

CLACKAMAS COUNTY BAR ASSOCIATION MEETING

TRANSCRIPT OF MEETING

February 21, 2002

Willamette Valley Country Club

CCBA President: Mike Walsh

Speaker: The Honorable Patrick D. Gilroy

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1 (6:00 p.m.)  
 2 MR. WALSH: . . . interim DA. And this tall,  
 3 young, blond-headed man comes out with a full head  
 4 of hair as the interim DA, and it was Don Bowerman.  
 5 So they get together with Bill Schumaker.  
 6 And Bill Schumaker was then elected as the DA. And  
 7 Judge Gilroy worked in that office from 1960  
 8 through 1965, and then went into private practice  
 9 with Bill Schumaker from 1965 through 1974, when he  
 10 was elected to the bench. He's here this evening  
 11 to talk to us about the history of our Bar  
 12 association. Judge Gilroy.  
 13 (Applause.)  
 14 JUDGE GILROY: Thank you, Michael.  
 15 It's a pleasure to be here tonight. Of  
 16 course, at my age, it's a pleasure to be anywhere.  
 17 It's always interesting to meet and explain  
 18 the history of the Clackamas County Bar to George  
 19 Hibbard and his cohorts. I hope they get it  
 20 straight.  
 21 Before I begin my spontaneous remarks, I  
 22 want to thank all of you for your thoughts and  
 23 prayers during my recent sabbatical. I'm really  
 24 feeling pretty good. I mean, actually a hell of a  
 25 lot better than I did when I went in the hospital

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1 last August. And I have -- I can do everything but  
 2 see. And some of you are probably aware of that.  
 3 So I want you -- and this is on a serious  
 4 note. Those of you who see me walking down the  
 5 hall and not looking left to right, it's because I  
 6 probably can't make out your face, and I don't want  
 7 to embarrass you in any way, or embarrass myself.  
 8 The gist of it is that if you get close enough for  
 9 me to hug, I can tell exactly who you are. And  
 10 several ladies just left, I see.  
 11 But the rest of -- well, for instance, I was  
 12 in court the other day, and I looked at counsel  
 13 table, and I said, "You may proceed, Mr. Uhle."  
 14 And it was Tom Watson, who was filling in for Bill  
 15 Uhle.  
 16 And he kindly said, "Well, I've been called  
 17 worse things, Your Honor."  
 18 But that's the deal. And that's the way it  
 19 is. I've got these little contraptions I use to  
 20 make print big, and I can read. And don't worry  
 21 about the -- you know, everything you hand me I'll  
 22 be able to see, and so forth. But it's kind of a  
 23 pain in the neck to have this little problem. I'm  
 24 hopeful that it will one day go away, but I can't  
 25 count on it.

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1 To demonstrate how this thing works, these  
 2 notes I have are one-page notes. The first page is  
 3 "me." And that's how this deal works. You can't  
 4 read notes, but -- and on the -- as long as we're  
 5 talking about my health, we're going to have a  
 6 blood drive in the courthouse on Monday, March 4th.  
 7 And blood will be drawn by the Red Cross in my  
 8 courtroom. No settlement conference required.  
 9 And I'm the poster boy. If you come in at  
 10 9 o'clock, I'll be there, and they're going to  
 11 accept what little blood I have left nonetheless.  
 12 So try to put that date on your calendar,  
 13 March 4th, between 9:00 and 2:00, blood, blood,  
 14 blood.  
 15 The history of our Bar is certainly  
 16 interesting. Oregon City, as you probably already  
 17 know, was the oldest incorporated city west of the  
 18 Rocky Mountains. It was the first site of a  
 19 federal judge, the first recording office west of  
 20 the Rockies, first judge west of the Rockies. This  
 21 is all west of the Rockies.  
 22 And you remember that story about the plat  
 23 map for the city of San Francisco being recorded in  
 24 the courthouse in Oregon City, and that's true.  
 25 And that plat map still exists. Copies of it in

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1 the trial court administrator's office, and the  
 2 original's in the Clackamas County Historical  
 3 Museum, because that's where San Francisco had to  
 4 file their recorded plat map when they formed the  
 5 city of San Francisco. That was the only recording  
 6 office west of the Rockies.  
 7 You might remember that they tried to  
 8 wrestle that away from -- that plat map away from  
 9 George Poppen several years ago, and he fought them  
 10 off, and we still have that thing.  
 11 The early judges in Clackamas County were  
 12 territorial judges. Oregon became a territory, I  
 13 believe, in 1848. I was a small boy at the time.  
 14 My mother told me about it. But so all the judges  
 15 in those days, when you think about it, were  
 16 federal judges. And I say "all of them." It's  
 17 probably like both of them or "him" or "her." No,  
 18 apparently it's him. I'll tell you -- we'll get to  
 19 that in a minute. It's definitely "him."  
 20 And then the -- and there were courthouses  
 21 in Oregon City before our existing courthouse.  
 22 There were a couple of courthouses in sequence,  
 23 located up on Molalla Avenue near the park plot  
 24 there by the fire station, if you know where I'm  
 25 talking about; as you go up Singer Hill and up

1 Molalla Avenue to the heart of Oregon City, there  
 2 was an old courthouse that existed there at one  
 3 time.  
 4 It probably wasn't a courthouse like we  
 5 think of. Probably more like a grange hall or that  
 6 sort of thing. And that burned down. And then  
 7 another one was built, and it also burned down in  
 8 the '50s, and -- but in that courthouse, the five  
 9 Cayuse Indians were tried for the murder and  
 10 kidnapping of the Marcus Whitman party. Remember  
 11 that old story? And they were convicted.  
 12 Judge O.C. Pratt presided, and promptly  
 13 ordered their execution. And they were all hung in  
 14 Oregon City and buried sort of where the county  
 15 shops are, in anonymous, unmarked graves. And then  
 16 the story, at least what I read, is that they  
 17 learned later on they probably had the wrong  
 18 people, and -- but anyway, that was rough frontier  
 19 justice. And that all occurred right in the city  
 20 of Oregon City, which at that time was really a big  
 21 deal. That was the hub of governmental activity in  
 22 the state of Oregon.  
 23 The courthouse that we know about was  
 24 located right where it is today when I was five  
 25 years old. Really. And it replaced a beautiful

1 which many people think of as the old courthouse,  
 2 is that the sheriff's office was located in the  
 3 courthouse, as well as the county jail. In the  
 4 courthouse. Not the holding cell, not an office.  
 5 And that's the way it was when I emerged in 1960.  
 6 The sheriff was located in our courthouse,  
 7 in the building that we're all in now. And the  
 8 jail was just being moved from its location on the  
 9 third floor to its present site at Red Soil. So  
 10 even that recent, that courthouse housed the jail  
 11 population with a series of jail cells, and the  
 12 sheriff's office, as well as the judges.  
 13 Now, the courthouse that we have, as you  
 14 probably know, was built for one circuit judge.  
 15 And we're about to have nine in that building now.  
 16 We actually have nine, but we're about to have nine  
 17 courtrooms now. Our ninth courtroom will be  
 18 finished in about a month, and it's located where  
 19 the old clerk's office was, right next to Room 104  
 20 on the main floor. And it's really turning out  
 21 pretty nice. Ron Thom is going to be in there, and  
 22 I think he's pleased. I know I am. They got a lot  
 23 of bang for their buck out of how we put that  
 24 together, and it's going to be a nice, functional,  
 25 first-rate courtroom, I believe.

1 courthouse that was constructed in 1884.  
 2 Now, that courthouse existed for 50 years.  
 3 It didn't burn down. And there's a great photo of  
 4 that courthouse in my outer office, as you come  
 5 into my office. And you can see that courthouse  
 6 with its big, beautiful clock and its tower. And  
 7 in the background is West Linn, which just is a  
 8 series of hillside of stumps. Nothing there,  
 9 except -- it had all been logged off. And that  
 10 photo was taken at the turn of the century.  
 11 And that lovely courthouse existed, as I  
 12 say, for 50 years, until 1935 and '36, when the  
 13 Roosevelt administration had all of these work  
 14 projects in place, and courthouses and schools and  
 15 lodges were being built all over the country, one  
 16 of which was the Clackamas County courthouse.  
 17 Now, the Bar Association at that time was a  
 18 very loose-knit, unassociated bunch. There were --  
 19 when the present courthouse was built, it cost  
 20 \$194,000. There were about 40,000 people in  
 21 Clackamas County at that time, and 20 to 30 lawyers  
 22 claimed that they worked in Clackamas County; most  
 23 of them in Oregon City. One woman.  
 24 The interesting thing about the old  
 25 courthouse and the courthouse that we're in now,

1 But in any event, this thing was built for  
 2 one judge. There's now nine of them in there; one  
 3 of which is myself. So you can see the design was  
 4 never a -- never comprehended the end result. And  
 5 in time, we will have to create some other place  
 6 for the court to work.  
 7 One of the first things I heard about when I  
 8 came to work here over 41 years ago was that  
 9 they're going to relocate the courthouse. And  
 10 believe me, I heard the tale for so long that --  
 11 just like "The sky is falling." And I just -- you  
 12 know, I'll believe it when I see it. But the time  
 13 will come when you can't squeeze another judicial  
 14 human into that building, and something will have  
 15 to be done.  
 16 The original -- if you look at the north  
 17 wall of the courtroom that I'm in, you'll see an  
 18 array of 11 photographs of the circuit judges that  
 19 have served in Clackamas County. Keep in mind that  
 20 the original judicial district -- actually,  
 21 Clackamas was originally in the Fourth Judicial  
 22 District, way back in like 1848 or so, when we were  
 23 still a territory. And that included Multnomah  
 24 County, as well as Clackamas, Washington, Columbia,  
 25 and Clatsop.

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1 About 10 or 12 years later, that was  
2 winnowed down to Multnomah being a district all by  
3 itself. And then Clackamas became the Fifth  
4 District, but still made up of Clackamas,  
5 Washington, Columbia, and Clatsop.

6 And then in 1915, legislation occurred that  
7 winnowed our district down to Clackamas County,  
8 which is plenty. That's about the size of  
9 Delaware. I mean, this is a big place. And from  
10 then on, you had this district being comprised  
11 strictly of the county of Clackamas.

12 Now, all of those judges on the wall in  
13 there served as judges of the newly formed  
14 one-county district. And McBride, the first fellow  
15 you see, was in place before 1915, but he's sort of  
16 a hybrid. He went till 1911, I believe, and the  
17 thing -- and he traveled, you know, to Hillsboro  
18 and Clatsop and so forth, part of this broad  
19 district. But thereafter, it became a one-county  
20 court.

21 And the other thing that existed in those  
22 days, and remnants of it when I came, was this  
23 justice of the peace system. All of these places,  
24 Sandy, Molalla, Milwaukie, you name it, had  
25 justices of the peace in place. And the reason for

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1 that was in the olden days you had very difficult  
2 transport problems, and everybody couldn't get to  
3 the courthouse, so you had these outlying justices  
4 of the peace all over the place.

5 And when I first started as a deputy  
6 district attorney, I'd go out to these places and  
7 try cases. And inevitably, these people -- you  
8 know, without fail, none of them were lawyers, and  
9 the district attorney was relied on heavily to not  
10 only try the case, but to explain to the judge how  
11 these things ought to go, and so forth. And it was  
12 a -- it was a -- but looking back, it was a funny  
13 system. If you think justice is blind in Courtroom  
14 Number 1, you should have gone to Sandy, where  
15 George Holweiller was truly blind. He was a lovely  
16 guy, though, and did a great job.

17 And incidentally, his wife, Ruth, was a  
18 lawyer. And she tragically died in Courtroom  
19 Number 1, you know, 20, 25 years ago, while  
20 working.

21 But the justice system was interesting. We  
22 had Gladys Olson (phonetic) in Molalla. And we  
23 had -- for instance, we had a fella out in  
24 Clackamas named Hal Schmidt (phonetic), nice fella,  
25 but this is what would happen in justice court:

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1 The police were in there all the time filing  
2 their tickets. And in this particular place, all  
3 the police had their own personal mug on the  
4 judge's wall. And, you know, that's kind of  
5 unsettling when you're going in there for a fair  
6 shake and the officer says, "Thank you," and hangs  
7 his mug up on the wall. "You may take the stand  
8 and" -- you know, it just kind of is -- it was kind  
9 of a tough thing for the public to endure, I think.

10 But anyway, that all came to nothing over  
11 time, because those justice courts have pretty much  
12 petered out, at least in this area, where we have  
13 easy transport problems and so forth.

14 All the judges on that wall that I told you  
15 about were personally known to me, except the first  
16 three. And there's 11 of them -- actually, there's  
17 been 21 circuit judges in the last 110 years; one  
18 of which is myself, and the other 9 now sitting.  
19 You know, that's not many people.

20 That's -- and we've been very blessed, I  
21 think, with the quality of our bench. That's  
22 always been my experience. And it's always been a  
23 very well-regarded bench of judges that -- when I  
24 was aspiring to be a judge, such as it was, I felt  
25 we had the best bench in the state. And I still

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1 feel that way, even though I'm part of it. Right  
2 now we've got a group of 10 people who work very  
3 hard. Get along really well with one another. And  
4 I don't think there's a bad penny in the bunch.

5 And so -- and the reason I say that,  
6 without, you know, fracturing my arms from patting  
7 myself on the back, is that all of these judges  
8 come from you. 45 percent of the circuit judges  
9 were once prosecutors. Nearly all of them were  
10 once defense attorneys. You are the source of the  
11 judiciary. And so the judiciary and the quality of  
12 the judiciary in Clackamas County really casts a  
13 really unusual, favorable light, I think, on the  
14 Clackamas County Bar.

15 The people that -- my thoughts about some of  
16 these characters are strictly my own. And they're  
17 based on things that I've -- the way things strike  
18 me. But Holman, for instance, Judge Holman, was  
19 the circuit judge that I cut my teeth on, and he  
20 was just a marvelous circuit judge. Most of you  
21 have seen Ralph Holman. He shows up for one thing  
22 or another from time to time. He lost a leg in the  
23 Second World War, and in a warehouse accident, not  
24 in combat.

25 And when -- every once in a while Ralph

1 would fall down, and you'd never want to help him.  
 2 He didn't want to be helped at all. That crazy  
 3 thing would come off, you know, and he'd -- you  
 4 just -- just let it be. And he had so much power  
 5 in those days. It's so different than it is now.

6 For instance, I remember as a young district  
 7 attorney having a defendant in court. And they  
 8 didn't have lawyers, and I'll tell you about that  
 9 in a minute. And he was pleading guilty to  
 10 contributing to the delinquency of a minor, some  
 11 sort of sex offense. And Judge Holman sentenced  
 12 him to five years in the Oregon State Prison.

13 And he said, "Now, I'm going to delay your  
 14 entry into the prison system. I want you to come  
 15 back in two weeks with a certificate of  
 16 castration."

17 That's what I said; castration. You know,  
 18 not a vasectomy. Castration. Well, as he said it,  
 19 I even kind of winced. I thought, "What?"

20 And sure enough, two weeks later, this fella  
 21 gingerly comes back, and he put him on probation.

22 You can't do that. And (indiscernible -  
 23 laughter). But he was a very practical fella. I  
 24 remember -- and he was -- well, when I was  
 25 admitted, Ralph Erlandson was the president of this

1 association. He was a Milwaukie lawyer; a lovely  
 2 guy. And he's a bright fella, and kind to so many  
 3 lawyers. Helped Judge Morgan, Bob Mulas  
 4 (phonetic), and many others get started in their  
 5 careers. You know, but ultimately they got into  
 6 trouble.

7 The moral behind Ralph Erlandson is: Don't  
 8 go into business with your clients. Just write  
 9 that down on the back of your hand, because if you  
 10 want to get into trouble, just become your client's  
 11 partner, because it's a sure recipe for failure.

12 But Ralph said to me once that Holman was  
 13 intellectually honest. And I always wondered what  
 14 he meant by that. When I was starting, he said,  
 15 "That Holman is really an intellectually honest  
 16 fella." And here's what he meant:

17 One time Holman sentenced this fellow in  
 18 front of me. I was a prosecutor. And the  
 19 defendant, of course, did not have a lawyer, which  
 20 is an interesting concept from yesteryear. And he  
 21 sentenced this kid to prison. I think he was a,  
 22 you know, wanted burglar or something. And I think  
 23 it was his first offense, and I just didn't think  
 24 that was right. And, of course, you know, you  
 25 never questioned Ralph Holman.

1 And I went to -- into (indiscernible)  
 2 chambers almost immediately. And it was in  
 3 December when that happened. And he looked at me  
 4 as he comes off the bench, and I said, "Merry  
 5 Christmas." And he looked at me kind of funny. He  
 6 knew what I was talking about. That was at  
 7 9 o'clock in the morning.

8 At 1 o'clock I get a call. "Holman wants  
 9 you in Courtroom Number 1." I go over there, and  
 10 here's this kid again. He puts him on probation.

11 Now, he had the ability to change his mind.  
 12 He thought about it, realized he probably made a  
 13 mistake, brought him back, put him on probation.

14 Now, as Paul Harvey would say, here's the  
 15 end of the story: I was in that same court about  
 16 seven months later. Here was this kid back again,  
 17 and Holman, with a big grin on his face, sentencing  
 18 him to prison and revoking his probation, kind of  
 19 saying to me, "I told you so."

20 P.K. Hammond was a wonderful fellow, and he  
 21 sat in court like a little owl. And he always  
 22 looked like he was terribly interested in what was  
 23 occurring. And, you know, you can't believe how  
 24 hard that is to do. But he'd sit there like he was  
 25 on a little perch, and it was just marvelous the

1 way he did that.

2 And then when he -- whenever he would -- he  
 3 would -- he could be very articulate when he  
 4 sentenced people; you know, to talk about the flag  
 5 and your duty as an American and the Founding  
 6 Fathers and all. And he did it beautifully.  
 7 Whenever he did that, you were going to get  
 8 probation. Whenever he had nothing to say, your  
 9 guy was going to prison. And so you pick up on  
 10 these little (indiscernible).

11 Judge Jacobs is somebody you all know. But  
 12 probably what you don't know is what a marvelous  
 13 trial lawyer he was.

14 I knew Dale Jacobs first and foremost as a  
 15 defense attorney. When I started practicing law,  
 16 when I came to this county, first as a deputy  
 17 district attorney, and then as a practicing  
 18 attorney and did a lot of plaintiffs' work, if you  
 19 had an auto accident case in Clackamas County, you  
 20 run into Dale Jacobs or Glenn Jack. They had the  
 21 market tied up on insurance defense.

22 Now, Dale, as an insurance defense lawyer,  
 23 was super. He's one of a handful of All Stars. He  
 24 was kind of a cross between -- well, you don't know  
 25 these guys, but Conrad Nagel and Cesar Romero

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1 without an accent, you know? Just flip and smooth  
2 and the wavy hair. Looked like he just came off  
3 the top of a cake. And he was good. He was  
4 just -- he was just very, very good. And kind of  
5 like a movie star lawyer.

6 Whereas Glenn Jack, every time I see  
7 Matlock, I think of Glenn Jack. That's the kind of  
8 guy he was; the kind of guy you just inherently  
9 loved. All those jurors wanted to go home with the  
10 guy. They just thought he was -- he just had that  
11 inner -- that inner quality that just shone like a  
12 star. And he was just so good, but totally  
13 different than Dale.

14 And the moral of that comparison is you've  
15 got to be yourself. These guys were both All  
16 Stars, totally different, and got great results.  
17 And we're very -- here's a Glenn story that Anicker  
18 told me once. And this kind of sums up the way  
19 Glenn was.

20 He was very, very bright in a courtroom.  
21 And I don't mean he bobbed up and down like a yo-yo  
22 every time an objection could be made. The good  
23 ones don't do that, in case you haven't noticed.  
24 When he made an objection, which was not often, the  
25 courtroom would be on the edge of its seat because

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1 of the way he did it and why he did it.

2 He had that ability to -- and for instance,  
3 he was riding up in an elevator downtown once to  
4 try to settle a plaintiff's case. He represented a  
5 plaintiff in an auto accident. And he and Anicker  
6 were on the elevator, and they were talking about  
7 the value of this case. And he says, "Well, you  
8 know, John, we have to get at least \$25,000 out of  
9 this thing." So yeah, yeah.

10 They go in, and a few minutes later they're  
11 in this big mahogany conference room with a suite  
12 of people, and some of the, you know, important  
13 downtown lawyers. And then finally the Portland  
14 group says, "Well, Glenn, we can't pay you more  
15 than \$50,000."

16 And Glenn, without batting an eye, said,  
17 "That's not the figure we had in mind." That was  
18 Glenn Jack. He was terrific.

19 Bob Morgan is a fella that you all know,  
20 because he is so recently retired. But you don't  
21 realize, probably, what an excellent trial lawyer  
22 Bob Morgan was.

23 I remember one case where he represented  
24 a -- oh, a robber or a thief or -- anyway, it  
25 centered around an eyewitness who was a waitress in

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1 this tavern. And the night before trial -- and of  
2 course the thing, you know, is -- it happened eight  
3 or nine months before. The night before trial he  
4 had his client and a couple of pals go into this  
5 very tavern, waited on by this gal. Even spilled  
6 some beer, I believe. Got special attention from  
7 her and so forth.

8 And the next day they went to court and she  
9 was called as a witness, and she had no idea who  
10 this guy was, although she was waiting on him the  
11 day before, and even talking to him. And of course  
12 the -- he was able to point that out to the jury,  
13 and her so-called identification of the assailant  
14 just went down the tube.

15 Another time, he appeared before me when I  
16 was a young judge. And this is something that all  
17 you lawyers ought to keep in mind. It's so easy to  
18 screw up your credibility with the Court  
19 needlessly.

20 This was a kid that had to go to prison that  
21 was in front of me. Without question. And nine  
22 out of ten of the lawyers that would appear would  
23 give you a pitch about his mother's ill and we've  
24 got a rehab program, and this and that and so  
25 forth, which you'd have to -- you'd have to simply

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1 disregard.

2 But Morgan had the ability to do this: He  
3 said, "Your Honor, I know you have to send my  
4 client to prison."

5 Right away your eyes get big, and you say,  
6 "Really? Oh, that's good." And I felt like  
7 saying, "You bet I do." Then he explained to me  
8 why I should give him three years instead of five.  
9 And I did.

10 Keep that in mind. That candor and honesty  
11 with the Court is really invaluable in the practice  
12 of law, and you don't see it as much as you think.  
13 People are constantly trying to, you know, I -- con  
14 you or whatever they're trying to -- they're  
15 overstating their position, and it's so refreshing  
16 when you don't do that.

17 When I started practicing, Bob Kincart was  
18 in town, and he was a young, new associate of  
19 Hibbard's office. Just a lovely guy. And he's one  
20 of these lawyers who died early, when he was 42.  
21 He -- I was talking to him, a couple of us were, I  
22 think Jeff might been there, too, over at  
23 Kennewick's (phonetic) Drug Store, the day before  
24 he was going to go in for a routine surgical  
25 procedure, and six days later he was dead. And

1 it's hard to, even now, believe that happened.  
 2 But, you know, Kincart, you would have loved  
 3 this guy if you'd have known him. Just a great  
 4 guy. And -- but he represented Gary Gilmore. The  
 5 Gary Gilmore; the Executioner's Song, Norman  
 6 Mailer, Pulitzer Prize, Shot in the Dark. That  
 7 Gary Gilmore. Was prosecuted for armed robbery in  
 8 Courtroom Number 1, and Bob was appointed to  
 9 represent him.  
 10 Gilmore interposed an insanity defense. Set  
 11 his mattress on fire. Had two psychiatrists  
 12 testify that he was mentally ill. And he was  
 13 convicted, nonetheless. And Bob, you know, earned  
 14 the whole \$200 that he got, I'm sure, because by  
 15 then we were paying these defense attorneys almost  
 16 nothing, but paying them.  
 17 And Judge Bradshaw, to his credit, sentenced  
 18 Gary Gilmore to 15 years in prison, which his  
 19 codefendant pled guilty and received 2 years.  
 20 Gilmore got 15 years. I think Brad saw something  
 21 in that guy that was not easily perceived by  
 22 others. He was just a terrible guy. And I've  
 23 often wondered how many Oregonians' lives were  
 24 saved by the fact that Gary Gilmore was in the  
 25 Oregon State Prison for 15 years. And I don't

1 But the only time I saw Bradshaw laugh --  
 2 Bradshaw was one of these Gary Cooper type of guys  
 3 that doesn't laugh easily. I mean, you'd just love  
 4 to see him smile or laugh. And the only time I  
 5 ever saw him laugh in the courtroom was this:  
 6 I had been appointed to represent some kid  
 7 charged with an armed robbery. It was a serious  
 8 matter. And I was on my way over to the courthouse  
 9 to make this arraignment appointment, and before I  
 10 got there, unbeknownst to me, this kid was in the  
 11 holding cell, and he had grabbed Vern Fenton's  
 12 (phonetic) gun out of his holster. Fenton was a  
 13 jail -- a sheriff/jailer. And in those days, they  
 14 wore the gun just sticking out, you know, with a  
 15 little sign that says, "Grab me." And right after  
 16 that, they quit wearing guns when they transported  
 17 prisoners.  
 18 But anyway, he grabbed that gun up in the  
 19 hallway there at the top of the stairs on the third  
 20 floor. And he was out in the hallway, just like  
 21 that, with this loaded gun. Had everybody just  
 22 scared to death. And finally other sheriffs came,  
 23 and there was just a big, you know, O.K. Corral  
 24 deal. They had two or three rifles on this guy,  
 25 and, "Drop it, drop it, drop it." And finally the

1 think he got any good time.  
 2 When I became a judge, I went through the  
 3 Oregon State Prison, and I was going to look  
 4 Gilmore up. And he had -- one of the guards told  
 5 me he didn't get any good time, and they had  
 6 transferred him to Utah.  
 7 And the -- of course, Bradshaw was such an  
 8 interesting guy. Brad would forget your name. And  
 9 he not only -- he could see you okay. He'd forget  
 10 your name. And, you know, that can really be  
 11 embarrassing. You go over to the courthouse, and,  
 12 "Oh, yeah, I know this judge. He's a helluva guy.  
 13 You know, we -- I saw him last night at the Bar  
 14 meeting. I think you're going to like this guy."  
 15 And then you get up there and he'd say,  
 16 "Mister -- Mister -- Mister," referring to me, you  
 17 know. "Mister -- Mister," and he did that with  
 18 everybody. And one time one of our group, somebody  
 19 told me he did this "Mister -- Mister -- Mister"  
 20 stuff. He just really couldn't -- he'd lose track  
 21 of people's names.  
 22 And then the lawyer that he did this with  
 23 turned back and said, "Judge -- Judge." I mean, I  
 24 would have just loved to have seen that.  
 25 (Indiscernible - laughter.)

1 kid dropped it.  
 2 And then I arrive on the scene. And they  
 3 took him down for arraignment, and I come into the  
 4 courtroom, and, God, there must have been 15  
 5 sheriffs in there all around, you know. And I'm,  
 6 "What the hell's going on here?" You know, I  
 7 didn't know any of this had happened.  
 8 And the kid's case is called, and I'm  
 9 standing next to him, and I said, "You've got a  
 10 place to live?"  
 11 He said, "Yeah. I've got a cousin in  
 12 Milwaukie." And, you know, a couple other things.  
 13 And so we arraign him, I said, "Your Honor,  
 14 I'd like to move to recognizance."  
 15 (Indiscernible - laughter.) And I thought Bradshaw  
 16 was going to fall off his -- anyway, it was really  
 17 funny. It was so great to see him laugh.  
 18 The changes that have occurred over the  
 19 years are really enormous, even during my time.  
 20 When I came on the scene, there were literally no  
 21 women lawyers. I could count on my hands, maybe  
 22 two of them, the lawyers that were female in the  
 23 metropolitan area. And that has changed so  
 24 dramatically now, and we've got all this great  
 25 femininity and the super female lawyers that are

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1 just great. And I think it's a marvelous addition  
 2 to the Bar. But it's so different than it was.  
 3 And you'd have to be there to remember how  
 4 different it was in those days than it is now. And  
 5 believe me, from that standpoint, it's much, much  
 6 better. We're really blessed to have all this  
 7 great female talent in our midst now. So many of  
 8 these lady judges are just outstanding.  
 9 Another thing we should be proud of as a Bar  
 10 Association is the great relationship that has  
 11 existed for at least the 41 and a half years I'm  
 12 familiar with between the defense bar and the  
 13 prosecutors. Keep in mind the prosecutors we've  
 14 had over the years, going back to my  
 15 predecessors -- Bradshaw, Bill Fraser (phonetic),  
 16 Roy Matson (phonetic), so forth, were just  
 17 outstanding, as were the defense bar who, for a  
 18 long time, did their work for little or nothing.  
 19 And the relationship between these two groups has  
 20 just been great.  
 21 It's not that way everywhere. It's been  
 22 that way here for as long as I can remember. And  
 23 that's a great credit to all of us, and all of you.  
 24 You're -- you know, I think of you as the cream of  
 25 the crop. And when it comes to relationships, that

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1 becomes more apparent than ever. We've had this  
 2 great stream of deputy district attorneys that have  
 3 gone on to do great things, and a great stream of  
 4 defense attorneys that have done the same, and  
 5 they've all gotten along beautifully over the  
 6 years. And you can all be very proud of yourselves  
 7 for that.  
 8 This Roy Matson I mentioned was the deputy  
 9 DA in the office before I came to town, and he  
 10 worked with Judge Bradshaw. And a funny little  
 11 twist is he wound up as a circuit -- or a superior  
 12 court judge in Kodiak, Alaska. He was from Alaska.  
 13 And my secretary, Trilby (phonetic), who some of  
 14 you have met, used to be his secretary when she was  
 15 living in Alaska. So there really are 6 degrees of  
 16 separation.  
 17 Another enormous change is the business of  
 18 drug use. When I was in the DA's office, we didn't  
 19 have drug cases. Hard to imagine, isn't it? Drugs  
 20 are just in the middle of everything; domestic  
 21 relations, juvenile cases, criminal matters. That  
 22 wasn't the case when I was a young deputy district  
 23 attorney. Keep in mind we had one DA and three  
 24 deputies.  
 25 And what do you have now, John, a DA and

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1 like 28 deputies or so? And probably you're  
 2 short-handed. I really mean that. So the volume  
 3 of this sort of work, which is very much  
 4 drug-rooted; has mushroomed enormously.  
 5 The thing that I'd like to leave you with is  
 6 the story that Mike alluded to that gets me to my  
 7 last page, which is, once again, "me." And the --  
 8 Mike's story is absolutely true. I told it to him  
 9 recently, and that's why it was so fresh in his  
 10 mind.  
 11 When I came to Oregon City, I was a Portland  
 12 kid. I had no thought of ever coming to Oregon  
 13 City for any purpose, other than to maybe play  
 14 baseball. I'd been to Kelly Field a few times, but  
 15 that was it.  
 16 Somebody said, "Go see Glenn Jack."  
 17 I went out there, I said, "Who's Glenn?"  
 18 Who was that? Former president of the Oregon State  
 19 Bar, just like George Hibbard is a former president  
 20 of the Oregon State Bar. These were just All Star  
 21 guys, and of course I didn't know them from Mickey  
 22 Mouse.  
 23 So I come out to see Glenn, and I walk in  
 24 his office, and right away I bump into this big,  
 25 tall, good-looking kid named Alan, who I'd taken

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1 the Bar with. And I didn't know his name or  
 2 anything. "No jobs here." He said, "Go see George  
 3 Hibbard." I go over to see George, and George  
 4 actually sees me.  
 5 Now, these are bigshots I'm dealing with  
 6 here. Something for us to all keep in mind when  
 7 we're trying to help others. This has been a very  
 8 helpful group of lawyers over the years.  
 9 And George takes the time to see me. They  
 10 just hired Kincart, who I mentioned, and nothing  
 11 there. But he picks up the telephone and calls  
 12 over to the district attorney's office and arranges  
 13 for the district attorney to see me. And I'm -- I  
 14 thank him for that. And I get up to go over there,  
 15 and I say, "By the way, where is the district  
 16 attorney?"  
 17 "In the courthouse."  
 18 "Where's the courthouse?"  
 19 He says, "Well, go down to the end of the  
 20 block and look up."  
 21 And so I did that, and went -- and I  
 22 remember going in that office. And I couldn't see  
 23 the district attorney immediately; I had to wait.  
 24 I remember sitting there in this chair, thinking,  
 25 "What the hell am I doing in Oregon City?" You



1 know, "This is a total waste of time." And looking  
2 at my watch. And I probably would have left,  
3 except that nice Mr. Hibbard had called ahead for  
4 this guy to see me.

5 Pretty soon this young kid comes. He's 26  
6 years old. Built like a fullback. Big hair. Big  
7 grin, dimples. Don Bowerman. And I said, "I'd  
8 like to see the district attorney."

9 He said, "I am the district attorney."

10 And that's how it all began. So, George,  
11 I'd like to thank you personally for picking up the  
12 telephone and pointing me in the right direction.  
13 Thank you very much.

14 (Applause.)

15 MR. WALSH: Thank you, Judge Gilroy. We're  
16 adjourned.

17 (End of recording.)  
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1 CERTIFICATE  
2

3 I, Brenda Hollister, do hereby certify that I am  
4 a court transcriber in and for the State of Oregon.

5 I further certify that the foregoing was  
6 electronically recorded and supplied to me, and  
7 thereafter reduced to typewriting by me, and that the  
8 foregoing is an accurate and complete transcription,  
9 to the best of my ability, of said digitally recorded  
10 speech.

11 IN WITNESS WHEREOF, I have hereunto set my hand  
12 in the City of Salem, County of Marion, State of  
13 Oregon, this 13th day of June 2008.  
14

15 \_\_\_\_\_  
16 Brenda Hollister  
17 Court Transcriber  
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