

2013] *Excerpts from January 7, 2013, Memorial Service*

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### Dean Valerie K. Couch\*

I stand here today to be the voice and the physical presence of all of you here in this room, and beyond this room, who have been befriended by Bill Conger, who have been mentored and loved by him, and who have been made stronger and better through his kind regard. I know that standing here in this capacity, I represent hundreds and hundreds of people, but I, perhaps more than others, have benefited from his friendship because life simply brought us together in so many different settings.

In 1983, fresh out of law school, I joined the small, new renegade firm that Bill had just formed with his friends Larry Hartzog and Len Cason. Now, legend has it that the firm was founded in the back of a pickup truck, but I guarantee you by the time I made it there (and I was really one of the early ones) we were not operating from a pickup truck. To the contrary, Larry and Len and Bill had already assembled some of the most hardworking, smartest, high-achieving lawyers around, and I managed to squeak into this early circle. Through their leadership and over the many years, this firm eventually became a thriving, formidable law firm, handling the most complex and difficult kinds of legal work. Bill and I practiced together at this firm for sixteen years. But I want to go back to the early days of the firm and tell you a story about how my friendship with Bill Conger really began. I know each of you has such a story. Mine goes like this.

In the first year or so that I was at the firm, Bill and I represented CMI Corporation, a local company that manufactured heavy road building equipment. We filed a lawsuit on CMI's behalf in federal court against a former employee. This engineer, who had been an employee of CMI for many years, had simply stolen engineering plans for a number of machines, made some clever changes, moved down the road a few miles, and started building these machines and competing against CMI. Well, we sued this person on a slew of causes of action. While it was complicated technically, we learned all about the engineering and we lined up a great expert witness. We worked for months and got ready for trial. Finally, on the day of the trial, we assembled our boxes, our exhibits, our case files, our notes for opening statement, and our notes for

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\* Valerie K. Couch became the 12th dean of Oklahoma City University School of Law on April 12, 2012. She is the first woman and the first federal judge to move into the leadership role of the school. Her friendship with Bill Conger began in 1983.

witness examinations, and we showed up early at federal court.

The case was assigned to Judge Lee West. As the young attorney on the team, I busied myself in the courtroom. I got all of our exhibits and charts out, I got our witnesses lined up for the morning, and though I was very busy, I noticed that Bill, the opposing counsel, and Judge West were back in Judge West's chambers talking. I would pop my head in occasionally to see what was going on, and I knew that, at least in part, they were talking about whether this case could be settled, but I didn't think too much about that at the time. I didn't know Lee West either at the time; I didn't know how intensely he valued settlements. After a while, Bill came back into the courtroom and started packing up our boxes. He turned to me and said, "We settled the case." Well, I was stunned. I was stunned, and I was upset. "You settled our case? You know, we were going to win this case. We were going to win it hands down; we had a great story to tell!"

Other than that initial burst, I was thankfully, looking back now, quietly upset. And as we rode back in Bill's car, we rode back in total, absolute silence. For days I gave him the cold shoulder, freeze out, silent treatment. I was disillusioned. I mean, what was the purpose of lawyers if not to go into a court of law and have a jury decide a case and right a wrong under the rule of law? I was really just sick about it, but after about two days of this, Bill came into my office and he said, "Hey, what gives? I don't get it." And so I just poured out my complaint to him. He was perplexed at my reaction, but he patiently emphasized to me that this guy had no assets, no money, was about to go into bankruptcy, and there was no way Judge West was going to let a jury sit in the courtroom for five days under these circumstances, so it was a good result.

Well, I thought about it all day and all night, and luckily for me, the monthly issue of *The New Yorker* contained the perfect cartoon that saved me and launched my friendship with Bill Conger. The cartoon shows two guys outside, sitting under a tree, playing chess, and one simply looks up at the other and says, "Would you mind if I took those last three moves back?" It was perfect, and so I cut out that cartoon, and the next day I gave it to Bill. I was embarrassed by my conduct, but he had patiently helped me learn a very important lesson as a lawyer—about the value of pragmatic results—and, of course, he let me take those last three moves back.

And so began one of the most dynamic friendships in my life. That cartoon became a mantra of our friendship. We would trade it back and

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forth, sometimes he would give it to me, and sometimes I would give it to him. It became worn and tattered as we shared it, but we would always allow each other to take the last three moves back and start fresh.

We practiced together for sixteen years and were involved in litigation all over the country. Bill Conger was an awesome trial lawyer. He had an amazing instinct for moving the case incrementally in the right direction, and you would never, never, ever want to be cross-examined by Bill Conger. I pitied people who had to withstand cross-examination by him. Of course, Bill learned to be a lawyer by watching great trial lawyers like Earl Mills, but he still had a very distinct talent himself for bringing a case along. Juries trusted him and strongly wanted to be with him. And even opposing counsel. They wanted to be with him. Everywhere we went across the country, we made friendships, sometimes lifelong friendships, with our opposing counsel.

Another important feature of my friendship with Bill was what I call “The Conger Rehash.” You may have even experienced a bit of this yourself. He learned it from his own daddy, and his family did it all through their growing up. “The Conger Rehash” is this: You sit down together in a relaxing place, and you go over every small detail of an experience or an event that you just had. It unfolds very incrementally, with questions like, “Okay, Val, tell me, now, when you woke up, what were you thinking? And then, when you walked in, what’s the first thing you saw? Well, what was going through your mind? What did the guy say? And then what did you say back?” It was very, very incremental. “Then what happened next?” It was a step-by-step review of what had happened. Through this rehash process, the significance of what happened subtly emerges, and if there is a lesson, it becomes clear. By going over all these details, you plant them distinctly in your memory so that you can really own the experience and remember it years from that time. “The Conger Rehash” is a very helpful and useful technique, and it’s probably the reason I have so many clear memories of practicing with him. It was also an extremely subtle way of giving me mentoring without risking injury to my pride. The lesson simply emerges from the details. “The Conger Rehash,” as you can imagine, led to many great conversations, a lot of laughter, and a bit of crying, too.

Now, I want to talk about Bill and women. This is a very important topic. Bill loved women, and women loved Bill in the very best way. Bill was able to mentor women lawyers, and women law students, and women in other contexts as well, without any patronizing or overbearing

ways. As you can imagine, we at the school have been inundated with emails, letters, calls, and communications of all kinds from men and women who were mentored by Bill and who are in pain right now, but it is striking how many of them are women.

I have thought a lot about why Bill had this extraordinary ability to mentor women. I feel sure that it goes back to his great love and respect for his sister, Julia, and his twin sister, Betty, and that was followed by his sustained devotion for the beautiful Sherry Martin, and his profound attachment to his daughters, Christen, Jennifer, and Erin. He has always lived in an estrogen-rich environment, and he loved it. It enabled him to be vibrantly in our corner without undue interference. With his support, I went from a person who was kind of a smart observer to a person who's really in the middle of the action, a player in the arena. And, you know, between rounds I would always collapse in the corner and there would be Bill Conger, blotting up the blood in the cut under my eye, giving me a cool drink of water and sending me back out into the arena with words of encouragement.

Many of us have had him in our corner, and I'm thinking of the attorneys in our firm, especially early on: Kathy Taylor, Laura McConnell, Melanie Jester, Susan Shields, and many others, and students—law students—so many. Wonderful women like Leah Avey, Kendra Robben, Keren McLendon, Naomi Smith, Joni Autrey, Karli McMurry, Mandy Rehling, Cassi Dillingham. Bill's niece, Lillian, goes in that category, and Meghan LeFrancois. There are so many more that I almost hate to stop that list. Women leaders of the bar. Cathy Christensen, Deb Reheard, Peggy Stockwell, and others. He had your back, and he was your ally. And judges—he loved women judges, and they loved him. Robin Cauthron and Vicki Miles-LaGrange, Bana Roberts, Arlene Johnson, Yvonne Kauger, Noma Gurich, Barb Swinton, many, many others. And he loved them not because they did him any favors—they did not—but he loved their meticulous independence and the fresh, direct way they presided in a court of law. He was absolutely thrilled when I became a judge, even though it meant the end of our long partnership, and I moved to the federal courthouse with his blessings.

At this point, "The Conger Rehash" took on a new dimension because we began the habit of getting together every Friday afternoon for a thorough rehash of what he was up to, his work, his adventures at the lake, the latest history book that he read, his beloved grandchildren, and, of course, all that I was learning and seeing and doing as a new judge,

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and all the goings on at the court from a judge's point of view. That was new, fresh territory for us. We rehashed at length, and, yes, it did involve a martini or two. My wonderful husband, Joe, provided his psychoanalytic contributions to the conversation, and he was the one who shook up the martinis. We eventually added Bill's amazing brother, George Conger, to the circle and other friends, and the circle grew.

It was also during this time while I was on the court that Bill and I began teaching together. We started teaching trial practice and taught for over ten years together. He thrived in the classroom. He was a natural born teacher. He adored the students, and they adored him. And I must say, Tom McDaniel, we plowed some very nice, easy, fertile ground for you to walk on as you came to knock on Bill's door to become university counsel.

I know exactly what happened when he got here to this university. I know the calm and comfort that he brought to this campus. I know how big his umbrella is, and I know he brought many people under that umbrella and gave them shelter. Students, faculty, university presidents, university chaplains, and more—all found shelter there.

And they also found the crying chair. Bill and I always called the chair that was right in front of his desk "The Crying Chair," and it was at the firm for a long time and then moved to the campus. At the awards gala in November, when I was able to give him the award for lifetime achievement in law, I asked the audience for a show of hands, "How many of you have ever sat in that reddish-purple 'Crying Chair' to seek advice and counsel from Bill?" In that huge and crowded room, virtually every hand was raised, and Josh Snavelly and Lorenzo Banks, I think your hands were waving, not just raised, but waving.

When I joined the University as the Dean of the Law School, Bill and I began working together again, but now in a different dynamic. Finally, he had to admit that I was his boss. This was a great triumph of my career. That was just a few short months ago, and so much has happened in that time. We've purchased a beautiful, historic building in downtown Oklahoma City, where, as you've heard, we're going to name the courtroom after Bill. We went through a very grueling accreditation visit, I think with flying colors. We started marshaling our team and resources for the future because we are facing one of the most challenging and unpredictable times in the history of legal education.

During this time we were also seeing that Bill was struggling with his health. He never complained, never lost his high and joyful spirit, and

we just never realized the full extent of his struggles. He had risen so many times before following serious illnesses that I think all of us expected him to rise and rally again. We did not expect him to leave us, and we did not expect him to leave us without saying goodbye. Then, last Thursday, two days after his death, I received a letter from him in the mail.

I opened the mailbox on our porch, and there was an envelope addressed in Bill's distinctive handwriting. My heart stopped. And after a few moments of holding it, I opened the letter. The letter was to me and Joe, and it was dated December 31, the day before he died. He was thanking us for something and, in pure Bill Conger style, was expressing gratitude, joy, and, in particular, excitement about the future of our law school. There it was: his goodbye. Standing there on my porch, with the winter sun on me, with that letter, I felt his hand on my back, very gently pushing me forward. And I assure you we will move forward, but right now we are dealing at this school and in this community with an outpouring, an enormous outpouring, of grief and pain and shock.

That same evening that I had received the letter, my family gathered—my husband, Joe, and our sons, Daniel and Ross. Dan and Ross grew up with Bill and spent many, many hours with him at Grand Lake boating and fishing, so they knew him very well. We understood our own responses to his death, but we were wondering and questioning and pondering, how do we understand and explain this overwhelming response, this widespread response? And we sat there for a moment, thinking quietly, and Ross said this: “Bill had charisma.” And that's right, he did. He had charisma. But what is “charisma”? I looked it up in the dictionary, of course, my type A personality coming through, and the dictionary says it's “a rare personal quality of leaders who arouse fervent popular devotion and enthusiasm,” or it can mean “personal magnetism” or “charm.” But you know, what was interesting to me was that originally it had a theological meaning. It's from the Greek word *kharisma* which means a divine favor or gift, and it meant originally an extraordinary power, such as the ability to work miracles granted by the Holy Spirit.<sup>6</sup>

Now, I do love Bill, and I will always love Bill, but I'm not willing to go so far as to say he was actually divine in any literal sense, although, wouldn't he love that? Oh, my gosh. But let me take a moment, just a

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6. WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 377–78 (2002).

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few seconds really, to say what all of you know: Bill Conger was not a perfect human being. He had a ferocious temper; he was stubborn, and he was just flat wrong many times. I was frustrated and angry with him hundreds of times, and I bet you were, Sherry, maybe thousands of times in your long marriage. I'm thinking also of Len Cason. Len, I think there was a time or two that you were frustrated with Bill, as were maybe all who worked with him, especially in that early time: Steve Davis, Roger Graham, and Cliff Hudson; and then Ryan Wilson, Drew Neville, Burns Hargis, I bet all of you fit into that category. And Bill's dear doctor Charlie Bethea; I'll bet he had a few frustrating moments with Bill as well.

But far dominating and overwhelming those moments was Bill's charisma. He had an almost supernatural capacity for friendship. One source of his charisma arose from something very subtle. It seemed to me that Bill was uniquely able to hold within him at all times the Bill Conger of all ages: that six-year-old going off to school with his twin; that ten-year-old, self-appointed commander of the neighborhood army of kids patrolling Ontario Street in Shreveport, Louisiana; that twelve-year-old boy who neatly stenciled on his bedroom door "J. William Conger, Attorney at Law"; the seventeen-year-old prankster who rang the doorbell at Sherry Martin's house and, when the door was opened, threw a big basket of live, black snakes onto the porch;<sup>7</sup> the fraternity boy; the young father; and then the twenty-seven-year-old young lawyer growing with experience into the veteran counselor and lawyer that we all knew.

He held all of those realities in himself—and more—and they were vividly present and accessible to him. I think we sensed him to be this man in full from beginning to end, and that in itself created connections with us on so many levels.

Yes, Bill had charisma in a most profound sense. He was a full-spectrum life force. He had the power to plant that life force in us in a way that we can sustain it and use it ourselves. He loved each of us, and his life force now is right here, right here in our minds and in our hearts. We have the power now to transfer that life force to others, and isn't that a great and divine gift from Bill Conger?

I thank God for Bill Conger, and for his family, and I pray that God's blessings and protections surround you. I thank God for every single one

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7. But, it wasn't Sherry who opened the door. It was her mother, who almost died of fright.

of you who were friends of Bill. As we move forward, I hope we can use his gift well. Let's have joy every day. Let's remember to always let our friends have three moves back. Especially if they ask nicely. Let's do "The Conger Rehash" often and well. Let's stay in someone's corner always, ready with a cool drink of water. And let's live in such a way that Bill's powerful life force continues to reside within us.

