forget what you call them—the connectors in one side to another and keep programming it. That's how you programmed then! *[Laughs]* You had something to follow, but—

MO: The hardware sounds like it might be a little like a telephone switchboard or something like that?

GK: Exactly. Exactly. That's what you were doing. You programmed the computer to do what you wanted it to do. I never learned how to do that.

MO: When you entered the University of Utah, did you have any career ideas at that point?

GK: I told myself, anyway, that I was a banking and finance major. *[chuckles]* Those were the classes that I would try and pick out to do those plus some that I thought were interesting.

MO: Would that decision have been influenced a little bit by the job you were in?

GK: Yes, probably.

MO: How did college go for you?

GK: I stayed with it. I didn't *[pauses]*. I completed a number of courses but I didn't complete anywhere near enough to get a degree. I did not get a degree

at the university. In those days, there were—you could get into that law school without a degree—at Northwestern, where I went. That's jumping ahead a little bit. But frankly that's what happened. I'd been going there, working in Salt Lake and going to school about three years and my brother-in-law here in Portland, who is married to Mary Jo's sister, had enrolled at Northwestern College of Law in the night school. He called me and was telling me about it and what a great deal it was. So I started looking into it and decided it was going to take me forever to get a degree and maybe go to law school at the University of Utah. So we moved. My wife wanted to move back to Portland; she never did care that much for Salt Lake. So we moved to Portland and I started at law school shortly after we got here.

Moving to Portland & Children

MO: So that was in 1959 roughly?

GK: Yes. We lived in Utah from January—let's say February 1, '57 until September of '59, when we arrived here in Oregon.

MO: Okay. You packed up and drove up to Portland from Salt Lake?

GK: We did. We sold our house. We'd bought a nice new house and we sold our house and packed up a trailer. We had two children by then and headed for Portland.

MO: They must have been two young children.

GK: They were. They were babies. And I think Mary Jo was pregnant with our third!

MO: Apart from working your job with the brokerage firm, you also had some added responsibilities as a young father.

GK: Yes, we did. We bought a house. I put in the yard with the help of a couple of neighbors. We did all the work ourselves putting in the yard.

MO: At the Utah house or up here?

GK: The Utah house. In those days; we put a hundred dollars down on that house. I had a GI loan of four percent. I think our monthly house payment was about seventy dollars or something like that. Of course, I was only making three hundred and something. [*both chuckle*] There's a difference.

MO: Right. Those dollars were worth a little more back then.

GK: Yes.

MO: So you moved up to Portland. Where did you wind up settling in the city once you got here?

GK: We initially rented a little house in Southeast Portland out Powell Boulevard. It was a nice little house. We just rented it.

MO: I should ask you, too, who were your two children that were born in Utah?

GK: Mary Elizabeth, our oldest daughter, and Michael, our oldest son, were born in Salt Lake City.

MO: Okay. And a third came along a short time after you got to Portland?

GK: Matthew was born in January of '60. We moved here in—it was either August or September of '59.

MO: Okay. You got a job at US National Bank?

GK: Right.

MO: Was this after you arrived in Portland?

GK: It was after. I had no job when I left [*chuckles*] and had no prospects of a job when we moved here. I saw an advertisement and went down and applied for a job at US National Bank and was given a job.

MO: Mm-hmm. Working at night on your law school?

GK: My job at the bank, I started off doing the same thing I had been doing at J. Hoglund & Company, the brokerage firm, which I was working in the accounting department with their punch card computerized system. I did that for about a year and I started law school as soon as

we got there. I worked during the day and I went to law school at night. I forget how long after I started, they offered me a job as an administrative assistant to a trust officer. I took the job. I got a desk, and I wore a tie. [*both chuckle*]

MO: And hopefully—

GK: It was a great job; it really was, because you were learning how to handle estates and trusts. I was in the trust department of the bank at that time.

Law School

MO: How was law school for you?

GK: Law school was good. I actually did better in law school than I did in high school and college as far as studying and grades. I had gotten a little older too and that sometimes helps.

MO: Were there any particular areas of the law that you were exposed to at that time that were—

GK: Yes. I really thought I wanted to get a specialty in tax work. There were a couple of schools that had tax courses, specialty courses, that you could take. But they were both expensive and long. It was just not in the cards to go to tax school.

MO: Any people that you met at Northwestern that particularly impressed you or that you were close to, either teachers or students?

GK: Teachers. There were a lot of very impressive teachers. All of the teachers at Northwestern, when it was a night school, were practicing lawyers. There were some very good ones. John Ryan for example taught there, was very good. He's an outgoing Irishman. He's smart and he can speak and he was very good. Leo Levinson was teaching there also—very good. My future partner, Jack Kennedy, was the [*Interrupted by someone coming into chambers*]. What was I saying?

MO: You were talking about your professors.

GK: They were good. I met my partner there. He was the registrar, Jack Kennedy. Later we became law partners but that was down the road quite a bit.

MO: But you were friends during the law school days?

GK: I'm sorry?

MO: Were you friends with Kennedy?

GK: I didn't really know him.

MO: You just met him, but knew who he was.

GK: He was a law school graduate who was assisting at the law school as registrar. He was the guy in charge of collecting the tuition from the students. [*chuckles*]

MO: Okay.

GK: Among other things. So he was the guy that we didn't want to have a lot to do with if we didn't have to. [*both chuckle*]

MO: Avoided him in the halls.

GK: That's right.

MO: Any other students at that time?

GK: I met a lot of really great guys. We had a group that studied together, four of us. I still see, and think of, many of them as friends, particularly the ones that are practicing here in Portland.

MO: Who are some of the names?

GK: Dan O'Leary was in my class. He was a plaintiff's lawyer for a long time and now does environmental work. Don Pinnock was a guy that I studied with. He practiced in Ashland, moved to New Mexico, and is still practicing there. Marv Nepom was a year ahead of me, but the junior and senior classes were together in one room because by the time we got to our third and fourth year of law school, the number of students had pared down substantially. Not many made it through.

MO: Was it during law school that you made the move to Oregon Bank, or was that after?

GK: I worked at the US Bank for a little over two years. Then the Oregon Bank hired me as a trust officer. I went from being an administrative assistant to a trust officer, to being hired at the Oregon Bank as a trust officer. I was administering estates over there. At the time, I was the youngest trust officer in the state of Oregon. It was a good job. I got a substantial salary increase moving from US Bank to the Oregon Bank.

MO: That must have almost felt like a career development.

GK: It did. At that point, you sort of think: "Well, do I really want to continue with law school?" Fortunately, I decided I did. That even if I didn't practice law it would be a good background for the trust work that I was doing. To think from the time I went into Marine Corp I was never out of work more than a day, [*both chuckle*] other than that travel time from San Francisco to Salt Lake, and the travel time from Salt Lake to Portland. I didn't have any periods of unemployment during that time. Couldn't afford them.

MO: I was going to say probably for that reason partly. But I guess, at least in your case, jobs are probably easier to get than they seem to be today.

GK: Yes.

MO: Then you graduated from Northwestern in what year?

GK: 1963.

MO: When did you take the bar? Was it that summer?

GK: That summer, yes. We studied during the summer, and took the bar review course and took the bar in Salem.

MO: And you passed it the first time around?

GK: Yes, I did.

MO: You continued to work for Oregon Bank until '65?

GK: No. I worked for them until I passed the bar and then I became a Deputy District Attorney.

MO: Okay. And George Van Hoomissen—

GK: And George Van Hoomissen hired me right out of law school to be a Deputy DA.

MO: Okay. I thinking—let me pause for a second. *[Recording stops, then resumes]* You were saying you had five children by the time you got out of law school?

GK: Right. For three of the four years a child was born each year just about the time of mid-term examinations in January. All of our children those first five were born either in late December or January, but we had five children by the time I graduated from law school.

MO: *[Laughs]* Mm-hmm. And who came along in the last two?

GK: Our son Matthew was born here and Jim, then our daughter Meg.

MO: So that must have been a further challenge at that point to have five kids in the house?

GK: It was a busy time.

MO: I said a minute ago off tape, why don't we hold the time as the Deputy DA until next session?

GK: Sure, that's fine.

MO: Thanks for the interview today. We're underway!

GK: You bet.

[End of Recording One]

District Attorney's Office

MO: Today is June 21, 2010,. We're continuing the oral history with Judge Garr King in his chambers in the U.S. Courthouse in Portland. Judge King, last time we talked we got through law school. I guess right out of law school you were hired by the District Attorney's Office here in Multnomah County. Can you tell me how that came about?

GK: I received a letter or a call, I'm not sure which, from George Van Hoomissen indicating that he was looking for a couple of new hires for Deputy District Attorney. My understanding is that he sent that letter to the top five individuals in the law school class at Northwestern.

MO: That's how your name came up?

GK: That's how my name came up. I interviewed with George and he offered me a job. At that time, it was the highest paying new associate's lawyer's salary in town. He got approval from the County Commission to offer higher salaries to the Deputy DAs in order to improve the quality of the DAs that were in the office. There had been several who had been there for many, many years. My impression was that they really didn't do much and what they did do they didn't do well. He was turning the DA's Office around. Actually, Leo Smith, his predecessor, had come in and fired a number of people and turned things around a bit.

MO: You went to work for the DA in '63?

GK: Right. Right out of school.

MO: It was probably four or five years earlier that office was in embroiled in a lot of controversy over paybacks on the part of gangsters. *[laughs]*

GK: It was.

MO: In fact, the City DA was almost convicted of some charges as I recall.

GK: That's correct.

MO: Do you know anything about that period?

GK: All I knew about that was what was in the paper, and what I heard years after, which was mostly gossip about what was taking place during that time. I don't know that I want to repeat it because I don't remember it that well.

MO: You were hired by Van Hoomissen, and some other people that eventually became quite prominent in Oregon legal circles were also in the office at that time: George Joseph, Jacob (Jake) Tanzer, and George Juba, among others I guess.

GK: Yes.

MO: Can you tell me a little bit about your first days in the office and who you interacted with?

GK: Okay. George pretty well replaced most of the Deputy District Attorneys who were in the office. George Juba had been the Clerk of the Court—I don't remember if George was the Clerk of the Court after or before—but I think he had been the Clerk of the Court in this federal court. In any event, George was the Chief Deputy for the criminal side. Des Connall was made the Chief Deputy for the domestic relations side. Willis West, who had been there many years, continued as Chief Deputy in the civil side. He hired a number of younger lawyers, some of whom had been in practice before. For example, you mentioned some names of other lawyers, quality lawyers, that were hired and served there and then went on to practices include: John Burns, who's with the Miller Nash firm at this point in time; Vince Ieruli who has passed away since that time; Charlie Merton who has a good reputation as a plaintiff's lawyer in town. He tried a lot of murder cases while he was over there.

There were a lot more. I remember Jake Tanzer came to the office following a stint in Washington, D.C., or the U.S. Attorney's Office or somewhere. He'd also been down South in one of the [Civil Rights] marches before he came. George Joseph was hired just a little bit after I was. Of course, George Van Hoomissen was there as the DA. There were others. I can't recall everyone's name at this point in time.

MO: What was Van Hoomissen like in those days?

GK: He'd been in private practice. I think he'd actually been a partner of Leo Smith, who was brought in before George to kind of clean things up. But in any event, George was mostly all business.

MO: Mm-hmm. So he wasn't the type to fraternize or socialize?

GK: Oh, he could be friendly, but he ran the office. He ran a tight ship.

MO: What sorts of things did you do in the early days in the office?

GK: They put me in the Domestic Relations [Dom Rel], which was the department that was involved in collecting overdue child support. In other words, if somebody hadn't paid their child support they could bring them in, civilly, and sue for it. Bring them into court civilly and get a judgment. Or they could do it through contempt of court, bring them in on a contempt of court citation. Or you can charge them with non-support, a criminal charge. It had a section with three lawyers in it that collected past-due support by whatever it took—either civil or criminal proceedings. I was there for less than a year. I moved into the regular trial department. The Criminal department handled criminal felony cases. Then, in the last year I was there, I was moved to the Civil Department to replace George Joseph who became the appellate lawyer for the DA's Office. When I was in the

Dom Rel department I worked for Des Connall. Des Connall was the head of the Domestic Relations department. He is now a prominent defense attorney, defending individuals accused of serious crimes.

MO: Any particular cases or issues that you handled early when you were in that domestic relations area?

GK: I shouldn't say there weren't any significant cases. I remember I tried the first paternity non-support case. That would be suing someone for child support for a child that they hadn't admitted was their child. The parties weren't married, or whatever, but a young woman became pregnant and came to the office looking to see what we could do about child support. So we sued the individual alleging paternity so you had to prove it was his child. He denied it and brought in about six or seven of his friends who claimed they all had relations with her too around the same time. The jury did find in her favor. I mention it only because that was the first one tried over there in Multnomah County.

MO: Of course, this is was before the days of sophisticated DNA testing.

GK: Yes. You had to bring in witnesses and we tried it in a Circuit Court courtroom. It was a felony non-support, I believe.

DA's Office Colleagues

MO: What was Des Connall like in those days?

GK: Do you know Des?

MO: I don't.

GK: He's a pretty feisty guy. Des is smart. He was a good lawyer. He'd been around awhile. One of the things I remember about Des: the Domestic Relations Department, there were three cubicles in one room. When we would have individuals into the office to lay down the law to them and tell them they were going to have to pay support and work out a schedule for them and get an order and this type of thing, the other lawyers could hear what's going on. I recall when I was fairly new telling this man what was expected of him. He said, "Well, I don't have a job. I don't have any money, and I don't have this, and this has happened to me, and what can I do?" About that time the phone rang and I picked it up and it was Des on the other end. He said, "Tell him he can go to jail." *[both laugh]* Today Des defends people and tries to keep them out of jail.

MO: He's giving a little assistance on that case.

GK: Yes.

MO: But maybe you would have told him the same thing without prompting. [both chuckle]

GK Well, that's kind of typical of Des in the days when he was a serious prosecutor. He tried those cases and he tried murder cases. He tried a number of serious murder cases.

MO: Were you ever involved in any of those?

GK: I had some guilty pleas in murder cases, but I never tried a murder case in the time I was in the DA's Office.

MO: Were you in the courtroom with some frequency?

GK: Oh yes. We had five jury cases set every week. There was only about twelve or fifteen Deputy DAs. I don't know how many there are now, probably about a hundred. But in any event, we had cases set every week, and you tried a lot of them. [note of surprise in his voice] I remember one year I tried over fifty jury cases, so it was great experience. You were in court and many times you would answer "ready for a case," try it, answer "ready for a case," and then answer "ready" for one to follow it immediately! Because everybody was at the court call and cases are being assigned on a daily basis. You'd try a case and when the jury went out, you'd start picking another jury. It was great experience for the lawyers that had that opportunity.

MO: Hold on for one second. [Recording stops, then resumes] Okay. You mentioned George Joseph. He could be a little bit of a salty person, too, I think. Maybe not in those days, I don't know.

GK: George was salty from the get-go. He came to the office from a law school where he had been teaching. He was a friend of George Van Hoomissen's. George talked him into coming to work in the DA's Office. I think George wanted to get back to where he'd been, and this was a good opportunity. George was crusty. George also had a marvelous sense of humor. His sense of humor was just incomparable. He kept things lively in the office. He got more crusty as time went by.

What people didn't know is George was a polio victim. He had braces and he got around okay, but I think George was in pain a lot. He was crusty because he was George, but he had some things that I think might have made him. He was a good friend of mine. I spoke at his funeral. As I say, he's a wonderful storyteller and has a tremendous sense of humor. We were, later, in the same law office at Morrison and Bailey following the DA's Office.

MO: Did you work much with Jake Tanzer at that time?

GK: Yes. Jake was trying cases. It wasn't a very big office at that point in time. Everybody was kind of in the same area

together so you talked a lot, saw each other during the day a lot. We saw each other socially at that time. It was a good group of people.

MO: George Juba, where was he in the office?

GK: He was the Chief Criminal Deputy. He was the number-two person in the office. He had his own private office. He was one of the few that had a private office. He and George had the only private offices I believe, George Van Hoomissen.

MO: Three Georges in the office!

GK: Yes, right.

MO: Did you know him as well as the others?

GK: George was a very quiet guy. He didn't say a lot, but he was a good lawyer. He left that office to go on the District Court bench and eventually became a U.S. Magistrate here, the first U.S. Magistrate, as a matter of fact, in the District of Oregon. He ran the criminal side of the office, the docket, and everything.

MO: By the time you got there, the office had already been purged and cleaned up substantially is that right?

GK: Yes. I think the only person that had been there before—Willis West had

been there. Willis was a quality guy. He ran the Civil Department. Sam Evans had been there and stayed. Sam was a solid guy. The rest of the group I believe—well, Herb Perry was in the Civil Department and he stayed. But the fellows that had been handling the criminal cases, and had the problems, and the reputation problems, all left.

MO: I had the pleasure of taking George Joseph's history some years ago but unfortunately couldn't find my file this morning. I think it's probably at the [Oregon] Historical Society. I remember that he told me that there was some sort of corruption scandal involving the police going on at that time in Portland, and that the DA's Office—

GK: Well, there were some Deputy DAs that were accused of taking bribes and the Police Department, I think, was alleged to have been involved in the same kind of activity. I shouldn't say anything because I really don't know. I was, I think, a year or two removed from it actually happening. It's been so many years I don't have a fresh recollection of who did what at that time.

MO: Okay. You told me at the beginning that you started off in the Domestic Relations. What was next in that office?

GK: The Criminal Division.

MO: Criminal, yes. You said you had a

couple of murder pleas. Any criminal cases that come to mind?

GK: You know, I can't really think of anything that anybody would be interested in. They were, for the most part, run-of-the-mill cases in state court. You got a lot of burglary cases, a lot of larceny cases and assaults and things like that. There were some drug cases. I mean we didn't have the kind of drug cases they have now, the number of drug cases. There were some, but not many. I was trying to think of any of those cases that I tried in that time, and there were a lot of them, that really stand out or that people would be interested in. I can't think of any.

MO: Okay.

GK: Again, we are forty-five years removed from that time. *[both chuckle]*

MO: Sure. You mentioned that you thought the experience in the DA's Office was really good for you because you were in the courtroom as often as you were.

GK: Mm-hmm.

MO: How did you like the work overall?

GK: It was great. It was a real learning experience. You really didn't have anybody that was teaching you as such, but you had the other deputies that had a

little more experience and Des Connall was a big help on teaching me to try cases. But basically, they gave you the file and shoved you into court. *[both chuckle]* That's the way you learned.

MO: You probably encountered a number of other people in the Portland legal community, judges, at least, and opposing attorneys, in these trials.

GK: Mm-hmm.

MO: Who are some people that you got to know outside the office in those days?

GK: Just talking generally in the days when I was in the District Attorney's Office and when I was practicing, I thought they had a wonderful bench in Multnomah County. They had judges who had been trial lawyers for many, many years that were on the bench. You had people like Bill Dale, Cliff Olson, Pat Dooley, and Al Davis. These people were good judges. They'd been good lawyers and they were good judges. There were a lot more too.

You knew all the judges then and, of course, you knew most of the trial lawyers. There were only two thousand lawyers in Oregon when I passed the bar. You got to know most of the trial lawyers back in the sixties and the seventies and the eighties. You could just about name a good trial lawyer and we'd know each other.

MO: Did you participate in bar functions either here in the county, or the state bar conventions?

GK: Yes. The state bar convention was a big event. [*chuckles*] Everybody looked forward to that. It was always at Gearhart. There were a lot of activities. The tent show was something you've probably heard about.

MO: Mm-hmm.

GK: That was always looked forward to. The lawyers that were a little bit more talented put on a stage show singing and dancing and all that stuff. It was a fun time because the lawyers could get together and they usually had a few drinks. It was, as I say, a great time to go to the bar convention.

MO: Did you ever participate in the tent show yourself?

GK: No, I have no talent of that sort. Not at all. Not at all.

MO: You remember any particular performances that were memorable?

GK: The one that I, and I think everybody remembers, is that the Supreme Court judges had a kind of a costume that they rigged up. Their stomachs were bare and they had faces painted on their stomachs and a hat on the top of their head. I can't describe it

that well but they were dancing around and it looked like their face was here and the hat was on top. [*both laugh*] They did that for several years.

MO: It was a regular feature.

GK: That was a regular feature, yes.

MO: At a certain point you decided it was time to move on from the DA's Office?

Private Practice

GK: Yes. I received a call from Bill Morrison who was the lead partner in a firm which was being spun off at that time from the old McGuire Shields Kester Morrison & Cosgrave, I think it was. They were splitting up and Bill Morrison and Ralph Bailey were forming a firm from a large group of trial lawyers, and transaction lawyers. Then there was a group of railroad lawyers and transaction lawyers that were going to stay and they became a large, good firm here in town. But in any event, Bill Morrison was the lead trial lawyer in that firm. He apparently had called George Van Hoomissen asking if he had any good trial lawyers that he would recommend. George recommended me, and Bill Morrison interviewed me and hired me to go to work for that firm. So I went to work for Morrison and Bailey in 1966 as an associate.

MO: Probably improved economic prospects?

GK: Yes. I can't remember how much improved they were. As I said, George Van Hoomissen paid very well in the DA's Office. But, yes. I received an increase.

MO: And what kind of cases did that firm handle?

GK: Mostly they did insurance defense work, hired by insurance companies to defend cases where their insureds were sued: auto accidents, medical malpractice and most anything where there's insurance involved. We had a lot of auto cases but we had a broad line of insurance defense work there.

MO: You did a lot of that, representing insurance companies?

GK: Yes, that's what I did. The trial group over there, again probably a lot of names you'd remember. That firm had a lot of good lawyers and a lot of the lawyers left at various times to start their own firms. It has kind of spread around the city. You could start naming the people in that firm and you'd recognize them as some of the best lawyers in the city over time.

MO: Who are some of these names besides the partners?

GK: Oh well, let's see. Tom Cooney, Walt Grebe—these are the people who have left. Tom Cooney, Walt Grebe, Rob Ball, George Joseph, he was there and left.

MO: Oh yes, that's right. You told me he was there.

GK: Jim Sutherland who became a Deputy United States Attorney. Tom Moore. Mort Zalutsky—just a whole bunch. While I was there, Tom Tongue came into the firm and he's now the lead lawyer in that firm. His dad was a Supreme Court justice and Tom was and is a very good lawyer. In fact, he's a great lawyer. But there are an awful lot of awfully good lawyers that were trained and worked their way through that firm and went out and did their own thing afterwards. A lot of them stayed, too.

MO: In terms of the insurance defense cases that you had, were there any of those that were particularly interesting?

GK: We had a lot. I handled—I was going to say hundreds, but I'm sure I handled roughly—in the forty-three years before I went on the bench—over a thousand cases at that time. It had to be. Some of the cases that I remember, one of them was the cherry growers in The Dalles suing Harvey Aluminum. [*Meyer v. Harvey Aluminum*, 263 Or 487, 501 P.2d 795 (1972)] We handled the defense of that case and tried it for about three weeks and then tried a lot of arbitrations. But they were claiming that the fluoride emissions were damaging the fruit crops in The Dalles and Hood River. So we tried that case.

MO: Was their insurance company on the line?

GK No, we were representing Harvey Aluminum.

MO: Directly.

GK: Directly. We represented a lot of companies directly. Over time I came to represent an awful lot of major corporations in litigation, not in their daily work. We did a lot of medical malpractice work. That's where I did my first medical malpractice defense work was at Morrison and Bailey. We represented the company that insured doctors. So when they were sued we would defend them.

MO: Back to the Harvey Aluminum case for a moment. Of course, this was the time when there was quite a bit of aluminum production on the banks of the Columbia River.

GK: Yes.

MO: What were some of the facts of that case? I guess there were emissions.

GK: There were emissions. Harvey had paid and pretty well conceded that the emissions adversely affected the pears and the apples, but they claimed there was no effect on the cherries. The cherry growers there didn't argue that the cherries were affected because they were small or bad or whatever. Their argument was that the fluoride emissions prevented the cherries from setting so that the crop was diminished

substantially. We had lots of experts who testified that that wasn't the case. So that was really the case: Did the emissions prevent the cherries from setting, which would allow them to blossom into a cherry rather than a leaf or something like that. In any event, the jury believed the cherry growers and gave them everything they asked for.

MO: Oh, they did!

GK: It was a local jury. *[both chuckle]* But the case was appealed to the Court of Appeals and they reversed it, sent it back for another trial. By that time, Harvey Aluminum had gone to a big firm, the Miller Nash firm. They defended the case a second time around and they lost it for the full amount too. *[both chuckle]* And we had about twelve arbitration claims where the growers agreed to arbitrate their cases to a group of three experts. I worked with the Miller firm, and we jointly defended those cases. While the awards were a lot less, the arbitrators gave all of the grower's money. It has been said that they made more money suing than they did growing. I won't comment on that.

MO: *[laughing]* It sounds plausible. I guess that's the kind of case that's probably a little tough to win at jury trial.

GK: Yes, it is, no doubt about it. The jurors knew the growers. They were all part of the same area.

MO: Who was it at Miller Nash that was handling that case?

GK: Fred Yerke and he's now passed away. A very good lawyer.

MO: Mm-hmm. What about some of the medical malpractice work you do? Is there any example there?

GK: I tried a lot of those cases and eventually I started representing the claimants in those cases after the insurance company that I had represented went out of the business. They didn't insure anymore. I don't want to go into any names, but I defended a number of neurosurgeons in serious cases where there had been substantial injury to a patient and there was claim that they were malpractice. I represented hospitals. Later on, I represented Providence Hospital in a lot of their work. There were disputes between doctors within the hospital and the various methods that they developed of employing and compensating doctors, and their health programs and so forth. But that was down the road when I was with Kennedy King that I did that.

MO: I guess I haven't asked you about the named partners in that firm. Morrison—what was he like?

GK: Bill Morrison? Bill was quite a guy. He was known as one of the leading trial lawyers in Portland for a long time, [a] very impressive guy. He was the

president of the American College of Trial Lawyers for a period of time. But he was a very sarcastic and sometimes profane individual. He was not the easiest guy in the world to work for at that time. As I say, he was a good trial lawyer with a good reputation as a trial lawyer. Let's put it this way: if he liked you it was wonderful. If he didn't like you, you were in trouble. *[both chuckle]*

MO: And you saw both sides of that coin when you were there?

GK: I never had any trouble with Bill.

MO: Oh, okay. So you didn't have to suffer too much.

GK: No. Although I once said I'm not going to try any more cases with Bill Morrison. *[both laugh]* We tried a case together.

MO: And why was that?

GK: *[Laughs]* Bill was very opinionated. We were trying a case. In fact, it was the Harvey Aluminum case. I was cross-examining a witness and there was something he had said on direct examination that was very damaging to us. I said, "Bill, we've got to get into this."

And he said, "No, don't ask him that question."

I said, "Well, we've got to. It's really hurting our case."

So he shrugged. I asked the question. I got the wrong answer. He looked over at

me and in a stage voice he says, "Well, what are you going to do now you smart son of a bitch?" *[both laugh]*

MO: And what did you do?

GK: There was not much I could do.

MO: At that point it was damaging and on the record.

Bailey? Did you have much to do—

GK: Ralph was a wonderful guy. He was a tax lawyer so he was an in-the-office-client-transaction type of a lawyer. He was a really sweet guy. Jack Dunn was the next partner from, I'm going to say Coos Bay, but I think it was down that way. Jack again was a big, strapping guy, good trial lawyer, just an all-around good guy.

MO: I should have asked you this about the DA's Office too. But since we're talking about Morrison Bailey right now, were there people in the office, clerical people or younger associates, anyone that stands out as someone to mention?

GK: At the DA's Office, hmm. Well, Tom Tongue is one I know. Now that was in Morrison. You know, I am confident there were because George had a whole string of good lawyers come through his office while he was the DA. But frankly, nobody comes to mind at the present time.

MO: Okay.

GK: At Morrison and Bailey, Tom Tongue and Rob Ball are two of the lawyers I remember coming in towards the end of my career there, both very good lawyers. I know there's more. They don't come to mind.

MO: That's okay.

GK: Would you like a glass of water?

[Recording stops, then resumes]

MO: Okay, we're back on the tape here. Actually, I did find a list of names here. Some of these people may be from the Kennedy & King firm. But Jack Dern is it?

GK: Dunn. D-U-N-N.

MO: He was somebody that was in the Morrison firm and—

GK: Yes.

MO: Howard Beley?

GK: Beebe. B-E-E-B-E. Howard was a really good lawyer. He was a book lawyer. He could cite cases to you forever.

MO: So he knew his stuff?

GK: He knew his stuff.

MO: Nate Cohen?

GK: Yes. Nate was a business lawyer, transaction lawyer, good guy.

MO: Is that also from that first firm?

GK: Yes, Morrison & Bailey.

MO: I guess I missed the first name, but someone Smith?

GK: Jim Smith.

MO: Is that in the same office?

GK: He did probate work, yes.

MO: Of these three, did you work closely with them?

GK: I didn't work close with the business guys to speak of. The trial guys kind of had an area of expertise and the business guys did their thing. We'd talk back and forth and we'd see each other at lunch. We might even go play golf together. But they didn't have a lot of daily contact other than "hello" and talk and so forth and so on.

MO: Tom Cooney.

GK: He was doing all the trial work there.

MO: I think you mentioned Rob Ball.

GK: Rob came in as a young lawyer about the time I was leaving. Rob eventually started the Ball Janik firm, which is a major

firm here in town. He was a real estate transaction lawyer and represented a lot of big time developers here in Portland.

MO: Mm-hmm. Dave Landis?

GK: Landis was a trial lawyer. He's still active. He does a lot of medical malpractice work and went to work with Bob Hollister from the firm. They did mostly medical malpractice and insurance defense work—a very good lawyer.

Kennedy & King

MO: I guess at a certain point you decided to move from that office and become a partner in a newly formed firm?

GK: Yes. Jack Kennedy was a trial lawyer in Portland and had been the registrar at the law school. I tried a case. I was representing Radio Cab and he was representing an individual who had been injured pretty seriously by the cab company. We tried the lawsuit and after that he approached me and asked me if I'd be interested in forming a partnership with him. He had an office of his own with one young lawyer in it so he proposed a partnership. After some discussion, and whatever, I agreed. Jack was twelve years older than I was at the time, had a really good reputation and was a very good trial lawyer, so it looked

like a good situation and it turned out to be. So we started Kennedy & King. That was in 1971.

MO: You'd been at the Morrison firm for about five years?

GK: Yes, five years.

MO: When you started the firm, you all probably brought some of your clients to the new firm?

GK: I'm not so sure that I brought a lot of clients because Bill Morrison had the clients in the other firm. They were big insurance companies. But I had done some work for one insurance company and they sent me some business. But we had plenty to do. We had a lot of business.

MO: Oh yes? [*laughs*]

GK: Yes.

MO: I guess Jack Kennedy probably wanted you to join because he was impressed in that case you had together?

GK: I suspect that. [*chuckles*]

MO: But you were on opposing sides in that?

GK: We were on opposing sides, yes.

MO: He decided he'd probably rather have you on his side. [*both chuckle*]

GK: Well, he was looking for somebody to help him try cases.

MO: When you'd said you had plenty to do, was this a lot of work that he had already?

GK: Where it came from or what, I don't know. I had a fair amount of work. I was getting work from the St. Paul Insurance Company, and I was getting work from Aetna and a number of insurance companies. He had some insurance company work. But he did different kinds of things too. In fact, we all did in that small firm. We did a lot of different things, not trial work, but other work too.

MO: How many lawyers were there in your firm?

GK: Just Jack and I and a young lawyer.

MO: That was Gary Zimmer?

GK: No, Zimmer came later. The young lawyer left very shortly after that.

MO: I see. So that was an associate in the firm?

GK: Yes.

MO: What was his name?

GK: Dennis—I can't remember.

MO: Okay. That's all right. If he was only there for a short time you probably didn't know him very well.

GK: I do and am apologetic about not remembering his name. But I haven't seen him for a long time. I'm not even sure he's still practicing.

MO: Now was Henry Carey part of that?

GK: No. Henry Carey was a lawyer that filed a lot of class action securities cases and I defended a lot of those cases. He was a lawyer with a small firm as well and we were on opposing sides.

MO: This was at the time that you were in the Kennedy firm.

GK: Kennedy, yes. You know, I may have started defending those cases when I was with Morrison and Bailey and continued defending them. I think that's right. I think a lot of that work went with me because I was handling a lot of those securities cases. I'm pretty sure I ended up taking some with me because I think most of them were filed in the late sixties and early seventies. I went there in '71. So yes, I think I ended up with a fair number of those cases I'd been handling before.

MO: These were cases that you said they were securities cases. Were these new start-ups?

GK: Yes.

MO: So people were out searching for venture capital?

GK: Yes, the "dot.com" of the sixties and seventies. [*chuckles*]

MO: What kind of firms were these?

GK: Well, I remember one in particular. It was called Pixieland. And Pixieland was down on the Oregon coast. It had always been a little place where people stopped and their kids went in. I forget what all they had there. It was a kids' place with rides and all kinds of things. In this security craze that occurred at that point, they decided they would go out and get a million dollars in a public offering and redo the place and all of this stuff. They had a public offering and people bought anything. [*both chuckle*]. All kinds of new issues. They got their money and I don't think they ever did anything with it except spend it. Probably there were a lot of them at that time. I remember at one time I think I was defending about twelve class action securities cases in federal court for small start-up companies like that who had gone out and raised money from the public. They had a great plan, but most of the time they never followed through with it.

MO: What would you say was the reason for this kind of dot.com-like boom in securities?

GK: There were some lawyers who became very proficient at raising money for their clients and through public offerings. Once some company saw, my gosh, ABC

Corporation has just gone out and through a public offering sold a million dollars worth of stock to the public. It didn't cost them anything except paying the lawyers and the accountants to do it and all of a sudden they got a million dollars worth of capital. So everybody who had a business that they wanted to expand or who had a great idea and they wanted to develop it would hire these lawyers that got proficient at public offerings. Then what happened when things went bad, they sued the lawyers. I was hired to defend the lawyers. That's who I primarily defended in all of these cases was lawyers and accountants.

MO: A lot of these cases were brought by Carey?

GK: Henry Carey and Bob Stoll was a young lawyer in his office at that point. That's where Bob Stoll learned how to be a securities lawyer, was working with Henry Carey. He's now Stoll Stoll Berne & Lokting, which is a major securities firm here in town.

MO: What were those two like? You must have seen them a lot in court.

GK: Yes. Henry Carey developed a good reputation as a securities expert. He taught Bob.

MO: It sounds like you mostly were defending lawyers so you didn't know the people in some of these companies or did you?

GK: No, I mostly defended lawyers through their insurance company.

MO: You mentioned the Pixieland case.

GK: Just because I happened to remember Pixieland.

MO: Nothing stood out about it?

GK: No.

MO: Did you have to go down to the coast and inspect things down there?

GK: Yes, I think we went down to look at things. [*chuckles*]

MO: Whereabouts was it on the coast?

GK: It was there for a long time before and sometime after. They just never made it. I don't remember. It was just before you got to Lincoln City.

MO: You also were involved with Pauline Lawrence?

GK: We represented Pauline Lawrence in that big dispute over the Fred Meyer trust. He left a lot of money in a trust and Pauline and two others were trustees. They were Gerry Frank, Pauline and one other person.

MO: [G.] Gerry Pratt maybe?

GK: Yes, Gerry Pratt and Robertson.

MO: [Oran] B. Robertson?

GK: O.B. Robertson, Pauline. There was just a lot of litigation and we represented Pauline Lawrence.

MO: It was Gerry Pratt, if I remember correctly, the former newspaperman that Fred Meyer brought in towards the end?

GK: Yes. He became Fred's very good friend.

MO: O.B. had been with Fred Meyer for forever, more or less, worked his way up, and Pauline Lawrence was probably there before Gerry Pratt came on the scene too.

GK: Yes, she was a long-time employee.

MO: I guess they didn't appreciate Pratt inserting himself.

GK: He was felt to have insinuated himself in various ways with Mr. Meyer.

MO: Yes. That must have been an interesting case.

GK: It was very interesting.

MO: Anything you could talk about or tell me about?

GK: It was eventually resolved. It went on for a long time. There were all kinds of different issues that came up. To tell you the truth, I don't remember how it was

resolved. [*chuckles*] Most of those cases ended up getting settled. But I think that case, at least part of it, was tried. I can't tell you at this point in time. It's kind of interesting in the time I've been at this, as I've said, I've handled thousands of cases for hundreds of different people. I have trouble at this point in time remembering all the cases and all the people. It seems like when you finish something you just kind of flush the toilet [*laughs*] and start with something new. You don't remember all the details until somebody mentions something. I will go somewhere and I will see someone and they'll look familiar and they'll say "you represented me years ago on this case." Oh, well, that's good. "I hope we did well."

MO: [*laughing*] Even if you don't remember aspects of the case too well, did you have direct dealings with Pauline Lawrence?

GK: Yes.

MO: What was she like?

GK: She was a wonderful lady. She really was. Everybody thought well of Pauline, there's no question about it. She just knew what Mr. Meyer wanted and she just wanted it done. She was going to do her duty, which she did. She was great. And Robertson was, too.

MO: Robertson was the same side of this?

GK: Yes. It was Pauline and Robertson for the most part.

MO: Versus Pratt, yes?

GK: Yes.

MO: Did you by any chance know Fred Meyer before he passed away?

GK: No.

MO: Okay. The other thing I might ask you: we're talking probably roughly early eighties now for the time of that case?

GK: Yes.

Family Life

MO: So you'd been practicing as a lawyer by that time for fifteen plus years?

GK: Yes, since '63.

MO: I'm just wondering how things developed with your family during that period of time? Your success must have been helpful considering that you had such a large family.

GK: Yes, I had five sons and two daughters. We lived a [pauses] relatively—I hate to say quiet, because Mary Jo and I traveled quite a bit when we could. When I was in practice I can remember cases where I had to go to a

lot of interesting places—New Orleans and other places on a long case involving docks. We went to Baltimore and New Orleans. I took her along just to give her an opportunity to get out of the house and get a babysitter and whatever. She ended up going a number of places.

Even when I was first starting, I'd take one of the kids if I went down to Medford for the day just to give them a trip somewhere. So they were a little bit involved, too. Yes, we spent a lot of time with our kids and raising kids and going to sporting events, the things that you would expect with most parents.

MO: Did any of them show any interest in the legal profession?

GK: My daughter Mary Beth went through law school, but she never practiced. She's a stay-at-home mom at this point. But she worked as a [pauses] for a company that goes to the legislature—a lobbyist! She worked as a lobbyist in Washington, D.C., for that firm in Washington, D.C. and here in Portland too. And she worked for the Oregon Medical Association. She was the only one that even got close.

MO: I guess you are satisfied with your legal career?

GK: Oh yes. I had a wonderful career.

MO: I realize probably by the time you got on the bench as a judge you wouldn't

be doing any of this, but back in those days were you politically active at all?

GK: Nope. Never had anything to do [with it]. I was the president of the Multnomah Bar one year. I was active on a lot of bar committees, but I never got involved in politics.

Oregon State Bar

MO: During the time that you were president of the bar, was there anything about that year that—

GK: Well, the Oregon State Bar was the bar to belong to. It was the one that really did everything for lawyers. Today the Multnomah Bar is more significant to the practicing lawyers in this area than the Oregon State Bar. But in those days the Multnomah Bar basically was a small group. The dues were ten dollars apiece so we would have a lunch once a month. I remember when I was president we had Wayne Morse one month. I remember talking to Wayne. He seemed like a very nice guy. [*chuckles*] We did the things that the Multnomah Bar did. You would get your little bit of insurance and that type of thing. It wasn't like it was today. There were a lot less people, too.

MO: And you said you served on some of the committees too. What kind of committee work did you do?

GK: I was on a lot of different committees. I was on the Council for Court Procedure, which was the committee that was formed by the Legislature to look at and revise the trial procedures. Then we came up with a report and it was enacted by the Legislature. I was on that, I think it was, about two or three years.

MO: Was this to standardize the court system?

GK: Well, for example, one of the issues is: Do we adopt the Federal Rules of Civil Procedure or do we maintain our own present fact pleading? Do we adopt interrogatories or not adopt interrogatories? Do we adopt the federal practice of discovery of experts or not? We really just went through the whole process. It was a large committee. I think Don McEwen was the chair of the committee and I was the sub-chair of one of the committees. We spent a lot of time looking at. We didn't do much revision. We adopted a lot of what had been going on, or recommended it to the Legislature and the Legislature adopted our reports.

MO: Was this the bill that Hardy Myers was working on in the Legislature?

GK: I doubt that. Here, I'll tell you. [*papers rustling*] Here it is. [*reading*] "In 1977 judicial rule-making authority was vested in a new and permanent agency, the Oregon Council on Court Procedures, charged with continuous review and

modification of the rules governing civil procedure. The original 1977 Council drafted a comprehensive set of civil trial court rules which with few changes became the ORCP adopted by the State Legislature in the early 1980s." That's one of the committees that I was on.

MO: Okay.

GK: I was probably on fifteen different committees at various times during that trial practice time.

MO: You were with the Kennedy King firm until—

GK: —until I went on the bench.

MO: I was going to ask you, also, had you done any *pro tem* judge work or anything like that?

GK: No.

MO: So no prior judge experience before you went on the bench?

GK: No. I did a fair amount of arbitration and mediation in the ten years before I went on the bench. But that was as a private lawyer being paid for that.

MO: Did you have very much contact with lawyers outside of Multnomah County during those years?

GK: I think I was a member of the Oregon Association of Defense Counsel and I used to see all the defense lawyers at the meetings. I was very active with that group. And you try cases against these lawyers around the state and you get to know them.

MO: Did you practice before the U.S. District Court at all?

GK: Yes. I had a lot of cases in federal court.

District Court Judges

MO: So you knew some of the judges in that court?

GK: Yes.

MO: Did you know Gus Solomon?

GK: Oh, I did.

MO: What was your experience with Gus?

GK: Gus could be very unreasonable. Gus used to give lawyers hell, as a matter of fact. I never admired him for that. I don't think it was appropriate. It's not a level playing field when you're sitting up on the bench and some poor lawyer has to just listen to you. I got along fine with Gus. In fact, I remember the case

that probably—Gus was a good friend of Jack Kennedy's so he was always very good to me. He appointed me one time to defend a young, African-American girl who was being charged by the government with assault on an FBI agent. Gus had the case and tried it and convicted her. Then the newspapers got very unhappy with Gus and they made some comments about what I should have done that I hadn't done. I got a call one day and I answered the phone and he said, "King, this is Solomon. They're after us!" And from then on it was "us." He was always very friendly to me. [*amused tone*] As I say, Gus was not an easy judge to live with.

MO: I think he has kind of a universal reputation on that score.

GK: Yes.

MO: What about some of the other judges on the court? Any others that you knew well before you became judge?

GK: Malcolm Marsh, a wonderful judge. Jim Redden, a very good judge. Bob Jones: I tried cases in front of him in here, a good judge. Otto Skopil was a wonderful guy and a good judge. Again, I thought Judge Belloni worked hard and did a good job. He had an unpleasant personality. That's the way he was. That's a fact of life. Jim Burns, everybody loved Jim.

MO: Oh, yes. Did you have any particular cases with any of these other judges like the one you just described with Gus?

GK: I had cases with all of them. I think right before I went on the bench I tried an environmental clean-up case to Malcolm Marsh involving Cascade Corp. and Boeing fighting over who had poisoned the Portland water supply. [*chuckles*] That was about twelve years ago. That was just about my last case before I went on the bench here. I tried cases in front of Jim and Otto and Bob Jones—everybody over here.

MO: Panner?

GK: Yes. I represented Owen Panner when he was sued for a billion dollars.

MO: Oh really?

GK: I was his lawyer, yes. That was in the WPPSS cases. [Washington Public Power Supply System] He was sued along with a number of other lawyers who gave opinions to the issuers of the Washington Public Power System bonds. When those bonds became worthless, they sued the issuers and the accountants and the lawyers. Owen was sued for about a billion dollars. I used to like to tease him that he didn't really have that much money. I represented him and eleven other lawyers here in town. They were the only ones that

didn't pay a dime. I got the lawyers off and everybody else settled.

MO: How did you do that?

GK: How did I do that? Well, I made an argument to Jim Burns [*laughs*] and he bought it about their liability. That was a long time ago. I'd forgotten about that case.

MO: There were certainly a lot of legal actions taken around the WPPSS issue.

GK: I forgot that. I spent several years defending all of these lawyers who'd given opinions to their clients. They represented these districts, and gave opinions to their clients that what they were doing was legally correct. When they got sued [*chuckles*] it came back against the lawyers.

MO: That's right. WPPSS cases wound up in both the Oregon and Washington Supreme Courts and some of the power companies that were involved with WPPSS would have been in serious trouble if it hadn't been decided that they didn't have the authority to participate in that.

GK: Sure.

MO: The attorneys you defended, by and large, were certifying that WPPSS was okay?

GK: The lawyers were giving opinions. I don't remember at this time what they claimed was wrong with their opinion that exposed them to liability. But it was basically that they had given opinions that they didn't check out [*chuckles*] and didn't do what they were supposed to do. But we won the case. No, Owen and I have been friends for years.

MO: Anything about the WPPSS situation that you remember? It was very complicated, a federal agency involved—

GK: I think the whole thing was a tragedy because of all the problems they had at the time. This isn't really my field, but I would think that we'd be well off with a lot more nuclear power today if they had actually gone ahead. They over estimated their need at the time, but they could certainly use all that power now instead of all the oil.

MO: The costs at the time were just burgeoning beyond belief, too.

GK: Yes. In any event, it was a bad time for a lot of people and a lot of entities that were involved in building those things and raising money for it and invested money in their bonds.

MO: You mentioned Jim Redden and Owen, and then Helen Frye, also.

GK: Yes.

MO: Those three were appointed in 1980 with the expansion of the federal courts in Oregon.

GK: All three, yes.

MO: At the time, what did you think about that expansion? I imagined you had probably experienced some delays?

GK: Oh yes, it was ridiculous because basically, Belloni was doing all the work at one time there. Things were a little slow, but they picked three good judges. They really brought things up to date very fast. Those were the days when they could get an appointment through in a matter of months.

MO: *[Laughs]* That's right. Before things became quite so partisan, I guess.

GK: Oh yes, ridiculous.

MO: Any other cases that you had in federal court before you yourself were on the bench that you remember?

GK: Oh, I had a bunch of them. I made a list one time when I was applying for this job. *[chuckles]* I was going to get it out but I can't find it. Maybe I'll do that before our next meeting and take a look at some of them. I had a lot of federal court cases, some of them a lot more interesting than others.

Time with Family

MO: Let me just pause here for a second. *[Recording stops, then resumes]* We were just talking off tape a moment ago about your family. What more did you want to say about that? I asked a question about the travel earlier.

GK: We talked about, as the kids were growing up, our lives were basically planned around them and their activities. We grew up over in the Laurelhurst area and our kids, all seven of them, graduated from All Saints Grade School. Then the boys went onto Central Catholic and five graduated from Central Catholic and the two girls from St. Mary's. They were fairly close in time, at least the first six were. At one time, I think, we had five children in All Saints. At Central we had three boys there at one time too.

We used to go to all of their games and were very active with their schools. My wife, of course, had a major job being a homemaker for seven active kids. We lost a son. But the rest of the crew has all done extremely well. All of them went through college. All but one went through graduate school in addition to college and are doing just great.

MO: While you were employed as a lawyer during these years, how did you and your wife divide up the childrearing and the family responsibilities?

GK: I used to go in a lot on Saturday mornings because it was necessary and a good time to clear my desk. But I'd try and get home by noon or earlier, particularly if there was a sporting event and we would go to that together. My wife had the primary burden of maintaining the house and the cooking and so forth., but I used to do things. I spent a fair amount of time with the kids. But, of course, she had the lion's share of that time as well and did a wonderful job with raising the kids. As I say, they've all turned out very, very well.

MO: What kinds of things did you do together as a family when you had time off or vacation time?

GK: We had a little mountain cabin that was about as big as this room. [*chuckles*] But it was a nice place right on the—not the Zigzag River, but the other river up there on Mt. Hood.

MO: The Salmon River maybe?

GK: I forget the name. It was a little river that ran right in front of our place. We used to go up there a lot. Then the kids got to the point that they were old enough that they didn't want to go with us, but they wanted to take their buddies up there. [*chuckles*] We sold that and we built a place down at the Oregon coast with my brother. So we used to go down there a lot. We took a lot of trips. We

took trips to California and Yellowstone, driving trips with all the kids. Gosh, I can remember Victoria, B.C. and a whole bunch of different places that we went. We got out and went to a lot of different things. We kept active.

MO: Apart from Canada, any international travel?

GK: Yes. My wife and I have traveled a lot internationally. Our son Michael worked for American Airlines so we had his passes. You could fly standby first class for one hundred dollars so we went a lot of places. We went to a lot of meetings, a lot of just tourist travel in a number of places, and a lot of cruises. I was elected to the American College of Trial Lawyers and they had some very good meetings over in Ireland and Paris and London that we attended. We've traveled an awful lot.

MO: Let me pause just for a little— [*Recording stops, then resumes*] Let me get that on tape. How many grandchildren did you say you have now?

GK: We have thirteen grandchildren now.

MO: I imagine you're involved with them?

GK: We are. They range in age from nine to roughly twenty. We have three of

them in college this last year. Two more are going into college next year. We get together with them a lot. The whole family gets together at Black Butte in the summer for a week, all the kids and grandkids. And we get together for a week over Christmas and New Years at our Black Butte house. We have a lot of fun with all the kids and grandkids. They're very good friends, the cousins are, and they enjoy getting together. It's a good thing.

MO: Okay, we'll leave it here today.

GK: Okay, that's great.

[End of Recording Two]

Memorable Cases

MO: This is Michael O'Rourke. The date is July 12, 2010. I am with Judge Garr King in his chambers today and continuing his oral history. Judge King, last time we were talking about your law career. We talked about some of the cases you handled as a lawyer before you became a judge. One case we didn't discuss that might be worth exploring that I came across was your defense of Multnomah County District Judge Robert Kirkman. He was, I guess, ultimately removed from the bench due to bigamy and forgery. I wonder if you could tell me a little bit about that case and what it felt like to be representing a fellow lawyer in that sort of proceeding?

GK: Well, Bob Kirkman was a Multnomah County judge and was charged with bigamy. I think the forgery arose out of the bigamy charge in that he forged a divorce certificate. I don't remember exactly about the use he made of that divorce certificate, but there was a criminal charge brought against him and he was also brought up before the Oregon State Bar Committee—I forget the name of the committee that disciplines lawyers, the disciplinary committee. I represented him in that process as well. That was some time ago. I don't remember the date but it was a case of interest and the national press picked it up and so could see ourselves on TV in the evening following these court proceedings.

MO: The *Oregonian* story was August 23, 1990. So it was a while ago. Almost twenty years.

GK: Yes.

MO: I guess the judge admitted it from the beginning, but felt that it didn't prevent from carrying out his duties and that was the argument you made before the Judicial Board?

GK: That's right—the Judicial Discipline Committee or whatever the name of it was. Yes, that was the argument. They didn't accept that argument and the net result was he was disbarred and went to work afterwards as a legal assistant for a couple of lawyers. Haven't seen him or

thought of him for some time. He was a decent guy, an ex-Marine.

MO: Just got into a little trouble?

GK: Well, more than a little.

MO: Did you think that the argument that he was still fit to serve as a judge was going to fly?

GK: You make the best argument you can. [*chuckles*]

MO: Anything else about that case?

GK: It was a case, as I say, of national interest. The newspapers and the national TV took it. There was one program in particular—I forget the name of it, but my youngest son loved to watch that program. He was very thrilled that his father ended up on that program on national TV. [*laughs*]

MO: Was that just footage or were you actually interviewed?

GK: No, I was not interviewed. It was footage of us going in and out of the courtroom.

MO: Okay. [*laughs*] Another case that you mentioned that we didn't talk about last time was the *Crown Zellerbach v. Willamette Western* case. [*Crown Zellerbach Corp. v. Willamette-Western Corp.* 519 F.2d 1327; 1975] What was involved with that?

GK: I represented Crown Zellerbach, who was the plaintiff against Willamette Western, who operated a tugboat company. The tug owned by Willamette Western cut the line under the Columbia River that was the power supply to Crown Zellerbach's paper operation on the Camas side of the river. They were shut down for a period of time. Willamette Western contested the amount of damages that [Crown Zellerbach] was claiming. We tried the case before Judge Burns and won it. We received an award for a substantial amount of money for the lost processing time that they had, their lost profit for the whole plant being down during that time. The tow company, Willamette Western, appealed it to the Ninth Circuit Court of Appeals. [*Crown Zellerbach Corporation v. Willamette-Western Corporation, dba Willamette Tug & Barge Company, and Richard J. Olsen, 519 F.2d 1327, 1329 (9th Cir. 1975)*] I argued it before them and we won it there too! It was an interesting case.

MO: Who was the Ninth Circuit judge?

GK: It was a panel of three judges and I don't remember who they were. I do remember in the argument before them one of the judges said something to the effect, "Mr. King, I see the evidence you put on and I see this and I see that, but I just can't believe they really lost that much money." I thought we were going to have a tough time with the case but they ended up voting for us because we had put in the evidence and it was compelling.

MO: You said you argued that before Judge Burns originally?

GK: Yes.

MO: Okay, the Ninth Circuit. That actually brings up another question: when you were a lawyer did you ever have a Supreme Court—

GK: I was admitted to the United States Supreme Court. I never had an argument before the U.S. Supreme Court. I got admitted one time on the chance that I might someday, but I never did.

MO: Was it a specific case?

GK: No. I had a case that I handled at the trial level that was appealed and eventually appealed to the Supreme Court. But another lawyer argued it before the Supreme Court. That was a class action securities case.

Becoming a Judge

MO: Then you were nominated for the District Court here in Portland. I wonder if you could tell me how that unfolded. When did you first get wind that you might be nominated?

GK: I don't remember the year. I was appointed in May of 1998, I think it was. I had put my name in a couple of times before. But in any event, I was told that there was a committee reviewing

candidates for the U.S. District Court position here in Oregon. After talking to one of the members of that committee, I put my name in. Actually the time had passed to submit your name, but I contacted a member of the committee who contacted Senator Wyden's assistant who indicated that they would accept a late application from me. I made an application and went through the process, which was being interviewed by this committee who had been appointed by Senator Wyden. They went through all of the submissions that candidates had made with their application. Then they selected the number that they wanted to interview personally. I don't know how many they interviewed.

But after interviewing, personally, all of these applicants, they selected four names to submit to the senator as the committee's recommendation; that these were the four individuals that they would recommend from this large group that had expressed interest. We were interviewed by Senator Wyden, which was the first time I had ever met him. Later, I was told I was one of the four selected. One of the others selected was Ann Aiken who's presently our Chief Judge of this court. After the interviews with Senator Wyden—and I don't know what all they considered after that point—she was selected as the person they would recommend to the President for the nomination. I did not get the nomination that time. Eventually she was recommended to the Senate and eventually she was the nominee

and was appointed. That was, I think, some months before I was. I forget how long it was. It had to be well over a year before I was finally again nominated and appointed.

MO: So you threw your hat in on that first time around and Aiken got the job?

GK: Right.

MO: Do you remember the other two people that were up for consideration?

GK: Yes. It was Ann Aiken, Dan O'Leary and—turn that off a second because I've got to think about it. [*Recording stops, then resumes*] There was a fourth and the name will pop into my head in a minute, but we'll wait for that.

MO: That's fine. It was maybe about a year later that you were appointed?

GK: I don't recall how much of a time period there was between the next opening. But I think it was within a year-and-a-half or thereabouts. I'm sorry. I just don't recall the time. There was another opening; they put together another committee. I was interviewed by that committee, a different group of people. I think Senator Wyden and Senator Smith were collaborating on that one. They came up with five names of nominees. My name wasn't on the list.

MO: You had to wait for another round?

GK: No. There was some time that went by and some questions that were raised. Eventually the senators decided to reopen the process and they dropped the list and went through another process with a different committee.

MO: What kind of questions arose?

GK: I don't know. I've never been told for sure. I have a pretty good idea, but I don't know. But all I could give you is my speculation and I don't want to do that, all right? In any event, they had another committee with a new chairperson. They went through it and I was on that final four.

MO: Do you remember who the other three were after that process?

GK: I think Dan O'Leary was another one. I'm sorry at this point I don't recall who those other lawyers were. I'll think about it before we finish here. I didn't know you were going to ask or I'd refresh my memory.

MO: That's fine.

GK: In any event, I made the final list and that's when the process started with the investigation and the nomination to the Senate.

MO: You had decided that you'd be interested in being a federal judge?

GK: Yes, I did. In fact, what I forgot

to tell you is that I had been a lawyer representative to the Ninth Circuit Judicial Conference. They have lawyers that work with the judges at the Judicial Conference and I had done that for three years and I enjoyed that association. I put my name in for a magistrate job before I ever put my name in for a federal judge job. I went through the interview process with a committee and with the judges. The judges appoint the magistrates. They had a committee who made a recommendation and again, I think there were four names. Then the judges interviewed these four people. Actually, there may have been more than four. There could have been up to ten because we've interviewed up to ten ourselves since I've been on the bench. In any event, the judges vote and select the magistrate. I did not get that job.

MO: You got a better one.

GK: As it turned out, yes. Judge Stewart got the job and she's an excellent magistrate and well deserved it. As I say, I didn't get the job. So the next thing that happened was what I already told you about hearing that there was a committee considering a U.S. District Court position and putting my name in for that position.

MO: Why were you interested in making that career switch at that time?

GK: Because being a federal judge is one of the best jobs you can have in the legal system. I'd been trying lawsuits for a

long time and I thought that would be an awfully good thing to do.

MO: You were nominated and selected.

GK: Yes.

MO: It was [President Bill] Clinton that actually appointed you.

GK: That's right.

MO: Did you have to go back to Washington for an interview with Clinton Administration folks?

GK: Yes. I forget the process. First they went through all of the FBI investigation, the American Bar Association investigation, and then the administration does something of an investigation as well. You go back and are interviewed by a representative of the Justice Department. I don't think I was ever interviewed by a representative of the administration. They do that now; somebody from the administration is directly involved. I believe the Justice Department took care of all of that at the time. So you go through the investigation, the interviews and whatever. If they decide that you're okay, the President nominates you to the Senate. Right now, they're getting replacements for Judge Haggerty and I. The list that went back to the administration contains six names whereas in my case, I was the only name. The senators specifically, in that case, said "We recommend King." On

this one, they're saying "we recommend any of the following" and they have six names. I believe that with Judge Aiken, hers was the only name that went back, too. So they've changed the process a little bit depending on the administration. In other words, if the administration says "we want five names," the senator has to send five names. During Clinton, they only sent one. It made it a lot easier.

MO: And gave the senators more power, in effect, to determine—

GK: Well, previously, if you only submitted one name, the senator is naming the judge. If you send five names back to the administration, the president/administration is naming the judge from that list of five. Now they probably confer with the senators, but frankly they do this on their own. They don't tell us what they're doing.

MO: Did you have to go back to Washington to meet with anybody back there at that time?

GK: You went back and you were interviewed by the Justice Department. Once I was selected I had to go before the Senate Judiciary Committee and they question you just as they did the candidate for Supreme Court. It's the same process.

MO: Right. It's become quite contentious.

GK: Yes. But in our case, I went up with three other prospective judges to the Senate Judiciary Committee and we had already been prepped by the Justice Department as to the questions that would be asked. They questioned us and we answered. Then once they got through their process they would nominate to the full Senate. Then after a month goes by and they get around to it, then I was approved by the Senate. Then immediately, within a day after being approved, I was sworn in here in Portland by Judge [Michael] Hogan, who was Chief Judge at the time.

MO: What kinds of questions does Justice ask you when you're back there about to be appointed?

GK: You know, it's hard to say. They really didn't ask any questions that had a lot of merit to them or a lot of meat to them. [*laughs*] But, Justice wanted to know everything about your background and they'd had an FBI investigation. They had had the American Bar investigation. I know, because I got word that FBI investigation—they sent people out to where I lived as a teenager in Salt Lake City! [They] talked to neighbors there and so forth. They checked just about everything.

MO: Probably checked your neighbors here in Portland, too.

GK: They did, yes they checked everybody. They wanted to know had we had wild parties or anything of that nature. They talked to just about everybody I was associated with in the legal profession. I shouldn't say—not everybody, they talked to a lot of people, the FBI. Then they send this back to Justice. If you check out through Justice, and you're the nominee, Justice starts working with you to get you through the Senate.

MO: Okay.

GK: They have a person assigned to do that, to prep you for the kind of questions the Senate will ask. They asked questions really—they just want to hear the answers they want to hear which is, "I will not be an activist judge." [chuckles] Don't get me wrong, it was a really a very interesting time and it was quite a thrill to be in front of the Senate Judiciary Committee with all of the photographers laying down there taking photos. A number of my kids and grandkids had come to Washington, D.C. with me to see the process. I thought it was a great adventure.

MO: That sounds like it would be pretty amazing.

GK: Yes.

MO: Do they look into your case record or anything like that? Do they you ask you questions about that?

GK: I assumed they did. I had never been a judge so I had never written any opinions so they didn't have any opinions to look at. They raised some issues and I can't even remember what they were. Frankly, I don't remember them talking about any of the cases and I'd had hundreds of cases, but I don't remember them talking about any. I'm sure they did. I just don't remember.

MO: You were sworn in here the day after you said.

GK: Yes.

MO: All of a sudden you're a federal judge. What were those first days like?

GK: Well, it was really interesting. There's a lot to do when you move in and take over a caseload. Judge Marsh had become a senior judge some time before but had maintained his caseload until there was someone to turn it over to. He turned over to me about half of his caseload. The chief judge tells the rest of the judges how many cases they can send me. In not too short a period of time about three hundred cases that had been sent to me, which is an average flow in here.

I have between three hundred and three hundred and fifty cases right now and it stays pretty much the same. I got that many cases and had to start handling them. But the other judges are very helpful, and I hired an experienced

law clerk who has been a wonderful law clerk for me ever since, Cindy Canfield. She had worked here for Judge Belloni and for Judge Panner for a period of time, so she was experienced and that helped a lot. She knew how to set things up and get the cases flowing properly very quickly.

MO: I guess your colleagues on the bench at that time were Panner, Redden, and Hogan?

GK: Basically, the group that's here now. [*incredulous tone*] The Article III judges, it was Judge Marsh, Judge Redden, Judge Panner, Judge Frye and Judge Jones, I believe were all senior judges at that time. Judge Hogan and Judge Aiken and Judge Haggerty—let's see. Judge Burns was still here. Yes, that's before he passed away. I'm trying to think: did I get everybody there that was there at the time? Judge [Michael] Mosman came later and Judge [Anna] Brown came later.

MO: Right. I think maybe you've got them all.

GK: Yes. And there were a number of magistrate judges as well that were excellent judges and we worked together right from the beginning with everybody.

MO: You probably knew most of them already anyway.

GK: I did. I knew them all. I tried a lot of cases over here.

Capital Consultants

MO: Not too long after you were appointed a judge, or a couple of years—I'm not sure of the timing—you got the Capital Consultants case.

GK: Yes.

MO: From what I've read about that case it was pretty complex with a lot of different interests and parties involved in it. Can you tell me when you first got wind of that proceeding?

GK: The way a case comes to you is that we have what we call a wheel. When a case comes in it goes to the next judge on the wheel. You don't pick your cases. You don't say, "No, I won't take that case." And that case was assigned to me through the luck of the draw. It was a case that everybody was aware of. Capital Consultants had been a well-known company for a long time. I'm going to get the date here when that [*Pauses while looking through papers*].

MO: I've got the feds seized control of Capital on September 21 or 22 of 2000. That's the first article I have.

GK: It was filed in 2000. It was filed against Capital Consultants and Jeffrey Grayson and his son Barclay Grayson. There was a receiver appointed. The next thing everybody knew there were

substantial litigation. The lawsuits were filed, and I remember the first time I went out for a status conference, or a conference with all the lawyers on these cases, and I looked out there and there were some sixty lawyers sitting there. It was clear it was going to be a significant case.

MO: Now, they had been under investigation for some time prior to the federal seizure of the firm.

GK: Yes.

MO: Apparently the *Oregonian* had been writing about it for almost a year prior to [the case] coming to your courtroom. Were there any, in terms of the federal investigation that led to the federal government seizing Capital, anything that came to you before it actually arrived in your court? Did you have to okay any —

GK: I don't really remember. You had the Securities & Exchange Commission litigation, which was the first filing. They're the ones that filed, made the allegations, appointed a receiver, took over the business. Then you had all of the clients of Capital Consultants who filed lawsuits. And there were many of them represented by different attorneys. The SEC litigation would have been assigned to me early on to approve the appointment of a receiver and for those preliminary matters. That continued to be a part of the process is the SEC's handling. They took over Capital Consultants. They

started going after assets. They do what they do. On the other side, you have the civil suits, filed by all the people who were clients. It was clear they were going to lose money. The filings were against anybody who had anything to do with Capital Consultants, including the lawyers who had represented them, the accounting firms—anybody who had much to do with Capital Consultants management, or had rendered services to Capital Consultants. I wouldn't say anybody, but these were the lawsuits that were filed. That's why there were so many lawyers out there. Of course, everybody who was sued had a couple of lawyers and everybody that was suing had lawyers, so that's why we had so many lawyers involved in the case.

MO: Some of the biggest losers were union pension funds.

GK: Yes. They specialized in union pension funds. They had a reputation as investment consultants to the union pension funds.

MO: Mm-hmm. I guess one aspect of the case was that some of the trustees of these funds were also being sued for lack of—

GK: Oh yes, they were, absolutely. They sued anybody they thought might have had anything to do with the failure of Capital Consultants for the loss of money. Most of the people sued ended up, to my knowledge, contributing towards the settlement that occurred in that case.

Remember, there was a separate criminal action, too, against the Graysons. Mr. Grayson and his son were both charged criminally. Judge [Anna] Brown handled those cases. I felt there was a conflict with my trying to handle the civil cases and that some other judge should handle the criminal cases. She had those cases.

MO: So you made that decision?

GK: I remember knowing right off the bat that it would not be appropriate to handle both the civil and the criminal cases. I just said, "Don't send them to me." [both chuckle] I don't know what I said. But in any event, that decision was made.

MO: You mentioned a couple of lawyers were also being sued.

GK: Oh, yes.

MO: A couple of big law firms here in town, Lane Powell Spears Lubersky, and Stoel Rives.

GK: Yes.

MO: Each of the law firms paid some—

GK: I think that's a matter of record that they all paid substantial amounts to contribute to the settlement.

MO: In the case of Stoel Rives, I saw Barnes Ellis quoted as saying that they felt the law firm actually didn't do anything

wrong, but that it was prudent to settle for the amount asked because of litigation that [they] might pursue if they didn't do that. I guess they were not found necessarily negligent.

GK: If you settle before going to verdict on a case, or before there's a finding on the case, then there is no determination that you were or were not civilly liable or negligent, whatever the allegation is. Certainly, by settling, there was no determination one way or another whether they were negligent in or had done anything inappropriate in the handling of their legal work for the company. That's not unusual to see people settle so that they don't have to go to trial.

MO: Right, right. Of course it also means that there's some uncertainty in their minds as to how well they would do at trial I imagine.

GK: Yes.

MO: In carrying this case forward you wound up having to deal with some of the principals involved, in particular [Jeffrey] Grayson. I guess you had to manage his finances to some extent?

GK: [pauses] Grayson, I don't recall that he was ever in court.

MO: Okay.

GK: I don't think that I had anything

direct to do with him through the process. He was in a wheelchair at that time. I say, I don't believe he was ever in court. I have no recollection of him ever being there. So, I didn't have any direct dealings with Grayson. All I saw was the various allegations being made against him by the lawyers and the defenses that were being raised by whoever was defending him.

MO: I guess he had a home that was valuable?

GK: He had substantial assets.

MO: Right. You had to decide how those assets would be allocated?

GK: I'm trying to remember. The receiver took control of all his assets I believe. I didn't do—

MO: I noticed in one article you had allowed Grayson to take some money out to pay his attorney.

GK: I remember that. See, this would be in the receivership. This wasn't the lawsuit where the former clients were suing him. But in the receivership, I would have to approve his living allowance, for example. I believe all of his assets were taken over by the receiver. So for him to live, he had to have some amount. I probably approved the amount that the receiver would pay him monthly. I think he was in his own house. I don't know if there was a mortgage that had

to be paid or not. But sure, I would have approved a disbursement of funds from the receivership that was something other than ordinary disbursements.

MO: But you said that you never saw him in court so you didn't interact directly with him?

GK: No. Even on those requests I don't recall him being in court. I could be completely wrong but I just don't recall him being in court on those things.

MO: I'm trying to find his name here. You appointed the receiver—I'm not sure that's the correct term. I'm just trying to find the name here.

GK: Mr. Lennon was the receiver.

MO: That's the name I'm looking for!

GK: And he had a law firm from California. I was going to say Sacramento. I'm not sure, but anyway from California, that represented him and did all the legal work for the receiver.

MO: I guess the receiver, Mr. Lennon, created an initial report that you wouldn't accept because it was biased or at least expressed an opinion on the receiver's part.

GK: I remember that.

MO: So, you were trying to be cautious and make sure nothing was—

GK: That's right. I think I made it pretty clear right off the bat that I wasn't going to approve attorney's fees unless I thought they were reasonable and necessary. I told the lawyers that, for example, in depositions, that I would only pay for one lawyer from a law firm to attend a deposition, not more than one, because sometimes two or three lawyers might attend the deposition. But in any event, there was a lot of making certain that we kept the costs down in this. That was the goal from the beginning, and my goal from the very beginning: that we see if we could get this thing resolved as expeditiously and as reasonably as possible.

MO: Mm-hmm. There was another firm involved—I don't have that firm's name right at the top of my head. But Grayson, or Capital Consultants, apparently had made a significant loan to the Andy Wiederhorn firm. I've forgotten the name.

GK: I don't remember the name of the company. Wiederhorn owned the company and had borrowed money from Capital Consultants. Or Capital Consultants had loaned money to Wiederhorn's company and that was kind of one of the precipitating events—the problems that Wiederhorn's company had—that caused the financial problems for Capital Consultants. I'm going to have to take this off for a moment. [*referring to his microphone*] [*Recording stops, then resumes*]

MO: Okay, we're back on tape. I just

remembered the name of Wiederhorn's company. It was Wilshire Financial [Services Group].

GK: Right.

MO: I guess some lawsuits were filed directly against Wilshire and Wiederhorn as well. Did you handle those too?

GK: You know, I do remember that they were filed against him. I can't tell you if I did or didn't. I think they were all wrapped up—well, Wiederhorn's group I think settled separately from the Capital—I don't know. Let's see. As you can see from the heading on this case, there were probably fifty or sixty defendants in the case.

MO: Yes.

GK: Just about everybody connected with Wilshire and whatever. I know I had things to do with Wilshire and I can't remember exactly what all I handled or what somebody else handled.

MO: Did Wiederhorn ever show up in your courtroom?

GK: I just don't remember one way or another whether he was there. Many times the lawyers are the ones doing the talking and their clients are sitting on a bench in the back of the courtroom. I might not even know who they are. They are usually introduced to you at some point. If we were starting a trial

they'd be introduced to me and to the jury and whatever. But at preliminary hearings we don't have people who are in the courtroom introduce themselves. He could well have been there and I just don't remember one way or another.

MO: I don't have this with me in terms of a reference to dates or anything, but I believe Wiederhorn—and you wouldn't have probably been involved in this—but I believe he was actually charged criminally.

GK: He was. He pled guilty.

MO: And served some time. But continued to be an officer in his company I guess from jail if I remember correctly. [*chuckles*]

GK: I remember that. I think it was, I'm going to say his father-in-law or somebody like that, who was running the company in his absence and he was getting paid a salary during that time.

MO: Yes.

GK: But see that was being paid by Wilshire. We did not have control over Wilshire's assets during that time. It was the shareholders of Wilshire that were very unhappy at the time.

MO: Do you remember anything about how that case proceeded in terms of interesting developments or funny moments?

GK: Do you mean the Capital Consultant case or the Wilshire?

MO: Yes, the Capital Consultants.

GK: Well, yes. Basically, after getting into the case and looking at it and talking to the lawyers and seeing what it was all about, I told them I wanted them to make an effort to settle the case early on, rather than doing all the discovery and spending all the time getting evidence and just before trial settling on the courthouse steps. I said basically, "let's focus on what you really need to get enough information in order to approach settlement and try and work out a settlement. Then spend our time trying to settle the case rather than preparing for litigation." I basically told them that's what we were going to do. I knew that's what I felt we had to do in this case.

So, we spent a fair amount of time talking to each other. Myself talking to the lawyers and setting up a procedure for them to get enough information that they were knowledgeable enough to try and settle the case without getting every little piece of evidence that they thought they might want if they went to trial. Then I ordered the case to mediation and I talked to Judge Leavy. He agreed to act as a settlement judge in the case. He came into the picture fairly early on. Although we were going down a track of discovery and gathering some evidence, he's setting

up the settlement track to start as soon as it could. I'm compressing all of this into a little bit of discussion, but this went on for a couple of years while we were putting the information together and getting into settlement.

He did an awesome job of getting people lined up to talk about settlement. He looked at the issue, realized how many defendants there were who had to agree to do whatever was necessary to get it settled, that they thought they could or should or would do. So this is probably one of the biggest, messiest potential settlement jobs that any settlement master or settlement judge could have. Judge Leavy undertook it and did a marvelous job in the case. If you read some of the newspaper editorials of the time, they complimented him substantially.

MO: Mm-hmm.

GK: He did a good job on it, but it was a long process. During this entire process there were litigation issues to resolve all the way through that came to the court. But he was the one working with the lawyers and with the defendants and with the plaintiffs getting them to agree on something to settle the case.

MO: Was the SEC involved in the case?

GK: The SEC had a lawyer from Washington, D.C. assigned to the case. She was less than helpful. It seemed to me that the SEC, the government, just took a position and that's where they wanted

to be and that was it. You had to work around them rather than with them.

MO: I see. That's why you say she was less than helpful?

GK: Yes.

MO: You think it was the SEC's decision to handle it that way? Or do you think it was their lawyers'?

GK: It's government as usual.

MO: Okay, government as usual. [*both chuckle*] All right. In the end, the pension funds did actually recover a substantial amount of money.

GK: They did. They recovered more than any clients have ever recovered in a case of this nature. I want to say it was 67 percent, but I don't remember for sure. They managed to put together a settlement fund of about three hundred and fifteen million dollars. Some of these were assets that Capital Consultants had. They sold assets and recovered some of that money, but a substantial amount of it came from settlement contributions from all of the defendants—the law firms, the accountants, wherever they could find someone responsible or potentially responsible. There was a brokerage firm that was involved. It was quite a job to put together that much money. They got over 60 percent. Usually you get ten cents on the dollar in return on these cases.

MO: Right.

GK: So it worked. It worked by putting their feet to the fire to get this settled rather than litigating it. Of course, it took years.

MO: So this is something that you were dealing with over a period of years?

GK: Oh, yes. I mean, this was the major case I handled for a long time. I made the legal decisions that had to be made as we went along, and also kept on top of them about moving the settlement as quickly as possible. Then one of the things we had to do was approve the fees for the receiver, the attorneys, and everything. Their fees were fairly expensive, but I remember seeing an article, that, basically the fees in this case were nominal compared to most, both from the lawyers representing the plaintiffs to the lawyers on the other side. All in all, we tried to save as much money as possible for the individuals who had lost money through their investments.

MO: I imagine that there were times when people weren't helpful, like you mentioned the one lawyer. Were there any—

GK: Well, you had lawyers who were advocates for their clients and they saw things differently [*both chuckle*] than the other side, or they saw things differently than the judge, too.

MO: How did you get people together?

GK: Just kept working with them.

MO: Was there any part of the case that was appealed beyond your court?

GK: Yes, there were a few issues appealed. One group of plaintiffs appealed to the Ninth Circuit and was successful because they had thought they hadn't gotten enough for their share. But there weren't too many appeals. Let's see. [*Sound of paper rustling, and a pause*] Well, some people were successful on appeal for some things. Some people were unsuccessful. But the appellate part of this was not a big part of it. There were some odds and ends that involved fairly substantial amounts of money that were appealed., but for the most part everything was settled.

MO: So, most of the decisions that were made here in this court stood up?

GK: I think I was wrong on one or two.

MO: Anything else you want to say about that case? It sounds like it was probably one of the more challenging ones.

GK: Well it was. It is probably as challenging as any case I've had, although that Wal-Mart case I mentioned to you was equally challenging. It was a lot more

straightforward and over a shorter period of time. It just involved lots and lots of people.

Wal-Mart

MO: This was the case where Wal-Mart employees were—I forget the details now—were not getting paid?

GK: Their complaint was that Wal-Mart forced employees to work off the clock.

MO: Right. They worked unpaid hours.

GK: That they required them to check out and continue working or they required them to work their lunch hours, this type of thing. This wasn't a class action, it was a collective action [*interrupting sounds*] brought by some lawyers from California making these allegations against Wal-Mart in Oregon. It was all of the stores in Oregon, all of the hourly employees in Oregon. Their claim was that they forced them to work off the clock. There was a culture that Wal-Mart had insisted upon that we can only pay you for eight hours, but you've got to get your job done. That's what the plaintiffs said the approach was, that Wal-Mart would not allow overtime. But the understanding that all the employees had was you've got to get your job done. If it requires clocking off and continuing to work, well— That's what they argued.

MO: It would seem like there are labor regulations that would—

GK: Yes, it's clearly wrong.

MO: That's no doubt what you found.

GK: Well I didn't. The jury did.

MO: Right, that's right. It was a jury trial.

GK: It was a jury trial. We split it into two parts: the liability determination, and we set for separate trial the issue of damages, how much they lost. The idea being—"Let's see if the jury believes that Wal-Mart was doing this, that they are liable for this, and which employees were affected by it." Then we can have a second trial on how much they lost in dollars.

Because number one, you want to avoid going through all of the testimony about damages if the jury is going to find no liability and not award damages. It took about a month to try the liability side of it, which we did to a jury. The jury found that Wal-Mart had forced employees to work off the clock. Then they continued after that time with evidentiary discovery. We tried the second part of it, which again took almost a month, on the issue of damages. They brought in testimony from all of the plaintiffs in this collective action as to how much time they had lost. The jury awarded about a total of a hundred thousand dollars, which was a negligible amount.

MO: Yes, it doesn't sound like very much.

GK: No, it's not. So it was a major case. Wal-Mart wouldn't budge an inch. They were adamant that they weren't going to pay any settlement. They went to trial and they lost, but they ended up not really losing.

MO: Yes, it sounds like it.

GK: Although, under the law, the prevailing party is entitled to recover attorneys' fees. The Wal-Mart employees were the prevailing parties, so their lawyers submitted an attorney fee petition that was a couple million dollars. The other side argued "You can't give them a couple of million dollars; they only won a hundred thousand dollars." My ruling on that was, "Yes, that's true, but you made them go to trial. You made them spend this much money to get their hundred thousand dollars. You, Wal-Mart, did this." I awarded them, I think, about a million six in attorneys' fees. I cut it back for various reasons. They appealed that to the Ninth Circuit and the Ninth Circuit affirmed it. Ninth Circuit said exactly what I had said. They said it was clear Wal-Mart forced them to trial.

MO: So, the lawyers made some money but the employees didn't get too much.

GK: The employees didn't, although it may have caused Wal-Mart to take a look at what they were doing.

MO: Sure. [*Phone ringing. Recording stops, then resumes*] I think right when the phone rang, you said that it perhaps sent a signal to Wal-Mart that they could get caught out on this sort of thing. You thought maybe it might have affected them in terms of their business practices.

GK: I just thought, when you lose in front of a jury it might give you some pause about your practices and they may have changed their practices. Or being sued would cause them to take a look at that in any event!

MO: Did your decision just influence Wal-Mart's business here in Oregon?

GK: I have no idea. They settled the case eventually.

MO: But they settled just for—

GK: Oregon people.

MO: Actually, I remembered a detail about Capital Consultants that I'd meant to ask you about although it may not have had much bearing on how things came out. But apparently they had some kind of front businesses on the East Coast, one in Florida I guess that was some kind of a payday loan operation, or something like that?

GK: It was a car operation.

MO: Right, right.

GK: I remember, that some questions were raised.

MO: Companies that were supposedly going to make interest payments to Capital Consultants but they were actually just sort of shells or something.

GK: I remember that.

MO: Okay. That wasn't anything that you were involved in other than just a fact of the case?

GK: I don't recall having to make any rulings on that. It's hard to say.

MO: Wal-Mart, of course, continues to have the reputation of treating their employees in that way.

GK: That's what I read.

MO: But you said it was a case whose complexity was in the same league as the Capital Consultants?

GK: Wal-Mart?

MO: Yes. Or was it just long running?

GK: Because there were so many people and so many issues in Capital Consultants and so many defendants. Wal-Mart, because there were so many plaintiffs, so many employees that were in the lawsuit, there was a lot of evidence that had to be obtained and brought out

as to each of these employees. It was just a lot. Wal-Mart was a tough defender. They just didn't give in to anything. I was having to make rulings on a regular basis on evidence and this type of thing. So it wasn't as tough as the other, but it was a significant case.

Mount Hood Meadows

MO: Well, one that probably wasn't so significant in a lot of ways, but interesting to people that live in this area, is the Mount Hood Meadows Ski Resort proposed expansion. I guess ultimately they did expand the resort, but what was the nature of that case?

GK: That was one of my early cases and probably the first environmental case that we had. They wanted to build a parking lot at Mount Hood Meadows and there was a lot of opposition to it from an ecology standpoint.

MO: And some new ski lifts, too, I think.

GK: Yes. There were a lot of things they wanted to do, most of them made sense from an economic standpoint, or at least from the standpoint of the owners. I have a newspaper clipping on that because it was one of my early cases. Let's see what year that was. *[sound of leafing through paper]* I don't have a year for it, but it was not too long after I first started. I entered an order, which prevented expansion for a parking lot, and so forth and so on, and

indicating they didn't fully consider other alternatives to take care of the traffic problem. They didn't consider the possible disturbance to the high elevation wildlife habitat. I recall I suggested that they should consider a skier shuttle system and so forth and so on. There were a number of conservation groups, including the Friends of Mount Hood who sued to halt the development. I did halt the development. Eventually, I think, they resolved some of the issues. I don't really remember how it all came out at the very end of things. But it was one that was of interest at the time obviously to environmentalists and skiers.

MO: Right. As a skier I know that they do have a second parking lot now down the hill a little ways, so they figured some way to get it done.

GK: Yes.

Christian Patriot Association

MO: I'm trying to find my list of topics here, but you have it in front of you. I'm not sure if this is the next one I had on my list or not, but there was this group called the Christian Patriot Association?

GK: Yes.

MO: They had founded a warehouse bank. I'm actually not completely familiar with that term. Maybe you can tell me what the nature of that case was?

GK: This was a group of individuals who lived in Boring, Oregon, and they espoused tax evasion. They had a group that would furnish information—written information, oral information—about how to avoid paying taxes. They argued that the tax system was unconstitutional and you really didn't have to pay taxes and here's how you avoid doing it.

This warehouse banking—I don't remember all the details now—but it would involve, for example sending money to the Christian Patriot Association. They would deposit it in their bank account at the US National Bank. Then they would keep a handwritten record, at their facility, and they would tell you who to write checks to and so forth and so on. Basically, they had no record in their personal account of any income received, or amounts payable. They operated on cash and if you wanted cash, you would tell the warehouse and the warehouse would send you an envelope registered [mail] with cash in it. There were a lot of people who signed up. So the people who were members of this warehouse bank weren't paying any taxes. They would receive a check from their employer and they would endorse it and send it to the Christian Patriot Association who would deposit it and send them back cash, or would give them a credit on the books and would write checks for them to this organization. They did that for a number of years. There were a slog of people who used it and there were five of them who were named as defendants

in a criminal case. That was a case that went on for quite awhile and we tried it to a jury. The jury convicted all five of them.

MO: How did it come to light?

GK: Oh, the IRS picked them up. They were watching them and figured it out. That again, is so long ago. I forgot how much money was involved. It was millions of dollars.

MO: It's one hundred and eighty-six million according to one story I've got.

GK: Yes. In any event, the leader was a guy named Flowers. F-L-O-W-E-R-S.

He was the one that was the leader. He went to prison for about five years. His wife was assisting him, but she was really—oh it's hard to say—under his influence and [*a considered pause and word choice*] I eventually put her on parole. We tried that case in 2002.

MO: I imagine the five did appear in your courtroom?

GK: Oh yes. They were all there. They were there every day. It was noted by a lot of people they lived very modestly. There was no indication that they had lots of money or took lots of money. They were believers. [*both laugh*] They ran this thing and really didn't take any money for themselves. Some they did, but not much.

MO: Believers and not scammers necessarily.

GK: That's right, yes.

MO: How did they present themselves in your courtroom?

GK: You wouldn't have believed that these people could convince anyone to do anything. They were not impressive people. They were not educated. Actually, of the five defendants, three of them were the ones running the scheme and two of them were people who had avoided a lot of taxes as a result. They worked with them and avoided taxes. They were charged with avoiding taxes as well as participating in a conspiracy, but the other three were charged with operating a conspiracy.

MO: This article said that they filtered money for nine hundred people.

GK: Yes.

MO: So it was national?

GK: Yes, all over the country. I can't imagine people who are dumb enough to send their money to Boring, Oregon. [*amused tone*] Mr. Flowers went around the country giving seminars about his program.

MO: They did it themselves? They didn't have any professional help like attorneys?

GK: They didn't have any professional help at all. Mr. Flowers was a very heavyset man. He was in bad physical shape, but he went to prison for five years. I believe he served his time. I heard he passed away. I'm not sure.

MO: I imagine the whole operation was shut down?

GK: Oh yes.

MO: What about the nine hundred people?

GK: I don't know how many of them were prosecuted by the IRS, but some of them were, I know. They were all eventually assessed for the unpaid tax and penalties and interest.

MO: Another one—this one probably isn't a very big case, but it caught my eye. I forget his first name, but last name was apparently José Garcia.

GK: Yes.

MO: Anyway, he was making fake social security cards and green cards for people?

GK: I've had a number of those. I don't remember Mr. Garcia in particular.

MO: Okay. Then we'll just skip that.

GK: I mean fraudulent identification is something we see all the time.

MO: Yes. Part of what caught my eye about it was apparently there had been some undercover investigation that occurred over the better part of a year.

GK: You know, it rings a bell a little bit. I say we have a lot of cases involving false identification, but it does ring a bell. I can't tell you anything about it at this point.

MO: There was another case, actually that the Wal-Mart case reminded me of, but that was, that Wacker Siltronic also had a similar problem?

GK: Yes they did.

MO: Was there anything interesting—

GK: No. That was resolved fairly easily as I recall.

MO: It was putting on their clean room outfits. They weren't getting paid.

GK: I remember that one, yes. I don't think we tried that case. I'm pretty sure. I have no recollection of actually going to trial on it. I think it was resolved.

MO: So they probably just settled.

GK: Yes, at some point.

MO: Do you remember the case involving Russell Cline who operated a foreign currency scam?

GK: I remember Russell Cline. That was a criminal case. He was not a good guy. [chuckles] He had, as you say, a currency scam, but he was also making pornographic movies. He ended up with a fairly substantial jail sentence.

MO: Mm-hmm. Well, another one that was maybe somewhat similar was there was a Lithuanian bank fraud ring. Do you remember anything about that?

GK: Well, I remember it, but it doesn't stand out in my mind. I mean we would have a dozen of these white-collar fraud cases a year. There were lots of them. I remember Russell Cline because he was such a jerk. [both laugh]

MO: A jerk in your courtroom too?

GK: He was, yes.

Adidas v. PayLess Shoes

MO: Then another case that you identified was the *Adidas v. Payless* case. That was one the ones that you mentioned. [Adidas American, Inc., and Adidas-Salomon, AG vs. Payless Shoeshource, Inc. Civil Case No.01-1655-KI (Lead Case), related case to Cv 03-1116-KI]

GK: We tried that probably a year ago now, the way time goes. That was one of the biggest verdicts I've had. I think it was about three hundred and fifty million

dollars or something like that. It was a lawsuit filed by Adidas against Payless Shoes alleging that Payless Shoes was infringing on the trademark of Adidas—the three stripes—by selling shoes with two stripes and with four stripes.

Payless is a big organization. They have stores all over the country and internationally. They were, in fact, making shoes that looked like the Adidas shoes and selling them for a great deal less than Adidas sold their shoes. In any event, they sued them and we tried that case for about three or four weeks. The jury found that Payless had infringed and they gave Adidas, I think it was, about a three hundred and five million dollar jury verdict. I was very surprised at the amount under the circumstances. The jury gave Adidas about thirty million dollars in actual damages and then a hundred and thirty-seven million in punitive damages. Then they're entitled to determine the profits that Payless made and award that back and that was a hundred and thirty-seven. Payless filed a motion asking us to reduce the award. I did reduce the award. I'm trying to remember exactly what it was. I think I reduced it down to about fifty million dollars from the three hundred million. That case took about three weeks to try and we had, I forget how many, hundreds of pairs of shoes in here that people were comparing and looking at.

MO: Oh yes? So they brought in the shoes too?

GK: Oh yes. We had a courtroom full of

shoes. [MO laughs] But that was eventually settled and I don't know how much it was settled for.

MO: I guess my article on it is not the final.

GK: I don't think anybody ever disclosed what the settlement was.

Al-Haramain v. the United States

MO: Another case that got a lot of coverage had to do with the war on terror—

GK: That's still getting a lot of coverage.

MO: Yes, *Al-Haramain v. the United States*. Tell me what the first you heard of that case was. [Civil Case No. 07-1155-KI]

GK: It came in and we had not seen anything like this before. The National Security Agency had—I shouldn't say alleged because the Bush Administration agreed that they were conducting this surveillance program. They were monitoring email messages and phone calls, without court approval, without a court warrant. What this alleged, was that they intercepted calls between Al Haramain, which is a foundation headquartered in Medford, Oregon, and their lawyers in New York City, and principals of Al Haramain, or at least officers, who were in Saudi Arabia. They monitored them for some period of

time. The lawsuit was filed here in Oregon because Al Haramain was here in Oregon.

Previously, the government had declared Al Haramain a terrorist organization because of its association with Al Qaeda, and had taken over all their assets, and taken over their property and their cash and whatever. So they sued for damages for this interception. It has been going on for some period of time. I initially made a ruling—the government took the position that this substantially affected national security and that therefore—I'll just give you the easy way to approach it—that since this did affect national security the case had to be dismissed. For the government to get in and defend it and bring forth evidence would have an adverse affect on national security and therefore the court should just dismiss the case. [Phone ringing. Recording stops, then resumes]

MO: So, the government's argument was the case couldn't proceed because of national security?

GK: That's what they argued, that you couldn't proceed. Well, this had the unique situation—and distinguished it from many cases filed all around the country that had been dismissed—in that when the government initially made the declaration about Al Haramain and took their assets and so forth, Al Haramain asked for production of some documents. They sent them these documents. Included within this document was a report that the government had prepared of

monitoring a conversation between—well, monitoring a conversation, that showed a conversation—I won't say anything more than that. That piece of evidence, Al Haramain said, showed that they had been monitoring a conversation and gave them standing to sue because they had been specifically affected by this. That's what they alleged. Now the government, basically, all through this, just wouldn't give them any information; would not admit that there was a [wiretapping] program even though Bush had announced that there was a program [*bemused tone*]. Even my law clerks couldn't look at these documents. That had to be put in what they called a skiff. They were under lock and key of the government. When I was to read them, they would have a person bring them in and put them here. I had to close my doors and nobody else could see any of this information.

MO: Was this a person from a Portland FBI office or from the [US] Attorney's office?

GK: It was a person that they designate to do this kind of thing from Washington, D.C.

MO: Okay. So he flies out here or something?

GK: Yes, to bring me these documents. I'm just giving you a broad overview because this case has been going on. There's a lot of publicity about it. It's now down before Judge Vaughn Walker in

San Francisco. [Chief Judge of the U.S. District Court for the Northern District of California]

But in any event, I initially held that I would not dismiss the case. That I believed that they should find a way to allow discovery to take place and allow the plaintiffs to find out if, in fact, they had violated the federal statutes requiring court approval for domestic surveillance; that they could do that because these attorneys had seen this document.

While the document was probably subject to the national security laws, their recollection of it wasn't, and they could use their recollection to make an affidavit and submit it. I ruled, and that basically kept Al Haramain in court. The government asked, and I allowed them—at that point even though we hadn't finished the rest of it—to appeal my ruling. The Ninth Circuit said “good try, but that won't work” and sent it back. At about the same time, they assigned all of these surveillance cases to a San Francisco judge, Judge Walker, and a Multidistrict Litigation Panel. That's what they do sometimes when they have cases all over the country in different jurisdictions; they will send them to one judge to handle all the preliminary matters so you have consistent rulings. They sent that to him. He has been hearing evidence and making rulings. He has recently found that the wiretapping program that resulted in this case was illegal, in that they did not comply with the requirements of the Foreign Intelligence Surveillance Act [FISA]. So right now, he has ruled for Al Haramain

and is going to be fixing their damages. As I say, there's a lot more to it than that, but that's kind of an overview of where it was. It may come back to me and it may never come back to me. Usually on these Multidistrict Litigation Panels, once they're ready for trial, they come back to the judge who's handling it, but in this case, his ruling before trial may end the case. That's what we're waiting on now.

MO: I didn't realize it was still possibly an active case in your court.

GK Yes, it could come back. I don't think it will. I think the Administration will just be happy to see it go away.

MO: Did you have any thoughts about the Bush Administration's reluctance to go the FISA court or get some court to—

GK: I'll tell you, I was frustrated with the government's position. The government's position was basically, "We can't tell you anything because this involves national security. And you have to dismiss this case because it involves national security. But we can't tell you why." This was the approach and my comment, which was quoted in the newspaper, was, "You know this sounds like *Alice in Wonderland*," which is exactly what it was. We worked pretty hard here to look at this and to structure something that we thought protected national security, but would allow them to at least put before the court what the evidence of what had occurred, to see if there was a violation of

the Foreign Intelligence Security Act, or any other right that Al Haramain had. At the same time, we had another lawsuit from Al Haramain asking us to reverse the government's decision that they were a terrorist organization and we denied that request. Not because I made a decision one way or another, but once a decision has been made through an administrative agency like that, if it comes before the court, the court has to see, is there any evidence to support it? Not whether it is a right or wrong decision, but whether there's evidence to support it. Maybe you would decide otherwise based on the evidence. I found there was evidence to support the designation of them as a terrorist organization.

MO: But you didn't decide they were?

GK: I didn't decide that they were or not. I said that there was evidence to support it. I'm going to—

MO: Sure. Let's pause here. [*Recording stops, then resumes*]

GK: Go ahead.

MO: Actually, I did have one follow-up question there. It seemed like an absurdity, to me anyway, was that the document you mentioned that Al Haramain possessed that originally tipped them off to the fact that they were being listened to, they already had possession of a copy of it and the government argued that they couldn't possess it, or at least couldn't use it at trial.

GK: Couldn't use it, yes.

MO: I guess one of the attorneys on Al Haramain's side said well, if it's not secret, it's not secret. *[laughs]*

GK: Yes it was hard to follow the government's reasoning here. They just kept falling back on this would adversely affect national security so you can't do it.

MO: And even in that document, they argued that.

GK: What they were arguing is that just to allow anyone to see that document, or to have that document, or to study that document, somebody might be able to determine how they conduct surveillance, how they conduct national security, whatever. Just seeing it would give them information to work from. So that's what they kept falling back on. But in any event, it's been resolved now or at least at this level, *[both chuckle]* at the District Court level.

Christensen Shipyards

MO: What about Christensen Shipyards? I guess that was a case that was a dispute between someone who wanted a boat built and the builder? *[Yacht West, Ltd. v. Christensen Shipyards, Ltd., 702 F. Supp. 2d 1292 LEXIS 41298]*

GK: Yes. And that was tried just recently. It involved Christensen Shipyards across

the river in Vancouver. They build some big yachts. They built Tiger Woods' yachts for example. They are a custom builder. They built a yacht for this fellow from Florida and the price was supposed to be around twenty million dollars for the yacht. When the yacht was ready for delivery, the owner—there were some issues raised—but the owner took delivery eventually, and later sued them alleging that they had not complied with the terms of the shipbuilding contract. They had been negligent in the way that they'd built the ship, and that it was defective in a number of respects. That was a fairly long trial because they went through everything that had not been done right. They had to prove what it cost and what it should have cost, this type of thing.

Eventually, he made one claim about the placement of the exhaust system. For example, his claim was—I don't remember for sure the figures—but that the exhaust system was supposed to come out a certain way and it wasn't. That they'd put it to come out another way and therefore would cause the boat to get sooty in that area. Christensen defended by saying that "We determined we could not do it that way because of what you wanted to have here, here, and here." So this was the kind of thing. When he claimed it's going to cost three million dollars to fix that. In other words, move everything so the exhaust can come out where he said. Who know? Maybe it would cause that but it seemed rather ridiculous.

In any event, it was tried to the jury. Christensen counter-sued saying "You owe us money because you delayed us in the building and it cost us more money to build the boat because you didn't have the drawings to us in time and you didn't do this," whatever. The jury came back with a verdict. I'm just going to give you some round figures because I don't have the figures. It was about three million dollars in favor of the boat owner and two million dollars in favor of the boat builder. Those aren't the right figures but it was something like that. They gave the boat owner a couple of million dollars more than they gave the boat builder. I reduced the award because I thought it was too high. I think the boat owner will end up with net about a million dollars or something like that, or a million and a half based on the reductions I made. That's on appeal right now. We don't know what will happen with that. It was interesting. We spent three weeks building a boat and finding out what it cost to do this and do that. It was a well-fought case by the lawyers.

MO: Did you and/or the jury visit the shipyards?

GK: We had a lot of photos.

MO: Let me just pause it for a second here. *[Recording stops, then resumes]* This might be interesting to put on the tape. What's your schedule like on August 10th?

GK: It's loaded.

MO: How many cases?

GK: How many cases are set?

MO: Yes.

GK: *[counting from a list, sotto voce]* Twenty-one cases are set. But most of them are criminal cases and they will go away or be resolved in one way or another.

MO: But you nonetheless have twenty-one cases to consider in some way or another on that day?

GK: Something has to happen to those cases on the 10th. But that's because I'm on vacation for two weeks before that. So if you don't have that two weeks to set cases—I normally set four or five cases a day that we're doing something on. Some of them are set for trial, but very few go to trial. Most of them are set for motions or for pleas or for sentencings or that type of thing. The reason I have that many on that date is I have none the two weeks before.

MO: So you've got maybe fifteen or twenty minutes to take care of each?

GK: I usually set a half an hour for each case. But as I say, many of these will go away for one reason or another.

MO: So the schedule will shrink a bit.

GK: Yes. At any one time we will have roughly a hundred and eighty to two hundred civil cases and a hundred and fifty criminal cases pending. I will generally have about three hundred fifty cases that I'm handling in a year's—well, sometimes I have them for more than a year, sometimes less.

MO: And these twenty-some that are on August 10th, I suppose some of those will occupy time later on, too?

GK: Yes. They'll go off because they'll ask for a set-over or something and we set them down the road.

MO: So you'll probably make a little progress on a case and then it will—

GK: Oh yes. We'll finish and close between fifteen and twenty cases each month. That seems to be about the average. Then we get fifteen to twenty new ones each month too.

MO: I'll take us off tape again.

[End of Recording Three]

OHSU Mediation

MO: Once again we're on tape with Judge Garr King in his chambers in the Mark Hatfield Courthouse here in Portland. The date is August 11, 2011. Judge King, when we left off last time we were talking

about some of the many cases that you've taken care of in this courtroom. There's a few more left on the list. I guess you told me last time a little bit about the OHSU [Oregon Health Sciences University] liability case. We didn't talk about it, but you indicated that that was an interesting case and had some complexity to it, I guess.

GK: Yes. That was a case where I acted as a mediator, or settlement judge, whatever term you wish to use. Trial lawyers and OHSU had been discussing the potential for an agreement to agree to a raised cap, or by raising the amount that could be recovered against OHSU in a lawsuit against OHSU for, say, medical malpractice. The Supreme Court had come down with a case and basically said it was not constitutional to have the limited cap that was available at that time—I think it was two hundred thousand dollars—in certain cases where there were substantial injuries. I won't go into all the reasons for that opinion. But basically it was contemplated that the Legislature would view raising the cap, and that the attorneys for the trial lawyers, the trial lawyer attorneys, and the attorneys for OHSU, were attempting to agree on a figure they could recommend to the Legislature. But they hadn't been able to agree and they asked me to act as a mediator, which I did over a period of days. We were able to negotiate an agreement whereby they recommended to the Legislature an increase in the cap from two hundred

thousand dollars to one million five, with increases in the future that would take it up to two million dollars. And the Legislature eventually accepted that recommendation and enacted a law encompassing that.

MO: [*Recording stops, then resumes*] Okay, we're back on tape. So there was previously a two hundred thousand dollar cap?

GK: Yes.

MO: OHSU, it sounds like, were in better shape, before the Legislature raised the cap?

GK: Well, they agreed to raise the cap, I'm assuming, because they knew the Legislature was going to raise it. By negotiating they had an opportunity to have input into what it would be. They basically wanted to get a cap that they could live with.

MO: I see. So, they were afraid of what—

GK: They were concerned about having a larger cap. They talked about the cost of insurance that would occur in the event of an increase in the cap. The bigger the cap the more insurance would cost.

MO: What was the mediation process like?

GK: There were a number of lawyers representing the trial lawyers and lawyers and representatives from OHSU. If you've

ever been involved in a mediation, you sit around a table and you go back and forth and talk. There's an element of argument and there's an element of discussion and there's an element of compromise.

MO: And, no doubt the trial lawyers wanted a higher one and OHSU wanted to keep it down?

GK: They did, but it was a good result. It was a good compromise.

MO: Okay. Anything particularly notable about the mediation in terms of the process itself or some of the people involved?

GK: It's unusual to have a group of lawyers, the Trial Lawyers Association—not everybody had to agree—but they had to give authority to the negotiators and they had to bless it before, I think, the negotiators could agree to it. So you had a large group of lawyers who had an interest in what was going to happen, but delegated authority and responsibility to some of their leading trial lawyers. You were able to get an agreement between a large group and the hospital entity.

MO: Was there any further attempt to influence the result of the mediation once it got to the Legislature?

GK: Well, the Legislature knew this was happening and they wanted the

recommendation. The Governor specifically wanted this to occur. He was very pleased with the result.

Fishing Cases

MO: The other perennial issue in the U.S. courts, is fishing rights. I guess you were involved in some of those cases?

GK: Yes, I have.

MO: Can you tell me what these cases were?

GK: The first case I became involved in was *U.S.A. v. Oregon*, which is a case that's been in this court since the 1960s and was originally handled by Judge Belloni. There have been similar issues in the state of Washington. Then Judge Marsh took the case over. That case primarily involved the issue of the amount of take that the Indian tribes, were entitled to have from the Columbia River. There had been litigation over the years and eventually it was determined what their rights were under the treaties and how to compute and decide or calculate the number of fish that they could take each year. They had a right to take a certain number of fish. So every year they would have to negotiate. They would estimate how many fish were going to be coming up the river and this type of thing. Then they would sit down and try to agree with the Indians what it would be from that. They had to consider all the other factors. There was litigation continuing.

Things would come up that would have to be decided first by Judge Marsh, then later by me. Basically, every year they had to make this agreement. What they were working on, when I took over the case from Judge Marsh, was to try and get a ten-year agreement, in effect, that would determine the take for a period of ten years. We had lots of meetings and I participated from the standpoint of being the person who was pushing them to keep going and work at it. But it was the representatives of the states and the tribes and the public and so forth who negotiated for, my goodness, two or three or four years before they finally got an agreement., but they did get a ten-year agreement. I'd have to look it up but I think it was about three or four years ago. So that's in place now and is good for another "x" number of years. That's a different case than Judge Redden is handling now.

MO: Okay. The one he's handling now has to do with trying to help the salmon runs, I guess.

GK: Well, yes. Trying to resolve a lot of issues about the water flow and the fish issues that I don't even want to go into it. It's very complicated.

MO: Judge Redden was involved originally in these fishing rights cases as the Attorney General.

GK: He did. He was the Attorney General

in the State of Oregon at a time when these issues were being litigated.

MO: Yes. Were you observing that at all at that time?

GK: No. I had no involvement whatsoever in that type of law at that time.

MO: Of course, I guess there's the Boldt decision, which is one of the first major decisions. I thought that also had to do with the percentage of the—

GK: It did, but I believe that was up in Washington wasn't it?

MO: Yes.

GK: I mean there's been a lot of litigation over this both in Oregon and Washington.

MO: One question I would have is presumably the treaties that were signed back in what, roughly 1870 maybe, [1855] didn't fully anticipate the dividing of the catch so to speak?

GK: No. Interpreting the treaties, or applying the treaties, is a tough thing to do. I don't remember if we talked about the case between two Indian tribes that was tried in my court. Each one was arguing that they had the sole fishing rights at Icicle Creek up in Washington. That case was tried in the courtroom. It was really interesting in that a number of Indian oral historians came to court and

testified as to what had happened back in the late 1800s. What the history was of the use of these various fishing grounds. That was a very interesting case. I think we already talked about that.

MO: I don't know that we did actually so I'm glad we're talking about it now.

GK: Well, I'll just tell you briefly who was involved. I just have to make sure that I get the tribes right here. [*leafing through papers*] It was the Icicle Creek [which] is on the Wenatchee River in North Central Washington. The Yakama and the Wenatchee Tribes maintained that they had exclusive fishing rights at Icicle Creek and they went through the history of why they had these rights. Eventually I held that each one had fishing rights and it was non-exclusive. That was appealed to the Ninth Circuit Court of Appeals and they affirmed that decision. It was a very interesting case from the standpoint that we got to hear a lot of history from the people who lived it and their ancestors had lived it.

MO: So the oral history was entered as evidence in the trial?

GK: Oh yes, it's received as evidence.

MO: And your decision was that both tribes demonstrated—

GK: Both tribes had a right to fish there.

MO: On this later case, how do you

interpret a treaty that doesn't explicitly lay things out?

GK: What we saw in that case is that we had the testimony from people as to what they understood the government was going to do for them. Because they transferred land to the government and they got some money and they retained rights. The treaties weren't very clear. So some decisions were made on the basis on what was the general understanding and what had they done forever there. *[laughs]*

MO: And you think it will hold up for a few more years, but then it will be back in the courts?

GK: Not Icicle Creek. I think that's resolved.

MO: That one's done. Okay.

GK: Yes. The other case—I think that they put in place a plan that will allow them to continue in the future to work out an agreement without going to court.

James Chasse

MO: Okay. A recent, pretty high profile case you've had in this courtroom is the James Chasse case.

GK: Yes.

MO: I wondered if you'd tell me how

that case unfolded, beginning with your first awareness of it.

GK: Well, the case was handled initially by Magistrate Judge [Dennis] Hubel. As you may know, the magistrate judges receive assignments of civil cases just like the Article III judges, but unless the parties agree, the magistrate judge cannot try the case, or make a decision that is dispositive. Magistrate Judge Hubel did a lot of work on the case initially where they were resolving discovery issues and some legal issues, but as the case unfolded and got ready for trial, I took it over because I was going to have to try the case. We had quite a few motions. It was a hard-fought case between the attorney representing the Chasse family, and the attorneys representing Multnomah County, City of Portland and the ambulance service, AMR. As the time went on, Multnomah County settled out and the ambulance company settled out. We were pretty close to going to trial. We were putting the stuff together for a month-long trial at the time that they settled with the City of Portland.

It ended up that the case was fully settled; it didn't go to trial. But in the interim, we made an awful lot of rulings and did an awful lot of work on the case because it was clearly a case that was going to—there were a lot of legal issues; there were a lot of claims against the City about their training and their supervision, about the officers' prior activities and so forth. There were an awful lot of people interested

in mental health who were very involved and I think would have been interested observers in the case. That certainly was going to be a part of the evidence of this issue was his mental health situation. It was just a case with a lot of publicity. The big thing we were concerned about was trying to swear a jury in that didn't have a lot of preconceived ideas about the case, and about the City and about police officers and so forth. We were going to have, I think, over a hundred prospective jurors here. I had made arrangements for that when the case was settled. I'm happy it was settled.

MO: One of the rulings you made in that case was that you denied the City of Portland a change of venue. I imagine that was exactly these issues that probably were—

GK: Yes. I had tried a case a couple of months before involving Washington County. I examined the juries in that case and I came to the conclusion that a lot of them had heard something about the case, knew a little bit about it, but that they were convinced they could put that out of their minds and return a verdict based on the evidence in the case without relying on newspapers. I was pretty well convinced that we could pick a jury that would not be biased.

MO: Just because of this earlier experience, you mean?

GK: Well, just because my experience with jurors is that they try to do the right thing.

MO: I was going to ask you more generally.

GK: And frankly when you're picking a jury you can pretty well figure if somebody has had experiences that would cause them to be biased against one side or another, you can usually bring those things out and that juror can be excused.

MO: Mm-hmm. Anything else about the extreme publicity around that case?

GK: It was bothersome. It really was. Frankly, there were statements being made by the parties that the newspaper would pick up and put in the paper. It bothered me tremendously that the newspaper would put in the paper something that had happened that was irrelevant. It probably was questionable whether it was true, but they put it in the paper. A juror who reads that thinks, "Well, that's evidence." I was quite concerned about the publicity that was appearing in newspapers.

MO: Would it have been appropriate or effective, do you think, if you asked the papers to lay off?

GK: No, no. I think if you ask the newspaper to lay off, they're going to lay it on. We have no control over what the newspapers do. What I did do is, I made it clear that if there were articles during the course of the trial that I felt were prejudicial or erroneous and jurors had read them, I would declare a mistrial

which meant all the work we had done to that time would be wasted and we'd have to start over again. I think the newspaper got the point. We never got to trial, so I don't know what they were going to do.

MO: You said the ambulance company was also a party, AMR. Multnomah County settled. That's right.

GK: That's right. Multnomah County settled and the ambulance company settled.

MO: Any other cases that we haven't put on the list that would be interesting?

GK: I was looking at some of them. I think we've talked about the ones that come to mind. I have roughly a hundred and eighty civil cases at any one time. It's been twelve years. We've had a lot of cases. Those are just the ones that come to mind.

MO: Okay. Maybe we'll segue into issues that you might have something to say about like in the federal judiciary today, how things are changing. I guess one thing is that there is a heavy caseload in the federal courts.

Judicial Appointments

GK: Yes, but it's not that much heavier than when I started. It's a little bit heavier.

The problem we have right now, is that we're short over a hundred judges.

MO: Because of the slow appointment process?

GK: The failure of the [Obama] Administration to put judges forward until now. The Administration came in January of last year and they really haven't done much with these two vacancies we have in Oregon until recently. The senators put together a committee and they came up with a recommendation for individuals. Those names went to the Administration probably a year ago. They're the ones that have to do the checking, the FBI check and all of the things. Then the President has to nominate them before they ever get to the Senate. So they've just been nominated recently. We're a year and a half into the Administration and they just nominated. It's unfortunate because there are people who have been nominated whose lives are on hold because they don't know whether they're going to be a judge or not. One of the ones nominated here in Oregon for Judge Haggerty's position, which is also vacant, has a full-time law practice and he's been waiting for over a year and a half to find out whether he's going to keep his practice or be a judge. Pretty hard to satisfy your clients! [*chuckles*]

MO: At the moment, in your opinion, it's not the gridlock in Congress that's causing the problem but the fact—

GK: Well, I'm sure there's some of that that's been going on. The out-party is

opposing the in-party's recommendations, the nominations, or just not doing anything on them. It's unfortunate. It's terribly unfortunate but it seems to be what happens in Congress on this subject, and many subjects.

MO: I heard some similar things about the first year or so of the Clinton Administration, that they were slow to fill positions. Is this maybe a typical thing when a new president takes office?

GK: There may have been some slowness, but this is much slower than any of the previous administrations.

MO: You already talked about it a little bit, about this extreme partisanship that seems to dominate all legislative actions in Washington.

GK: That's just part of it. Once they get to the Senate Judiciary Committee they have to have a hearing. If somebody doesn't arrange for a hearing or doesn't agree to a hearing, they don't get a hearing! They can have a hearing, then they've got to vote. If they don't get around to voting, then they don't go to the full Senate. Or if they do get voted out of Senate Judiciary and go to the Senate, then somebody has to get the Senate to vote on it. You know how that works: one senator can put a hold on something. They can just—well, we're not going into the politics of it. It's pure partisan. We really don't have a partisanship issue

as judges on the bench. My experience has been that judges don't really vote on the basis of whether they're Republicans or Democrats or liberal or conservative. I think they do a very good job of trying to do what is legally correct. So they've really got to just be looking for people who are good lawyers who know the law, have an appropriate judicial disposition and then put them on the bench and let them decide cases.

MO: That's something you might expect maybe at both the District Court and Appeals Court level, but once you get to the Supreme Court I guess it does get a little more political.

GK: It does. That's just a fact of life. I don't know whether it should or shouldn't. All I can say is at the District Court level what a grand waste of time it is to argue over partisanship issues.

MO: Mm-hmm. I guess the question is, do you see the Supreme Court as being more politicized now than it used to be?

GK: I really haven't thought at all about it. [*chuckles*] I think it is. But I'm not a Supreme Court observer.

MO: You must be to some extent.

GK: I look at the cases they decide.

MO: What did you think about the decision about six months ago that

corporations had the rights of an individual in terms of—

GK: About campaign contributions?

MO: —campaign contributions, yes.

GK: I was disappointed in that. I think we should be electing people not on the amount of money they can raise and spend, but on other issues. So I was disappointed in that decision.

MO: The other issue that's become more visible at least, maybe exacerbated, is ever since the War on Terror, the government has probably extended its need for secrecy, or made the case for its need for secrecy. It came up in the Al Haramain case. What do you think about that trend?

GK: I really think the government is backing off now on this point. Because there were a lot of cases filed, of course a lot of cases were thrown out. There were cases filed against the government. A lot of cases were thrown out across the country. But the case I had that was later decided by Judge Walker down in San Francisco, the government lost on that case. I just have a feeling that they have backed away from all of the positions that had previously been taken by the Bush Administration. That's just pure kind of guesswork at this point. I can't give you anything that tells you that. I just have a feeling that they've backed off.

MO: And you think that that's a good thing?

GK: I think it's a good thing.

MO: I bet.

GK: There's a need for surveillance. There's a need for these things. But it can be done legally without any substantial adverse affect.

MO: Exactly. It's been in place for many years, a special court that the government—

GK: Yes. There's no reason they can't get a warrant from the court.

MO: From the FISA, yes. At the same time that we have increasing secrecy, although like you say, maybe the trend has changed, we have eroding privacy as a result of the Internet. Have you had any cases where that's played a role? Or what do you think about that in terms of a challenge?

GK: Well, I can't think of any cases that I've had anything to do with or any cases where I have looked at it. It's not a subject that I've really focused on. I don't know that I could tell you anything that would be worthwhile.

MO: Okay. There's also been a lot of talk over the years about splitting the Ninth Circuit. I imagine that's at least of some interest to the District Court here?

GK: It is. It has been in the past, although there's been little discussion about it recently. But in the past, the District Court

judges, the trial judges here, I think were unanimously in favor of splitting the Circuit. They really felt that we would be much better off with a Northwest Circuit, not influenced by California and California judges.

MO: What do you think differentiates, say, the Northwest from California?

GK: I don't know. They just seem to think a little bit differently [*chuckling*] than we do about some things. It's too big. It really is. It's too big. It's a California controlled court.

Judicial Relationships

MO: I wanted to ask you just a little bit about your outside-of-the-courtroom experiences as a federal judge, social encounters and so forth. Starting with the Oregon court, do you have people here, other judges, in the District Court here that you see on a social basis often?

GK: I see them on a social basis, but not often. We'll have a dinner once a year or something like that. We get together at the conferences, the Ninth Circuit Judicial Conference. We have a dinner there just for the Oregon judges, although sometimes we invite some of the small states to join us. Usually, I think there would be a couple of judges who are pretty friendly and do things with each other. I know I've always

gotten along with everybody. It seems like we move in different social circles. We see each other at functions where judges are invited. We see each other around here. We used to sit down for lunch together every Monday, but that is now off and on. As far as socializing with the other judges: some, but not a lot.

MO: When you do socialize, like at the Ninth Circuit Judicial Conference or other events, are there stories that you can recall about people or funny stories?

GK: Nothing pops into my mind at this point. If I think of something I'll let you know.

MO: Since we were talking about the Supreme Court just a minute ago in an abstract way, are you acquainted with any of the justices on the Supreme Court?

GK: I've met a number of them. I've just met, very recently in Washington, D.C., Justice [Sonia] Sotomayor. We had a little chat. She's a very gracious person. I'm a member of an organization called the American College of Trial Lawyers and I was nominated to that in 1984. I've served on the Board of Regents. I went to their national meetings and I've continued to go to their national meetings. These are the top trial lawyers in the country, by far. They generally will make a Supreme Court justice, when that justice is appointed, an honorary member in the American College of Trial Lawyers and they invite them to our

national meeting. I've had the opportunity to meet and talk to these new Supreme Court justices at those meetings. Then they come periodically to the meetings and I talk to them then. They also come to the Ninth Circuit functions, at least one or two come. Some of them come here to speak at Lewis & Clark. I've been active at the law school out there so I've met them and talked to them. So yes, I've talked to a number of them at various functions.

MO: I guess Sandra Day O'Connor was actually in town last year?

GK: Right. And she's come to the Ninth Circuit conference for years and to the American College meetings. I met her at both of those. In fact, she's a tennis player and I used to be a tennis player and so we played tennis at the Ninth Circuit tennis tournament a couple of times in the past. That was some years ago. My knees are bad now and I don't know that she plays tennis a lot anymore.

MO: Apart from the tennis, what's she like?

GK: She's a very gracious person.

MO: You said more or less the same about [Justice] Sotomayor I guess. Who are some of the others? Have you met Chief Justice [John] Roberts?

GK: I did. I met Chief Justice Roberts the first year he was Chief Justice, again, at the Ninth Circuit Judicial Conference.

He was at a function at a beach and he was introducing himself. We got a chance to talk to him.

MO: What's your impression of him?

GK: Again, a very gracious person. Smart. His politics and mine are somewhat different, but he is a very gracious person.

MO: I imagine that probably applies to [Justice] Alito and [Justice] Scalia too?

GK: I have not met Alito. I've met Scalia several times, had dinner with him a couple of times; once at the American College meeting. I forget where we were but we were at the same table with him. And again, he's a very intelligent guy. He's very friendly personally. Our politics don't even come close. *[both laugh]*

MO: What about [Justice] Clarence Thomas?

GK: I've never met him.

MO: Okay. [Justice Stephen] Breyer?

GK: Oh yes, at meetings. When you're first made a judge they have a little reception at the Supreme Court and some of the Supreme Court judges come. We were at a meeting in Washington, D.C. just this year and President Obama hosted a reception for the District Court judges. This was the District Court Judges Association meeting in Washington, D.C. Then the Supreme Court hosted us also. So we got a chance to talk to the judges at that as well.

MO: What about [Justice Ruth Bader] Ginsburg, have you met her?

GK: I've met her. In fact, there's a photograph of her over here at one of the functions.

MO: Did you know David Souter at all before he stepped down?

GK: Just by name. I don't remember meeting him.

MO: Okay.

GK: Wait a minute. I think Souter is over here too. We had some photos taken. Yes, that's Souter on the left with my wife and I.

MO: I've probably left someone off the list here. What about Ninth Circuit judges? Are any of them that you know?

GK: We meet a lot of them.

MO: Yes.

GK: We don't really interface other than at the Ninth Circuit meetings. That's really about it. In addition to the Ninth Circuit meetings, you have meetings that are Continuing Legal Education-type meetings put on by the Justice Center. We do meet the Circuit Court judges at those meetings.

MO: [*Considering questions*] There's been

this recent decision by a District judge in San Francisco—

GK: Judge [Vaughn] Walker.

MO: —yes, on the issue of gay marriage. Have you ever encountered that issue in your court?

GK: No. I know Judge Walker pretty well. We talked because he took over that Al Haramain case and I was down in San Francisco and just met with him and talked to him. I've talked to him several times at meetings.

MO: What I find sort of interesting about that, although this maybe came from one of the attorneys rather than Judge Walker himself, was the strategic way that case was tried to avoid getting into the issue of whether or not it was right for gay people to marry.

GK: I really can't comment on that. I don't know.

MO: I was going to ask you a general question as to whether when you're deciding a case; do you think of ways to bolster the case so that there won't be any vulnerabilities on appeal?

GK: You certainly want to make a record and make findings and have evidence that supports your findings so that you can avoid being reversed on appeal. I think there are many times, frankly, that a judge looks at a situation and says "This is what

should happen. This is the way this should come out," but has trouble legally finding a way to get there. Sometimes, they stretch it, and that's when you get reversed. *[laughs]* On the other hand, if you can bolster your result with some evidence and some findings, that's the way it's done.

MO: Is there a case that comes to mind where you had that kind of struggle going on?

GK: I have that struggle all the time. *[both laugh]*

MO: The struggle between how you think it should come out and what legally —

GK: —legally, yes. There are many times I have to rule based on the law in a way that I think is not a good result, but that's the law. It's just unfortunate that one party is going to lose. Probably, if things had been done differently, they wouldn't have lost. This you see all the time.

MO: I guess different judges probably handle that differently?

GK: Yes they do. You would hope, and I think most judges would basically have a good, sound legal basis for any opinion they have. Sometimes you stretch it a little to get the result you think is the proper result.

MO: If you wind up having to live with a result that isn't what you thought how it should it come out?

GK: I'm not sure I understood you.

MO: Well, if you have to live with a result that you think wasn't actually what should have happened just because of the legal conditions, how do you deal with that?

GK: You have to say to yourself every day I make decisions based on what I think the law is and the facts are. It may be a decision that is tough on somebody. I can't do anything about that.

MO: It's up to the legislature to fix that problem.

GK: That's right.

MO: Do you think the legislature responds to an obvious bad result?

GK: I think that they many times do. Sometimes don't, many times don't. *[It's]* hard to generalize.

MO: Okay. Another question related to this is how do you feel when you've been reversed by an appeals court?

GK: It happens. *[chuckles]* I have never gotten upset by a reversal. Sometimes I think they're still wrong. Sometimes I think "Yes, that was a mistake and that's fine." I don't get angry with that. They're just doing their job.

MO: And they have a right to be wrong now and then.

GK: Well, that's right. One of our judges said, "If they reverse you, you know they're wrong, but you can't do anything about it."

MO: That's partly why I asked the question because they are telling you that you're wrong.

GK: Okay. I've been wrong many times I suspect. Not too many, but I've been wrong.

MO: Any other stories or topics or anything that you want to include in your oral history that we haven't touched on?

GK: You mentioned my social experience. I try to get to a lot of legal functions to maintain my relationship with the lawyers. I was a trial lawyer for thirty-four years and some of the trial lawyers in town are my good friends. I always enjoyed spending time with the trial lawyers, so I still go to an awful lot of lawyer functions. Some people are concerned about judges being influenced by lawyers at functions and so forth and so on. I'm not a bit concerned about that. I know so many lawyers and socialize with them that I can rule against them and still say hello and smile at them the next day. They respond accordingly. I still continue to go to the American College of Trial Lawyers' meetings just because I enjoy spending time with the trial lawyers. People that do the same kind of work I do from the other side of the bench. I thought I'd mention that.

MO: Sure, sure. Looking back on your life and career, what does it mean to you now?

GK: I still feel like I'm in my career [laughs] at this point. It's just a different career.

MO: You're on senior status, but still involved.

GK: I still have a full case load. They haven't reduced my caseload yet. I'm glad that I was able to do this. I was sixty-two when I came on the bench. So, I had worked a long time as a trial lawyer. I think it was a really good change for me. I think I'd lost a little bit of the fire of being a trial lawyer, but I enjoy what I'm doing and I intend to continue for the foreseeable future. As far as my career, I've made this statement before to lawyer groups when I've had a chance to talk to them, is that I am just very happy to be a lawyer. I'm proud to be a lawyer. I love being a lawyer and I like to hang around with lawyers. I just consider myself very fortunate to have had a really good legal career as a trial lawyer and, I believe, as a judge.

MO: Any plans for the future beyond the time that you're still carrying this full caseload?

GK: Yes. I'm going to cut back when they get a replacement. I will continue to carry both a civil and a criminal caseload. I think I'll reduce it somewhat. I haven't really decided how far I'll reduce it at this point. But I'll

probably just continue my existing lifestyle. We travel a lot now; have in the past. We get away and do the things we want to do. We've got a lovely place in Black Butte we go to. So we've got a lot of things to do. In fact there are more things to do than I can do at this point!

MO: How's your family doing at this point?

GK: Great. We have thirteen grandchildren. I probably already told you that. They're starting to go to college now. Everybody seems to be doing good.

MO: I want to thank you for taking the time to do this oral history.

GK: Okay, well thank you, Mike.

[End of Recording Four,
End of interview.]

