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Drew Neville*

I met Bill Conger in 1965, the spring of 1965, when he appeared at my home. He was the rush chairman for the Beta Theta Pi fraternity, and he was the Pied Piper if there ever was one. In the fall of 1965, sixty-five of us, the largest pledge class in the history of the Beta Theta Pi fraternity at OU, followed him to the University of Oklahoma, and with his boundless energy and his zest for life, we became very fast and close friends. He was always my mentor, and he still is my mentor. He had this fabulous career, you know, he had many big-time clients, and he had high profile cases, but I'm going to bet you he never told you about the great mouse case.

Sometime in the late '80s, Conger called me, 'cause we always would have conversations about our cases, and he says, "Neville, I'm going to get to represent Coca-Cola." I said, "Gah, Bill, that's awesome. Coca-Cola, Atlanta, Georgia, that's big time," and he says, "Yeah, Coca-Cola." I said, "What kind of case is it?" He says, "It's a products liability case." And he said, "But I need to talk to you about it, I need to strategize with you about the case." I said, "Well, great, I'm available." So I go down to see him and he says, "Now, here's what happened. This woman goes into a 7-Eleven, she buys a Coca-Cola, she gets home, and there's a mouse in the Coca-Cola, and she faints, and has all kinds of sickness, and she sues Coca-Cola for all kinds of emotional distress with respect to this mouse that's in this Coke can." I said, "How are you possibly going to defend this case?" He says, "I have no idea. I have no idea, but I'm going to go to Georgia, and I'm going to go through the manufacturing process at the Coca-Cola plant and I'm going to find out if a mouse could really get in the Coca-Cola can during the manufacturing process."

And off he went to Atlanta. And he came back, and still he had no theory or theme of the case. And he said, "Here's what I'm going to do, Neville. Here's how we're going to win the case: I'm going to have this mouse autopsied." I said, "*Conger!*" I said, "You are crazy. How are you possibly going to get this mouse autopsied?" He said, "I'm going out to the state medical examiner." And he took this mouse out to the state

* Drew Neville knew Bill Conger from his days at the University of Oklahoma as members of the same fraternity, Beta Theta Pi, beginning in 1965. Drew and Bill remained close friends and eventually merged their two law practices together to form Hartzog Conger Cason & Neville in 2000.

medical examiner, and asked him to do an autopsy, and they did. And because it came out for his side, it proved that the mouse couldn't have been in the Coke bottle at the time of the manufacturing—somebody had to have put the mouse in the Coke bottle. And it was the plaintiff who did that.⁴ Now that's the creativity and the intensity and the zest for trial practice that Bill Conger had, and he won that case. He won it going away because he had the creativity to think of having the mouse autopsied.

In 2000—Bill and I had always talked about practicing together—and in 2000, we finally got that done. And as you all know, in 2003, he started experiencing serious health problems and he had a very severe heart attack, a heart condition that required quadruple bypass surgery. And so I'd go up to see him, and visit with him and Sherry and the girls, and decided I'd kind of leave him alone and let him convalesce a little bit. He didn't need to see my face every day, so about four weeks went by and he calls me up, "Neville. What're you doing?" I said, "I'm sitting here, just practicing law, Cong, what are you doing, why are you calling me, why aren't you in bed at home?" He says, "Let's have lunch." Now, this is four weeks after his surgery. He says, "Let's have lunch." I said, "Cong, why don't you let me go get some lunch and I'll bring it out to you and we'll—" "No, no, no," he says, "I want to go to Irma's Burger Shack." I said, "*Cong!*" I said, "You are four weeks out of quadruple bypass surgery, and you want to go to Irma's Burger Shack?" He said, "Yeah, I want to go to the one up on 63rd Street 'cause they won't see me at the school if we go to Irma's Burger Shack." So I came by, picked him up, and we went to Irma's Burger Shack, and he had the biggest double cheeseburger with fries you've ever seen. He could never pass up

4. About the infamous "mouse in the Coke can," Dean Valerie K. Couch would add some further explanation: "It wasn't an autopsy really. We actually canned about two dozen mice with Stan Kosanke, the veterinary pathologist who was working with us. (I know it's awful, but these were mice that were going to die anyway.) We knew when the Coke had been canned because it had a date code on it, and we knew when it had been opened by this poor woman who was frightened and had emotional distress: it was about five weeks. So we had our veterinary pathologist open up a can every week to see the condition of the mouse inside. Well, the mouse that had been found in this can was this fresh little mouse, just like a little puppy almost, with the hair and little pink eyes and the tail. But after a week in a Coke, the mice were slimy and deteriorated (it will get you off Coke really quickly if you're trying). Then progressively after five weeks, the mice turned into the most putrid, smelly, awful stuff imaginable. No one could have drank from that—it was just impossible—and it just didn't match the picture of this nice little furry thing that you could have seen in a cartoon."

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a double cheeseburger with fries, so that's what we had four weeks after his heart event.

You know, there's a great book—won the Pulitzer Prize, it's one of my favorite books and definitely one of my favorite movies—*Lonesome Dove*.⁵ Anybody familiar with it? Great story of two old, retired Texas rangers who put together a cattle drive from South Texas all the way to the Powder River in Montana, and they put this group together and they drove this herd of cattle northward into Nebraska where one of the favored employees, a scout—an Indian scout by the name of Josh Deets—died, and he was the trusted scout leader of Augustus McCrae and Captain Call. They buried Josh Deets, and standing over the grave, some of the guys in the troop are asking themselves, well, what do we do now? We've lost our leader, we've lost the guy that's shown us the way, we've lost our star. And Gus McCrae, being the wily ol' veteran he was, gathered up the team and rode on.⁶

“We've got to ride on.” If Bill Conger were here today, that's exactly what he'd tell you. He'd say, “We've got to ride on with a grin on our face and a heavy heart, but that's what we have to do.” Bill Conger's legacy will ride on in the hallways of this building and these classrooms: his unique perspective on life; his infectious smile that we all got to see and enjoy every day; his creativity, and his sense of humor; his passion for teaching, his love for the Stars of Oklahoma City University, and, especially, his love for all of you, his students. God bless Bill Conger. Amen to his life and times.

5. LARRY MCMURTRY, *LONESOME DOVE: A NOVEL* (1985).

6. *See id.* at 733–35.

