

WILLIAM J. HOLLOWAY, JR.: SETTING THE STANDARD

This brief narrative is about my relationship with Judge William J. (Bill) Holloway, Jr. Our families had been close friends beginning with the time when Bill's father was Lieutenant Governor and then Governor (1927–1931) and my father was a member of the state legislature. But, I did not know Bill until the fall of 1948 when I came to the University of Oklahoma. He was seven years older than I and was a veteran of World War II.

It was in the process of fraternity rush that I met Bill. Although he was then enrolled in Harvard Law School and had completed one year, he had come to Norman before returning to Cambridge to assist his fraternity, Phi Gamma Delta, in rush. I was one of the rushees. Bill was a powerful presence, almost majestic. He was handsome, considerate, modest, and very friendly to all. His participation in rush and his affiliation with Phi Gamma Delta was one of the principal reasons I pledged that fraternity.

From that time we stayed in touch, I following his career and he tracking my progress through college, service in the Marine Corps, and then law school at the University of Oklahoma. After finishing Harvard he worked in Washington, D.C., in the Department of Justice. I visited him there on a few occasions while I was still a student and when I was stationed in nearby Quantico, Virginia, attending the Marine Corps Basic Officer's school. Bill was single and shared a house with other young Department of Justice lawyers. They had a housekeeper and a cook, and he invited me to dinner there, which was a great experience for me.

I finished law school in 1956 and started practicing in Norman, but soon determined I would like to work in Oklahoma City in one of the major firms. So early in 1957 I applied to a few firms, including my present firm then known as Embry, Crowe, Tolbert, Boxley & Johnson. Bill Holloway was an associate there, having come home a few months earlier from Washington. Again, the fact that Bill was an associate there was an important reason why I had hoped to get an offer from the firm,

which I did, and which I accepted. Including me, as the last join, there were then seventeen lawyers in the firm.

In addition to working together, Bill and I were very close friends. When Barbara Brite and I married in September of 1963 he was my best man. A short time earlier Bill had given up single life and married Helen Hoehn of Enid. Bill was great fun as a friend and companion. He found joy in everything he did. Life was a big adventure to him, and he loved living. His marriage to Helen added to his joy of life and even more so later on when they had children. Bill was a devoted husband and father.

I never heard Bill say an unkind word about anyone. He saw only the good and kinder side of those who really were not so good or so kind. He would do anything to help anyone he knew who needed help. If you were sad, he would quickly cheer you. On one occasion I was devastated after our senior partner, V.P. Crowe, had reviewed with me a draft of a brief I had prepared. He was brutal in his criticism and cared little about the hard work I had done. He directed his attention only to the quality of the draft of the brief I had prepared, which he found to be far below his standards and the standards of the firm. So I went to Bill's office seeking solace. He said he knew something that would make me feel much better. He said I should sit in when Mr. Crowe reviewed one of his briefs and I would no longer feel sorry for myself, but would feel sorry for him. I do admit that I felt better after that conversation with Bill.

Bill had a wonderful sense of humor. Once during the holiday season a client gave me a bottle of good Scotch whisky, a significant gift for a young lawyer with limited means. I was unsure about the ethics of keeping the bottle of Scotch so I went to Bill for advice. He quickly replied that firm policy was very clear, and that I had to deposit the bottle of scotch with the other liquid assets of the firm.

While we were together at the firm, and until 1968 when he became a judge, we worked together on many cases. Of course, Bill was senior to me and set the pattern for our efforts. He was a tireless worker and was never satisfied about the extent of our preparation. To him there were always points or issues we had not fully explored or evidence we could still find if we tried harder. Working with Bill was an exhausting ordeal, but for me it set standards I tried to follow the rest of my legal career. And Bill was a scholar and was a living encyclopedia of legal knowledge available to the other lawyers in the firm. I always sought his opinion and advice, and most often he was able to suggest theories or established precedent which I had not yet discovered. One such instance comes to

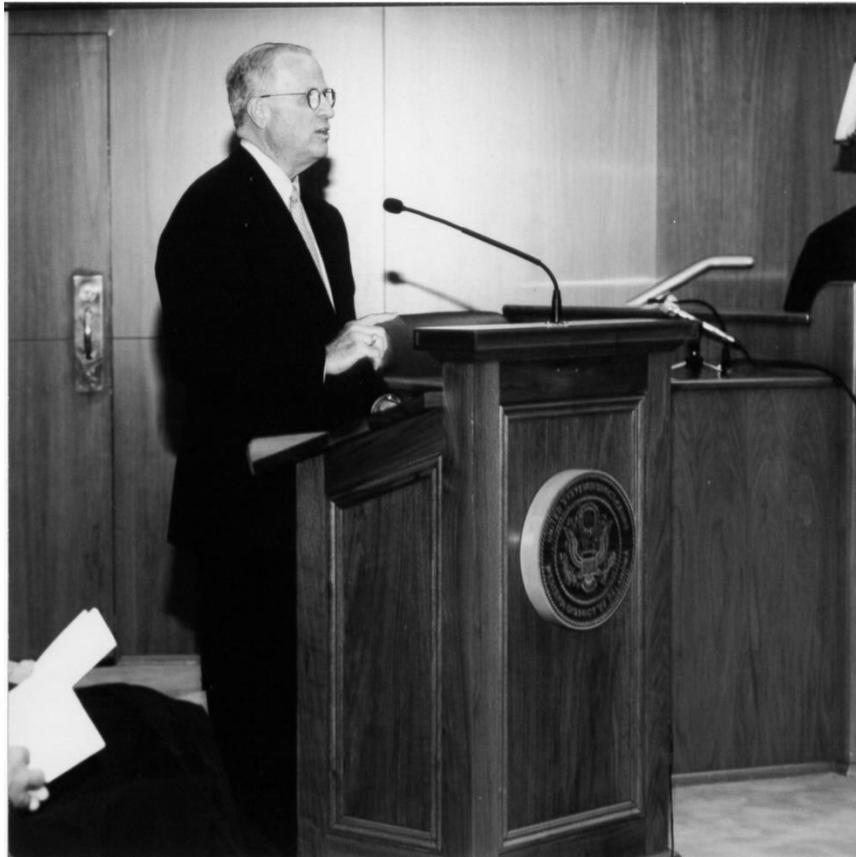
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mind, which I am reluctant to confess. I was assisting Mr. Crowe in the representation of one of several defendants in a major antitrust case, in which a conspiracy among the defendants was alleged. Our client was dismissed without prejudice prior to trial, for reasons other than on the merits. Trial resulted in a jury finding of a conspiracy, which included our client and a verdict and judgment against the remaining defendants was entered. A short time later, all counsel for defendants, including Mr. Crowe and me, were to meet to discuss the funding of a settlement offer. Mr. Crowe and I discussed the forthcoming meeting and both of us assumed that we should be prepared to recommend a settlement contribution by our client, which had been found to be a member of a conspiracy in violation of antitrust laws. But then I talked to Bill about it. He said he believed that the law applicable to our antitrust case did not require contribution among joint tort-feasors. Then I got into the books. Bill was right. I then took the authorities to Mr. Crowe who reviewed them and concluded that the law did not require contribution by our client. At the subsequent meeting among all counsel, Mr. Crowe was asked what our client, against whom no judgment was entered, would contribute. Mr. Crowe replied that our contribution would be just what the law required, which he said was “zero.” Later the remaining defendants were successful in settling the case, but our client paid nothing.

I will close this narrative with comments on Bill’s character and integrity. He was a model for all lawyers and judges. Honesty, adherence to the rules of ethics and rules of the courts, full disclosure, unselfish loyalty to his firm and to his clients were very important to him. He lived by these standards. He never cut corners or skirted along the edges of propriety. He went beyond what was required. For example, often in the Tenth Circuit for a brief period a newly appointed judge does not sit on a case in which his former firm is involved. But in his 45+ years on the bench, Bill never sat, ever, in a case where his former firm was counsel. The short “break-in” was not enough for Bill. Throughout his service on the bench, he just was not comfortable if his former firm was involved.

We miss Judge Holloway and we hope for more like him, in the practice of law and on the bench.

William G. Paul
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*William G. Paul presenting at the
30th Anniversary Proceeding*