

THINKING OF BILL

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First, a word of warning: At a Law School gala in November of last year, Bill Conger was named the recipient of the Marian P. Opala Award for Lifetime Achievement in Law. Dean Valerie Couch, Bill's former law partner, delivered her typical homerun of an introduction—a thoughtful and moving portrait of Bill and his career, including his important contributions to the Law School. I sat across from him (he had been kind enough to invite me and my wife, Betsy, to sit at his table) and could see how much he was moved (as was everyone) by the Dean's words. A microphone was brought to Bill so that he could make a few remarks in accepting the award. The first thing he said was, "And to think, I could have had Art LeFrancois introduce me."

Bill was a life-enhancer. He was charismatic beyond telling, was a raconteur whose next untold¹ story could make you ache with anticipation,² and was a pretty good listener as well. He knew how to be a good friend, but if he hadn't, you really wouldn't have cared. You just wanted to be his.

Having spent the majority of his career building his firm, he transitioned with joy and ease to University General Counsel and Distinguished Lecturer.³ He made an instant connection with our students, who routinely sought him out as a mentor. He relished the role. Perhaps he made more than a few of his colleagues appreciate more deeply some of the insufficiently explored opportunities we had as faculty members.

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1. Perhaps I should say "unheard." But Bill told stories so well, I'm not sure he ever told the same one twice. I want to cite Heraclitus here, but the analogy's not quite right. I'll have to make do with the gratuitous reference, a practice Bill enjoyed, but not so much that he, well, practiced it.

2. And even if Bill *did* tell the same story more than once, it was (nearly) always by request.

3. Bill would have appreciated my Teutonic capitalization here.

I met Bill in January of 1999, when, as part of the American Bar Association's Central and East European Law Initiative, I took a delegation of Armenian defense attorneys to the offices of the firm he had founded with Larry Hartzog and Len Cason. While my charge was to give the delegation a sense of our criminal justice system, I thought a visit to Bill's firm could be instructive in a number of important (and relevant) ways. So we gathered in the conference room. Bill was gracious and informative in his remarks, and prior to these he made small talk and answered questions with an enthusiasm that I soon came to realize was either innate or perhaps even an artifice (great trial attorney that he was) he could muster on demand. I wasn't sure there was a difference, and, in my own case, would have been happy with the latter.

Some of our visitors from Armenia had been asking, since their arrival in Oklahoma City, just how the prosecutor went about selecting defense counsel for criminal trials. I repeatedly denied the factual predicate of this question (and I distinguished practices such as court appointment). Their responses to my denials and distinctions were unfailingly polite and uniformly insincere. Which is to say, they became more intrigued with why I should deny such an obvious fact⁴ than with the fact itself. I mentioned the issue to Bill, so that he would not say anything that could accidentally buttress their Procurator-General-on-Steroids theory of criminal justice in the United States, or at least in Oklahoma. Which is not to suggest that we didn't have a boatload⁵ of problems in our criminal justice system then, or don't now.

During his formal remarks to the delegation, Bill thought it would be useful to talk about bar disciplinary procedures. This resulted in much of the follow-up Q&A being devoted to issues of how much control the bar association had over each criminal trial, how the association selected defense attorneys for each criminal trial, how the membership of this powerful association was determined, and so forth. Bill looked at me for some succor during this avalanche of questions about the central role of the bar association in criminal litigation. I provided little. Looking back, I realize this was the only time I was ever, on any issue, as persuasive as Bill.⁶

Bill's later years were filled with medical challenges. He was in the hospital with disconcerting frequency and seemed to be in a constant

4. By which I mean "fact," as I do in its (fact's) next instance.

5. "Fleetload" is more accurate, but I can't locate a cooperating dictionary.

6. As in, neither of us was the least bit persuasive.

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state of convalescence from one thing or another. Heart and lung issues were exacerbated by back pain. Medications had side effects. Oxygen concentrators had to be dragged along.⁷ Incredibly, Bill's desire to be out and about, to be in the middle of things, did not wane. His *joie de vivre* seemed undimmed. So there he was, in his office, at Law School and University social events, at informal social gatherings, and in his classroom. Again I wondered, as I had when I first met him, whether he just had an inexhaustible reservoir of the stuff of life, or whether, through an act of will, he was able to simulate it or somehow manufacture it. I also wondered why so many people, including me, seemed to do so much more complaining about their health than did Bill.

In August of 2006, Bill and I drove⁸ to the Sunflower River Blues Festival in Clarksdale, Mississippi. This was an annual trip Bill made with a number of friends (a somewhat shifting cast of characters), and this was the first time I was able to go. We stopped in Shreveport (Bill's hometown), where I met his twin sister, Betty, who, like Bill, looked years younger than she was, and with whom we had dinner, along with her husband, Arnold. At the airport in Jackson, Mississippi, we picked up the other half of our crew, attorneys John Schaefer and Roland Tague. From there, we traveled to Raymond, Vicksburg, Greenville, Indianola, Leland, Cleveland, and finally, Clarksdale. We visited a "Battlefield Park" that consisted of a cannon on an abandoned concrete highway. We bought garish pink and yellow floral-patterned lawn chairs⁹ for six dollars each (surprisingly, they were on sale) so as to more comfortably listen to the blues in Clarksdale. We toured county courthouses, Civil War and blues museums, colleges and universities, Civil War cemeteries, and much more. My point (besides holding that trip in memory like a living slice of time) is that through it all, Bill was with us pretty much every step of the way, his health challenges taking a distant back seat to his curiosity, enthusiasm, and general ebullience.

This was so two years later when Bill served as president of the state bar. And it continued until the first day of this year. He poured himself into life and into lives. Not long ago, a very close friend told me Bill had taught her not to fear lawsuits. Think about that. Another spoke of Bill's

7. "I'll be the guy with the thing up his nose and a canister over his shoulder," Bill wrote in an email in January, 2011.

8. Okay, Bill drove. I rode.

9. Seriously. See John Schaefer, *Journal of 2006 Delta Blues Tour: August 9–13, 2006*, at 15, 20 (2006) (unpublished manuscript) (on file with author).

feminism. At Bill's memorial service, Dean Couch named an impressive number of women Bill had mentored, as he had her. My younger daughter, Meghan, was lucky enough to have been his friend. Her birthday is Valentine's Day, and Bill forwarded to me, years ago, the first email in which she thanked him for his birthday wishes and accepted his avuncular entreaties to be his Valentine.

I have made some good friends through Bill's auspices. Among them is his younger brother, George.¹⁰ George and Bill would regale friends with family stories, including loving portraits of parents George and Lil. The only stories of meanness I've heard about Bill (this is to be distinguished from firmness, or, say, candor) involved liquids. The first was a kind of experiment in perspective, when Bill provided young George with the opportunity to use all his senses in experiencing, close up, the flushing of a toilet. As George recounts it, a neighbor from whom he sought therapy shortly after the event reminded George of it many years later, even as the neighbor was in his dotage. (George does have a follow-up story about the day, long after the flushing, that forever marked the end of his being treated like the little brother.) The second has to do with the time Bill had a dozen mice drowned in soda, where they were immersed for varying periods of time pre- and postmortem. (This was to defend a case in which it was germane to have evidence about, yes, how mice look when they have been immersed in soda for varying periods of time.) Bill's best defense of this? "They would have died anyway." As Bill said at least once to me, in another context, and without a suggestion of fatalism, so shall we all.

I suppose I had another point in describing our Clarksdale trip, which is to extol the virtues of saying "yes." I've got an email inbox with too many (declined) invitations from Bill to go on any number of road trips—to Wisconsin to visit a provost-turned-college-president friend (and to stop at my alma mater on the way), to Civil War battlefields, to Clarksdale, and to New Orleans. There were several of these New Orleans invitations, the last of which he sent in October of last year. He wanted to drive together to the AALS conference, which, as it turned out, began three days after his death. Bill never stopped looking forward to his future.

10. George may not hold it against me if I point out that he has, on occasion, claimed that he differed from Bill in a good number of respects; among them, that George was the better looking and better storyteller of the two.

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To Sherry, to George and Betty and Julia, to Christen and Jennifer and Erin, and to Parker and Julianne and Vivian—we share your sadness. We miss Bill deeply. We miss him every day. Most of us would be content to be as happy as he was on his saddest day and to face our only certain future with his grace, his equanimity, and his joy.



