

Judge Stephanie Seymour

With a strong will and encouragement from family, she's been blazing trails for women in law since 1965.

Chapter 01 - 1:17

Introduction

Announcer: Judge Stephanie Kulp Seymour, who joined a historic class of women judges in 1979 when she was appointed to the Tenth Circuit U.S. Court of Appeals, was encouraged early on by her parents to be an independent thinker.

While a youngster, she and her sister received the same encouragement as their two brothers. Seymour attended integrated public schools in Battle Creek, Michigan, but was home-schooled during long family trips around the country and overseas.

Seymour had hoped to attend Harvard or Yale, but those Ivy League colleges did not accept women as undergraduates in the 1950s. Seymour believes now that Smith College, an all-women's school in western Massachusetts, better prepared her to compete among men after her graduation. She graduated from Harvard Law in 1965 where a recruiter told her he had no interest in hiring women. She later became his firm's first female lawyer. When she moved to Tulsa, Oklahoma in 1966, there were only five practicing female lawyers.

Upon her appointment to the Tenth Circuit U.S. Appeals Court in 1979, Judge Seymour became its first female judge, and later its first female chief judge. She assumed senior status in 2005.

Chapter 02 - 8:10

Family Travel

John Erling: My name is John Erling. Today's date is September 5, 2019.

Stephanie, will you state your full name, please?

Stephanie Seymour: Stephanie Kulp Seymour.

JE: I've got to ask you about Kulp, where does that come from?

SS: That's my maiden name.

JE: Your maiden name is Kulp?

SS: Uh-huh (affirmative), K-u-l-p.

JE: So did you have a middle name at birth?

SS: I did, it was Irene, and I hated it, so I ditched it.

JE: Oh. And now it's here for the record. You don't like me already. What is your date of birth?

SS: October 16, 1940.

JE: What is your present age?

SS: Seventy-nine.

JE: Where are we recording this interview?

SS: Tulsa, Oklahoma, in the Federal Courthouse.

JE: And at the beginning, let me state that you are senior judge for the US Court of Appeals for the Tenth Circuit. You assumed this status in 2005.

SS: Yes.

JE: You're chief judge of the US Court of Appeals for the Tenth Circuit from 1994 through 2000.

SS: Yes.

JE: And you were appointed by President Jimmy Carter, November of '79, and you served to 2005.

SS: Correct.

JE: Nice way to begin. So let's go to the beginning, where were you born?

SS: Battle Creek, Michigan.

JE: And that's where you grew up?

SS: That's where I grew up.

JE: Your mother's name and her personality and what she was like?

SS: My mother's name was Frances Bria Kulp, and I'm telling you Bria because she's Italian. Her parents, my grandparents, came to the US I think about 1898 and lived in the Upper Peninsula of Michigan, a place called Bessemer. She came to Battle Creek to go to nursing school at the hospital there. And she was in nursing when she met my dad.

JE: Was that a career for her or did she raise—

SS: She raised, she quit. I don't remember her working.

JE: Your father's name?

SS: Francis, spelled with an "is," hers is an "es," Francis Bruce Kulp. And he went by Bruce.

JE: His personality?

SS: My dad was a very interesting guy, kind of laid back, extremely smart and well-read. But he broke his leg ice skating when he was in the ninth grade and when he was recovering he got polio. So he never went back to school. He was in a brace the rest of his life.

JE: And what did he do?

SS: Well, he was a goof-off for a while. During the war, he drove around the country with a friend to military bases and they hired people to put on entertainment at military bases. That's what he did.

And then when he came back to Battle Creek, when he married my mother, he started a contracting business building houses. He hired people to build houses for people returning from the war. He actually went, early on.

JE: So the personalities of your mother and father, do you draw on either one of them are you completely different?

SS: That was an interesting question. I guess I'm a mix. I was a shy kid. I think my father maybe tended to be that way, but having had four children I think you get your personality when you're born and that's it.

JE: You went on to extensive education. Were they promoters of education?

SS: My mother was a promoter of me going to Michigan State and majoring in home economics, because that's what women did back then.

My father was a promoter of me going to the best school I could possibly get into. He was very big on education. He wanted me to go to the Ivy League. Turns out the Ivy League, the men's colleges at that time, were men's colleges and they didn't except women when I went to college.

JE: That would have been in the '50s?

SS: I graduated from high school in '58, so yes. That's how I focused on the women's colleges.

JE: But you knew as you were growing up you were going to college?

SS: Oh, absolutely.

JE: You were destined.

SS: Yeah, in my family there was no question about that.

JE: Yeah. Brothers or sisters?

SS: I have a brother who is a year and a half older. I have a brother who is three years younger. And I have a sister who is five years younger.

JE: And they went on to college as well?

SS: Yes, yes.

JE: What was the first house you remember? Where was it?

SS: I can picture it in my mind, my father built it, had it built, it was brick. It was in Battle Creek, I don't remember the street. We had this part of the house and it had a separate part with apartments that he rented out, the first floor and top floor. It had a big back yard and then subsequently, he, in the big back yard, built apartment buildings, had apartment buildings built.

JE: Overall he must have done fairly well, didn't he?

SS: He did very well.

JE: In contracting.

SS: He did.

JE: As a child with your family, what would you do for entertainment?

SS: Go to movies with my dad. My mother didn't go because she wanted to stay home and have some peace by herself. We often went to movies on the weekend. My dad loved movies. We traveled a lot. His business was in the summertime and it was quite cold in Michigan in the winter. So we would take off in the winter and go all over the country.

We went to Florida a lot, St. Petersburg, starting when I was in kindergarten, because I remember going to kindergarten. They put us in school there temporarily. And we stayed there for a while.

And after we got a little bit older we started traveling the country. We did Route 66 all the way to California once. And I say a word I didn't know back then, that I was home-schooled in a car during those periods, like three months every winter. My mother would get the books, we would take them along, and she'd make us do the work and homework.

JE: All four children?

SS: Four children, yeah.

JE: And what were you traveling in?

SS: Oh, I don't know. My father loved cars so all kinds of them.

JE: Must have been a van.

SS: No, they didn't have vans back then.

JE: No they didn't.

SS: Just had big cars.

JE: Yeah. But as you look back on that, that was a terrific learning experience for you.

SS: It was fabulous, yes. By the time I was in seventh grade, I'd been in every state by car but three.

JE: You had a major advantage over somebody else who had never left Michigan.

SS: Yes. And then when I was in seventh grade I had to stay home. He and my mother still traveled and took the younger for a while. My older brother and I stayed home with my great aunt, Grace. And then eventually, no more traveling during school years.

JE: Growing up in Michigan and then traveling to other parts of the country like the South, you saw things in the South that you never saw in Michigan.

SS: You got that right, like chain gangs beside the road. And "No blacks allowed" on signs all over the place. I mean, it was incredible because Battle Creek was a very integrated place and I went to integrated schools my whole life. So it was pretty shocking. My father and mother both were very outspoken against the discrimination that was going on.

JE: Do you remember traveling to Oklahoma for the first time?

SS: Not really. But obviously we came through here. I don't know if we stayed.

JE: In the '50s, you remember talk of the fear of communism? And schools would have nuclear fallout drills, do you remember that?

SS: I don't remember nuclear fallout drills, but I know a lot of talk about communism.

JE: And the fear that they were going to take over the United States?

SS: Yeah.

JE: Remember the first president you may have heard on the radio or paid attention to?

SS: Truman. Because he came through on a train, came through Battle Creek and stopped.

JE: He was campaigning, maybe?

SS: Yeah, campaigning. That was before he was president.

JE: The first school you attended, what was that?

SS: I attended public schools in Battle Creek, walked to school. It was a totally different atmosphere than now, it was perfectly safe to go anywhere. I went to public schools all the way through high school.

JE: Junior high school, of course, right there, and then high school?

SS: There was one high school. That was where I had most of my experience with integration because we were totally integrated. Because there was only one public high school. I was actually a cheerleader on a cheerleading team. There were four of us, one of whom was a black girl. And, of course, we were rooting for very integrated teams. And we had integrated school dances.

JE: So the idea of segregated schools was just beyond—

SS: Shocking.

JE: Yeah. What were your interests in high school?

SS: Oh, I loved learning. Took piano lessons, took swimming lessons. There were no girl sports I did except diving, I did diving, there was a swim team.

Chapter 03 - 8:10

Harvard

John Erling: You graduate high school in . . . ?

Stephanie Seymour: Nineteen fifty-eight.

JE: By that time, you had already chosen a college?

SS: Yes, because we went to look at the women's colleges, early that year, I guess, or the summer before, I can't remember. Must have been during the school year. I looked at Wellesley and Radcliffe and Smith.

JE: Did it bother you at that time?

SS: That I couldn't get into Harvard or Yale?

JE: Yeah.

SS: Um, not like it does now. It was just the way it was.

JE: The way it was, right.

SS: Uh-hmm (affirmative).

JE: Your experience at Smith College, all female school, was there an adjustment from Battle Creek?

SS: Yes.

JE: And Smith College in Massachusetts.

SS: It's in western Massachusetts.

JE: Was there a big adjustment there for you?

SS: Um, yes, the first year because a lot of the girls there had gone to private schools on the East Coast and had more education than I did. So the first year I sort of struggled in some of the classes, but I think by the end of the first year I was perfectly comfortable competing with kids from anywhere.

And actually, my Smith education turned out to be one of the best things for me, because as I said, I was a shy kid. We didn't have guys in class. I didn't have to wear makeup and didn't have to worry about fat. Didn't date during the week. And I learned that I could compete against smart girls. So I gained a lot of confidence there.

JE: Some of these families that you could sense were very, very wealthy, maybe, did that play into any of that?

SS: No because everybody was sort of laid back, I mean, we were going into the '60s, and we weren't dating. It's not like we were competing for anything. We came from all over, so I had really no sense of who came from where.

JE: Right. Was there a sense among the girls attending Smith that we're just as smart as the guys at Harvard and Yale and you kind of had that—

SS: You. . .

JE: . . . chip on your shoulder, maybe?

SS: Oh, well, I didn't look at it as a chip.

JE: No?

SS: I looked at it as finding out that, yes, we were as smart. That was a good thing.

JE: Yeah, and that was back then.

SS: Yes.

JE: We don't have to do that today.

SS: No.

JE: Because we now know that women are smarter than men.

- SS:** Right.
- JE:** Right.
- SS:** And as I say, when women run the world, we aren't going to have any wars.
- JE:** Right. At Smith, was there a particular class or teacher that—
- SS:** Inspired me?
- JE:** Into law?
- SS:** Um-hmm (affirmative).
- JE:** Would that have been the first time you were inspired to be in law? Tell us about that.
- SS:** I was a political science major. I was interested in government. I took a course my junior year, a political science course on the Constitution, so it was basically learning about the Constitution in a government class. I found my teacher very inspiring. It was a man, I don't remember his name, I can sort of picture him. But that's when I decided I wanted to go to law school. And my thought was that I would go to law school and go to work in Washington. That was my plan. First I had to get in.
- JE:** You had never thought about law prior to that?
- SS:** Um-um (negative).
- JE:** And that shows how a class or a professor can change the course—
- SS:** Um-hmm (affirmative).
- JE:** . . . of anybody's life. You were pretty smart, you graduated Phi Beta Kappa, magna cum laude, of your class, so that led to your confidence.
- SS:** Yes. It also helped me get into law school.
- JE:** Did you continue family travels?
- SS:** The last big one was the summer after I graduated from high school we went to Europe, and my dad refused to fly, he didn't like to fly. So we took a ship. Drove to New York, parked the car somewhere, and took a large ship, I don't even remember which one it was, to Europe. And then he bought an English Ford, which was not very big, threw the luggage on the top, all the kids in the car, and we traveled around Europe for three months.
- JE:** Wow. Your mother was along on those trips?
- SS:** Oh, yeah.
- JE:** What a great bonding experience and learning.
- SS:** Um-hmm (affirmative).
- JE:** And you guys probably still reflect on all those trips.
- SS:** It was fascinating, I mean, I saw Germany when it was still bombed out in a lot of places. It was really interesting. Not very many people spoke English in Europe back then. So that's totally changed, but, yeah, it was a very interesting experience.
- JE:** So if you look back on educators in your life, your father was right up there with them.
- SS:** Yes. Um-hmm (affirmative).

JE: You applied at what schools then, for graduate school?

SS: I applied to Harvard, Yale, and Michigan.

JE: Did you get into all of them?

SS: I did.

JE: Which one did you pick?

SS: I picked Harvard.

JE: Why?

SS: It was in Cambridge, Massachusetts, and I loved Boston when we visited there. And my older brother was in law school at Michigan, a year ahead of me. So all those reasons.

JE: You didn't want to be where your brother was?

SS: No, and I wanted to get out of Michigan.

JE: And you wanted to be the Ivy League person in the family.

SS: Yeah, something like that.

JE: What percentage were women at Harvard when you went there?

SS: I was one of twenty-three women. I had no idea that Harvard was one of the largest law schools in the country, 580 students in my class, 23 of them were women.

JE: Wow.

SS: And University of Texas Law School are the two biggest. Yeah, wow is right.

JE: Did men wonder, *What are you doing here?*

SS: I had men ask me, "What are you doing here taking the place of a guy?"

My response was, "There's only twenty-three of me, what are you doing here taking the place of a woman?"

JE: [laughing] So it didn't take them long to figure out you're a feisty woman.

SS: Yeah.

JE: And not to put you down. Was that a learning adjustment? You have all these guys, you could be intimidated. Talk to us about how you handled that.

SS: Well, I'd had experience because being at all women's colleges when we dated, the nearest college was Amherst, and it was all-men. I dated guys at Amherst and I dated guys at Yale, which were all-men. By the time I graduated from Smith, I was fairly confident that I was as good as those guys.

So I loved law school, I loved learning the law. I found it very fascinating and I loved the course.

JE: In the classroom, I'm sure there were those who thought they were very, very smart and outspoken, and you thought, *I'm just as smart as you.*

SS: Um-hmm (affirmative).

JE: *And I can handle this work.* In law school, they have moot court.

SS: Yes.

JE: Tell us what moot court is.

SS: Moot court is a learning process about how to be a lawyer in the real world. And you get a case. It started second semester our first year, I kinda think, I can't remember. But everybody was a moot court team every first year student. Second semester was on a moot court team. I have no idea how they divided us up, but we got cases and we had to write briefs. We got appointed one side or another and you had to write a brief in an actual case. And then somebody on your team had to argue it. But I was not an arguer, I was a brief-writer. I think we had eight people on a team, so it was a process of doing it together with your fellow students. You had one oralist and then you had an oral argument. I'm sure at first year we were judged by so even third year students, I don't know, but some teachers.

Then second year you could do moot court if you wanted to and not if you didn't want to. But I liked process so I did moot court every year. In the third year our team won, the ultimate moot court competition.

JE: You were in competition with . . . ?

SS: Other students. We had so many students at Harvard they didn't go other places to do moot court. We did our own.

JE: And your strong suit was writing the briefs?

SS: My suit was writing.

JE: Tell us how you wanted your name to be listed on the moot court.

SS: Oh, well, it turned out after we won, Harvard Law School puts a plaque in the library for the winning moot court team. Prior to my year, the names was last name and first initial and last name, no first name. I thought, *Nobody will ever know there was a woman on this team.*

So I went to the dean and I said, "How about we start putting first names?"

And so they did.

JE: [laughing] So did law come really easy for you?

SS: It did because I just find it fascinating. I like the research, I like the writing, I like the many different kinds of cases and arguments, it's just fascinating.

JE: I was going to use the word "the mechanics of it," would that be a proper term?

SS: Yeah I like that too.

JE: Yeah.

SS: So I basically started as a shy kid so I would hate to be a district court judge. And I would not be a trial lawyer. I was second chair when I was in practice and I was writing briefs, but I was not the first person up there making the arguments.

JE: You could have.

SS: Oh, probably.

Chapter 04 - 8:00**Houston Story**

John Erling: What were you going to do with this law degree?

Stephanie Seymour: My original thought, as I said, was I was going to work for the government in Washington, DC. But I ended up marrying the guy that sat next to me first year in contracts class, who happened to be from Tulsa, Oklahoma. So back then, you went where the guy went. That's how I got here.

JE: So that's how you came to Tulsa, Oklahoma.

SS: Um-hmm (affirmative).

JE: Did you get a job here then as a lawyer?

SS: My first job I got because typically the summer after your second year you work for a firm, try to get your foot in the door wherever you're going. And my husband got us a firm here that had two or three Harvard lawyers in a small firm.

And a lawyer named John Arrington, who had gone to Harvard Law School, called my husband and offered him a summer job.

And my husband said, "I already have a summer job but I have this wife."

And that's how I got my first job.

JE: Well, you were fortunate. We interviewed Nancy Feldman—

SS: Yeah.

JE: . . . and her husband, Ray.

SS: She, she was great.

JE: You know as well as I do—

SS: Um-hmm (affirmative), right, um-hmm (affirmative).

JE: . . . that when she came from Chicago—

SS: Yeah.

JE: . . . could have worked for the number one firm and when she came here, you know the story—

SS: I do.

JE: . . . what happened. Tell us what happened.

SS: She was a good friend. She couldn't get a job. So she ended up teaching. I don't know what she did first but she ended up teaching.

JE: I like the way she tells it, she said, "They would say, 'Yeah, we've got a place here, you can be a secretary.'"

SS: Yeah. That was Justice O'Connor's response when she graduated from Stanford Law School.

JE: Yeah.

SS: And Ruth Ginsberg's. She was here, her husband was a year ahead of her at law school and he went in the military. And she was here outside of Norman someplace, wherever the base was.

JE: Lawton?

SS: Probably.

JE: Yeah.

SS: And she couldn't get a job.

JE: As a lawyer.

SS: I think that was after she graduated. Yeah, she worked for the Social Security Administration or something.

JE: Nancy said, "One day when I got turned down I got so mad I walked to Tulsa University," and there she taught for all those many, many years.

SS: We stayed in Boston for a year and my then husband went to business school and then we came here. And when I came here there were five women lawyers in all of Tulsa. I was one of five, so it was a strange world.

JE: What firm was that that you hired with?

SS: Lupardus, Holliman, and Huffman. It was a small firm. John Arrington was there, Jim Kincaid was there, Sam Daniel was there, Fred Dorwart ended up there. He went into the navy, he's older than I am but he went into the navy and did service, so he graduated from Harvard a year after I did. He ended up there.

JE: Were you well accepted by them?

SS: Yeah.

JE: We have Sam Daniel's interview on Voices of Oklahoma, who passed away this past year.

SS: Yes, that was very sad.

JE: How long then did you stay in Tulsa?

SS: Well, I was there after my second year and then I came back here to work. And then I got pregnant with my first child and my husband worked for Reading & Bates, offshore drilling company, and got transferred to Houston. So I was just here a couple of years and then moved to Houston.

JE: So was it easy to get a job as a lawyer in Houston?

SS: Well, let me tell you that story. At Harvard Law School, I guess I knew we were going to end up in Houston because I was at Harvard Law School and this partner from Baker Botts, big law firm in Houston, much bigger now, came to interview my third year.

And I guess at that point there was a question of whether we were going to be in Tulsa for a little bit or go directly to Houston. He spoke to a group and then you signed up if you wanted an interview. And I went up to talk to him afterwards. This was 1965 I was talking to him. And I said, "Does your firm hire women?"

He thought a minute and he said, "Yes but I don't."

JE: Hmm (shocked thoughtful sound).

SS: I said, "Okay, forget about that interview."

John Arrington knew that story when I worked for him here. I actually had my first child a month early, I was still working. It was a Monday. I went into the office and I had a baby that night. And I called next day and said, "Guess what? I'm not coming. I've had a baby born a month early."

Then I went to Michigan to see my parents. And then we were going to move to Houston that year. I got a call, cold call, from a partner at Baker Botts, who happened to be a Princeton roommate of John Arrington. As I tell my kids, "It's not who you know, it's who you know."

John Arrington had called him and told him they should hire me. I'm in Michigan, actually, and I get this cold call from this guy. I got this new baby.

He said, "We'd like to interview you."

And I said, "Well, I really don't want to work more than three days a week."

There was this long pause and he said, "I had them all talked into hiring a woman but I don't know if they'll hire a part-time lawyer."

And I said, "Well, okay, thank you."

We moved to Houston in September and I got a call from him in November. They'd had somebody leave their labor law department and that was a rough time of year to hire. So he called me up and asked if I would come in for an interview for a position.

I'd had some labor law experience here. So I went in for an interview.

And the guy who interviewed me was a managing partner of some kind who could not look me in the eye, honest to God. I sat across from his desk and he was talking to me this way, sideways, and twirling the cord on the venetian blinds, asking me questions. He said, "This is going to be a big experiment because we don't know about three days a week. And I want you to know this is no permanent offer for anything, this is a three day a week job." Twiddle, twiddle, twiddle. And he said, "We'll pay you . . ." I don't remember what he said.

I had a law school guy I knew that I called to find out what he was making. This was a second or third year associate by that time. So I said, "I won't work for a penny less than three-fifths of," whatever it was, I don't remember what it was.

Twiddle, twiddle, twiddle, twiddle, twiddle. He said, "Oh, okay. But we need you to start next week."

And I said, "I can't start next week because my parents are coming to visit for three weeks over Christmas." It was at the end of November.

JE: [laughing]

SS: "So how about the first of January?" after another twiddles.

"Okay." And when I showed up for work at Baker Botts, early January, I had just found out I was pregnant again. And I had to decide if I was going to tell them and I thought, *Heck with that. He said it's a big experiment, it's a big experiment for me too.* So I just went to work. I thought, *I'm not going to tell them until I have to.*

And Empire Waistline dresses were handy in, so I didn't tell them until I was about five months pregnant.

And I remember—there's only one partner in the labor law department, it was small—and I remember going in to tell him that I was going to be having a baby in August.

He burst out laughing. He said, "I can hardly wait to go tell," the guy who had interviewed me originally, "that our lady labor lawyer is going into labor in August." And he went laughing down the hall.

JE: So then how long did you work there?

SS: I stayed off for a year. There were no, there's no maternity leave back then.

JE: Oh, for your baby? Yeah.

SS: So I just quit. My second child was born in August. They called me almost a year later and wanted me to come back. And I said, "Three days a week?"

And they said, "Yes."

And I said, "Do I get a raise?"

And they said, "Yes."

So I went back to work. Then my then husband got transferred by Reading & Bates to Singapore and I worked at Baker Botts from September to December and moved overseas.

That was their first experience with a woman lawyer.

JE: You were the first woman. And some of them said, "See?"

SS: Yeah, I'm sure they did.

JE: "That's, that's what happens when you hire a woman." [laughing]

You talked about children, let's name them, what are their names?

SS: The first one is named after my first husband, Anderson Bartlett III, and he goes by Bart.

The second one is Bria, which is my mother's maiden name, B-r-i-a, Bria. The third one is Sarah. And the fourth one is Anna.

JE: Are any of them in the world of law?

SS: Only one, Sarah.

Chapter 05 - 5:35

Singapore

John Erling: Singapore, what happens over there?

Stephanie Seymour: Very interesting place, Singapore, vast majority Chinese, minority Malaysian, maybe 3 percent Indians from India. I got there and had a—provided by Reading & Bates—a house. We had a car with a driver, we had a gardener, we had a cook, and we

had a baby amah. I mean, it was great. There weren't any American firms there so I applied to some British firms and one of them wanted to hire me because I knew American law and they thought that would be great.

I couldn't get a work permit from the Singaporean government because I was not a Singaporean.

JE: Hmm (thoughtful sound).

SS: That's what they told me. So no work in Singapore.

JE: How long did you live in Singapore?

SS: About a year. I learned duplicate bridge. [both laughing] Took the kids swimming at a club. It was a very interesting experience.

One of the interesting parts was to discover that the Malaysians were as discriminated against there as blacks were in the US. They were the housekeepers.

JE: Okay. Your children then you had at that time two?

SS: I had two.

JE: They were so young they probably don't—

SS: They were little, yeah.

JE: Yeah.

SS: I think a little over one, and a little over two, when we first went there. And then I came back to the US at the end of the first year, with the two kids, to the US to visit my parents, who were in Florida at the time. I have since found out that my husband, who traveled a lot, was running around on me. So I ended up deciding to file for divorce and stayed here.

But I came back to Tulsa. My mother wanted me to come to Battle Creek and I said, "Nmm (thoughtful sound), I don't think so." All my legal contacts were here. I knew I could get a job. The firm had split up. The partners Holliman, Huffman, and Sam Daniel, and Jim Kincaid were in one place and Fred Dorwart was in another. So I knew I could get a job. And I ended up going to work for Doerner, Saunders, who were the lawyers for Reading, Bates. Just happenstance but I knew them. Sam Daniel was there.

JE: His interview, he talked about how he appreciated the fact that more and more women were in the field and how much it had improved the world.

SS: Yeah.

JE: He was very appreciative of that.

SS: Good.

JE: At eighty-some years old when I interviewed him.

SS: It takes a little educating, right?

JE: Right.

SS: I can remember one time I was in the library getting a book and it was after hours, like 5:15 or something and there were no secretaries there. So he went around looking for someone to type something up and he came in and he said, "Would you type this up for me?"

And I said, "No, type it yourself." [laughing]

JE: Right. Then you're in Tulsa and working in a law firm. Then something else happens to you.

SS: Well, ended up remarrying, that came before. Oh, I need to tell you about this too because this is such an incredible story. I remarried in '72, Tom Seymour, we've been married now for forty-seven years, was in that little law firm. That's where I met him, Doerner, Stewart. Tulsa County had what they called a "bar picnic" every summer. This is 1971, it wasn't really outside, maybe we had drinks outside but dinner was inside a hotel kind of place, I guess, I can't remember exactly. The little firm had bought a dinner table.

I'm sitting at the dinner table with lawyers from my firm. After dinner a couple of people made speeches. And then this lawyer gets up, wherever he is, and clinks for quiet and says, "The stripper will be in room such-and-so."

And I got up faster than the speed of light and was heading to room such-and-so to raise a huge fuss, and Bill Anderson, who I guess he was still an associate then, and Tom Seymour, my now husband, dragged me out of there. But I tell you, the Tulsa County Bar never did that again.

Can you imagine?

JE: No. And again, that was in '70?

SS: 'Seventy-one.

JE: Were you the only female then?

SS: Oh, there must have been a couple of them, so—

JE: In the firm?

SS: Oh, yeah, oh, yes, yeah. But I think when I graduated from law school, 3 percent of the law graduates in the country were female, and that was 1965. Women didn't start growing in numbers until the '70s.

JE: We'll talk more about it but you were a first, first, first in many cases, many situations.

SS: Yeah.

JE: And definitely back then. Now—

SS: There was only one federal judge here and I hated state court, because federal court had a lot more rules and it was sort of crazy in state court. More people wing it and I don't like winging it. So I was mostly writing briefs in federal court. And I'd be in court, second chair, you know, sometimes making arguments for summary judgment. And the one federal judge here loved me. So it was, "Gentlemen and Mrs. Seymour," whenever in the courtroom.

And one time, this was after I became a judge, I have to tell you this story though because he was down the hall. He had a career law clerk, we called her Judge Marilyn because she ran all the settlement conferences and I was in a settlement conference across the hall from his chambers with some lawyers from Oklahoma City on a case. We took a break to go to the bathroom and then coming up the hall, back towards this way,

was the women's bathroom, and the men had to go around the end of the hall, go out, and go to the men's bathroom.

Well, I go to the ladies' room and I'm walking back down the hall. Judge Barrow comes out of his chambers in his robe to cross the hall to go into his courtroom. He sees me, and he turns to me, and he throws his arms around me to give me a hug. So when the guys from Oklahoma City come back around the corner, the judge in his robes has his arm around me and I'm like this, and I wave at them over his shoulders. They settled the case.

JE: [laughing] There you go.

SS: You've got to take advantage.

JE: That's right.

Chapter 06 - 8:40

President Carter

John Erling: There was a president who comes into your life.

Stephanie Seymour: Yes there is, thank goodness, Jimmy Carter. You probably know from talking to people how federal judges are usually picked. They're chosen by the party of the president in office. The senators in that party usually propose a person for a federal judgeship.

Jimmy Carter wanted women and minorities and set up merit nominating commissions, specifically for that purpose because they weren't getting chosen in this all-male system.

So my husband, Tom, encouraged me to apply. Nineteen seventy-eight was when I interviewed. There were eleven people on this commission, six of whom were lawyers and five of whom were lay people, including two women. They have an application process. You applied and then they decide who they're going to interview. The same commission had done the same thing in Kansas and Utah a year or two years before me and had no women applicants because there just weren't very many women.

In Oklahoma, there were two applicants out of, I think, thirty-five total, me and Elma Wilson. She was a state trial judge then and ended up on the Oklahoma Supreme Court, subsequently. I don't know how many they interviewed but I had an interview with all these people. And they asked me questions.

Then I waited to see what happened, and I didn't hear this story until many years later and it was told to me by one of the female non-lawyers who was on this commission. She was from Denver, and she told me that when they sat around the room, these eleven people, their job was to give three to five names to the president to choose from.

The chairman of this group was a seventy-year-old trial lawyer from Wyoming. He said, “We’re going to go around the room and everybody is going to throw out somebody who’s obviously not qualified.” He said, “I’ll start.” And he threw my name out.

This woman from Denver is sitting around the other side of the table. She said, “I was in shock because I thought you were pretty well qualified.” And she said, “She’s really well qualified, why do you think she isn’t?”

And he said, “She has four children, she couldn’t possibly handle the job.”

She was dumbfounded and didn’t know what to say, but by the time it got around to her, and she’s only halfway around the table, she throws out the name of a justice on the Oklahoma Supreme Court, who happened to be the chair’s favorite candidate.

And he said, “What? He’s obviously well qualified.”

She said, “No he’s not, he’s got five children, couldn’t possibly handle the job.”

[both laughing]

So they had a conversation about whether that was a disqualifying factor. Said, “Maybe it’s not,” and put my name back in and he and I both ended up on the list.

JE: Wow.

SS: Yeah.

JE: The challenge of her—

SS: Yes.

JE: . . . was fortuitous, obviously, for you.

SS: Yes totally.

JE: And—

SS: And to think of that response.

JE: It was great.

SS: Um-hmm (affirmative).

JE: Here we are, December 5th, 2019, and Jimmy Carter is now ninety-five years old.

SS: Yes.

JE: And I believe he’s still in the hospital.

SS: I don’t know, he just went in for something.

JE: But he’s been in and out several times and what a role model for people who are older and want to be active.

SS: Yeah, yeah.

JE: And Habitat for Humanity and all of that.

SS: Yeah.

JE: Did you get to meet him and be around him much?

SS: I didn’t get to meet him when this process was going on, but I did five years ago, probably, now. They had a celebration for him in Arizona, connected with something. And I went specifically because I wanted to meet him. He’s just the world’s nicest guy.

Oh, I'll tell you another story I heard. It made me wonder how much Rosalind Carter had to do with pushing for women. Because a lawyer in a little firm I worked for heard this from somebody after I got picked for the job. There was a guy from Oklahoma City who wanted the position and he'd been a big Carter supporter when Carter came to Oklahoma to campaign.

After Carter got elected, Chip called him up and said, "If there's anything we can do for you, you just call me and let me know," and gave him his number.

So he called Chip and said, "I would really like to be appointed to the Tenth Circuit."

Chip said, "Hold on a minute, let me see what I can find out," put it on hold, was gone a long time and came back and said, "No, can't happen, there's a woman named Seymour and Mama wants her."

JE: Oh, Chip meaning the son of—

SS: Son of President Carter.

JE: . . . the president.

SS: Mama being Rosalind. So she obviously had—

JE: Yeah.

SS: . . . talking in her husband's ear.

JE: Maybe it was her idea to set up these nominating commissions.

SS: I just don't know.

JE: Did the president name other women then? At this same—

SS: Eleven to the Circuit Courts of Appeals and there have only been two ever in history, one under President Roosevelt on the Sixth Circuit, and one that Johnson appointed to the Ninth Circuit. That really opened the gates because by the time Reagan got in, he wanted another female colleague in '85.

JE: You joined a historic class of women judges then in '79. Weren't there twenty-three females?

SS: There were eleven on the Circuit Court, I think maybe more than that, and a number on the federal trial bench. I can't remember exactly. Probably as many as forty.

JE: How were you notified that the president had selected you?

SS: I just got a call, not from him but somebody in the Justice Department, I think.

JE: Did they just say, "You're in," or what did they say?

SS: Yeah, they said that I was. That meant they had the FBI and ABA background checks.

JE: The American Bar Association, did they approve of you and—

SS: Well, that's another interesting story. The way the American Bar Association is set up, there's one person in the circuit who is appointed to interview perspective federal judgeships positions and then report to a committee. I was interviewed by this guy who didn't ask me anything about my career or my ability. He basically said, "You've got four children, how are you going to handle the job?" kind of questions.

I think it was like a ten-minute interview and then he proposed to rate me unqualified. Because he said I didn't have enough trial experience.

You've got to keep in mind, I'm not a trial lawyer, I'm a backup person writing briefs for most part, or arguing motions to dismiss or summary judgment, not arguing to a jury.

A woman in the Justice Department called me and said, "This is what he's proposing."

I immediately wrote a letter to the Attorney General of the United States who sat on the Justice Department, and I said, "Under your rules, you're supposed to be given due process." You've heard a lot about that recently. "You're supposed to be given due process. If you're going to tell somebody, 'You're not qualified,' you have to tell them why." I said, "Nobody told me anything."

So they looked into it and they ended up re-interviewing me. The guy who, I think he had been head of the American Bar Association from California, came out to interview me again and asked me all kinds of questions like he was supposed to. Then they proposed to re-qualify.

JE: Wow.

SS: Yeah. Luck of the draw.

JE: Did you ever wonder, *You just don't like me or is it because I'm a female or what is it?*

SS: Yes, it's because I was female.

JE: Yeah, of course.

SS: Because in '79 there still weren't very many of us on courts, or even lawyering.

JE: So you became the first woman on the Tenth Circuit US Court of Appeals.

SS: Yes.

JE: There's another first. And you served as the court's first female chief judge.

SS: Yeah, it's a seven-year term to be chief. I was about fifty-eight at the time I think because the guy who did it just prior to me, Judge McKay, only did it a couple of years and then he took senior status. You have to be an active judge to be chief.

I became chief judge in '94. When you're chief, it's interesting because I hated the job because it's all kinds of administrative junk, I call it. I much prefer judging than doing that kind of stuff. But you're basically chief over the whole circuit, which includes the district courts and the magistrate judges. You get all the judicial misconduct complaints alleged against any judge. And there are a gazillion by pro se prisoners. So I hated that.

I really debated about whether I was going to keep doing it because I could have waived it and the next person would have gotten the job. But as chief of the circuit, you go to the judicial conferences of the United States, which consists of the chief of the Supreme Court, the chief judge of each circuit, and a district court representative from each circuit, so there are twenty-two chief judges of the circuit. There's eleven circuit judges and eleven district court judges and the chief justice of the United States, and they make policy decisions about things.

When I went to my first judicial conference there were only two other women there around this table, and I decided, *Umm, I need to stay.* So I did my whole seven-year term.

Chapter 07 - 5:55**Death Penalty**

John Erling: And you were the first female to preside over one of the sessions of the US Judicial Conference.

Stephanie Seymour: Yes, well, the chief justice was Rehnquist. He always wanted to move things fast, and so there would be times when we still had stuff to do and he didn't want to participate, so he'd say, "I'm out of here, you do it." And that's how that happened.

He liked me. He was a really big guy, I'm short, I'm not quite five two and he was quite tall. When I first met him he looked down at me and said, "I thought you'd be taller." [both laughing] But it was an interesting process sitting around the Judicial Conference, it was nice.

JE: What was he like to be around and work with?

SS: He was very nice, he liked me. We had lunch, he didn't like to go past lunch with these sessions. We sat at tables of ten for lunch, and every lunch that I went to the Judicial Conference he had me sit by him. So sometimes there's an advantage to being female.

JE: Did you enjoy sparring or was it just talk?

SS: No, just talking.

JE: Yeah. When judges get together do you talk about the law or you talk about—

SS: Nah, everything.

JE: Everything, right.

SS: Yeah. My court, Tenth Circuit, when I first went on had eight judges and we had a very nice practice of getting together for dinner every night. With the way it works is we sat for a week every other month. So I would go to Denver, the court sits in Denver and we'd just, where it's based, and I would go for a week and hear six cases every day, which is like final exams all the time, getting prepared for that. But we'd get together for dinner and that was just always a nice thing to do because it keeps up the collegiality.

JE: Um-hmm (affirmative). Because during the day then you don't see each other.

SS: Well, we sit together in panels of three.

JE: Panels of three.

SS: Yeah.

JE: All right.

SS: We used to sit in the morning, four cases in the morning and two in the afternoon. But then we reduced the time and now we hear six in the morning.

JE: Okay. The Tenth Circuit, that encompasses . . . ?

SS: Six states.

JE: Six states?

SS: Yeah, Oklahoma, Colorado, Wyoming, Kansas, Utah, and—

JE: And New Mexico?

SS: . . . New Mexico, yes. The cases come from the trial courts in all of those states on appeal. And the lawyers come to Denver to argue.

JE: The name obviously states appeals, but tell us then what kind of cases are coming to you on appeal. Decisions have been made but for one reason or another they say, “We’re going to appeal this to the Supreme Court,” and it has to come to you first.

SS: Yeah.

JE: Tell us about that.

SS: Well, the losing party tries to think of a reason to get the lower court reversed. There are all kinds of cases, which is what makes this job so fascinating. For one thing, we have what’s called “diversity cases.” Mostly in federal court you have federal questions; it could be Indian law, it could be environmental law, it could be federal criminal law, but there are diversity cases where if you have a case that ordinarily would go to state court but you have parties from two different states that’s called diversity. Then one of the parties can remove the case to federal court. Those cases can involve all kinds of state law questions too. Not divorce because they’re in a separate court.

So we just get a contract cases, for example, tort cases, or if there is, say, a tort on federal land, like this post office that we’re in, that would go to federal court. Every criminal case, somebody did something to the post office, that would go to federal court because it’s federal land. Or if you rob a bank, that goes to federal court. You rob a federal bank.

JE: What percentage are criminal cases?

SS: Used to be about 25 percent—I don’t know what it is now. And the worst of those are the death penalty cases. First thing I did when I took senior status was say, “I’m not sitting on any death penalty cases,” because they’re awful. I mean, they’re hard, you’ve got somebody’s life. I sat on two over the course of my career where it turned out the defendant was actually innocent. And once you sit on one of those, you think, *Oh, my gosh.*

The first one, John Grisham wrote a book about called *The Innocent Man*.

JE: Yes.

SS: That was a case I sat on. And when it was tried in state court he filed a federal habeas. That is when you claim your state court conviction was unconstitutional. He argued he had ineffective assistance of counsel. You have a Sixth Amendment right to effective assistance of counsel. Judge C as district judge, ran a habeas and said, “Ineffective assistance of counsel.” Came up to the circuit, we affirmed that opinion. Then he would have to be retried with new counsel. It was DNA that came out just about that time and I think this was the case where there was very little evidence other than a witness testifying that the guy left the bar with the victim.

I don't if he even had a second trial or not but somewhere in the process DNA established that it wasn't him, it was the witness against him DNA. How's that? Scary, huh?

JE: That is scary. Were you personally opposed to the death penalty?

SS: I was and I had a real difficult time deciding if I wanted to apply for this job because of that. But because you have a jury, it was an appellate position, and you follow the law, I decided I could do it. That doesn't mean I like to, but yes, and I affirmed a lot of them.

JE: How did that play with your mind?

SS: Umm, I found it difficult. Especially after the actual innocence case.

JE: By the time it came to you there were so many who had made decisions on that—

SS: Yeah, yes.

JE: . . . then you just had to stamp it and move on.

SS: Well, you always had lots of issues but they're legal issues.

JE: Right.

SS: So I'm not deciding facts.

JE: No.

SS: That's the only way I could talk myself into sitting on those cases.

Chapter 08 - 5:21

Ruth Bader Ginsburg

John Erling: We've been talking about Justice Rehnquist and your interaction with him.

Curious about Ruth Bader Ginsburg recently in the news because she's now cancer free, a four-time cancer survivor, second female justice to be named after Sandra Day O'Connor along with Sonia Sotomayor and Elena Kagan. And she's now eighty-six years old and her health has been an issue for some time and in the news. So I'm hoping you had some interaction with her.

Stephanie Seymour: I did. She was one of the eleven women that President Jimmy Carter appointed to the Federal Courts of Appeals, the group I was in. Most of us were appointed in 1979, she came in, I think, in early 1980. So I met her. I met all the women when we had judicial conferences in Washington. She was always kind of shy.

This is an interesting point, each circuit court of appeals has a circuit justice from the Supreme Court appointed. And that justice comes to our judicial conferences each year, and whatever else we can get them to do.

When I went on the court Justice White was our circuit justice. And then I think it was Steve Breyer after that.

Ruth Ginsburg was appointed our circuit justice in 1994. She came to our judicial conference. And it happened to be that year that my first female colleague on the court, Deanell Tacha, who was a really fun person, she and a federal district judge in Colorado created a play for the judges to put on at the judicial conference and it was called “Phantom of the Courthouse.” And it was very funny from beginning to end.

One of the things that they came up with for us women judges—and I think there were only four of us at the time, Deanell and I and two district court judges—we were to do a striptease by taking off our black robes.

JE: Are—

SS: We were up on the stage with our judicial robes. They were playing bump-and-grind music and we were up there slowly unzipping our robes to bump-and-grind music. And of course, these lawyers and judges hit this judicial conference, they thought it was hysterical, except for Justice White, who was sort of scandalized.

But Ruth was sitting there next to him and she saw us start and she got up and came up on the stage with us. She didn’t have a robe on but she was standing up there sort of moving around and bumping and grinding with us as we were doing that. It’s an interesting side of her that you don’t usually see because she actually is a fairly shy person.

She had a very outgoing husband, Marty Ginsburg, who was terrific and—

JE: But it’s interesting about her because she’s often first to ask a question.

SS: Yes, that’s different.

JE: And yet—

SS: She’s in her role.

JE: Yeah.

SS: I mean, she was a fabulous teacher in law school before she went on the court. When she’s in her role she’s fine, it’s just her personality.

JE: Yeah. So you and Tom, your husband, did you have interaction with her and her husband?

SS: We did. When we went to DC for something they invited us over for dinner, we had dinner with them in Washington. I think it was the year after or something.

JE: And she did all the cooking?

SS: No, she didn’t do any of the cooking. Marty Ginsburg was a fabulous cook, he loved to cook. He said that at one point he and the kids threw her out of the kitchen because she wasn’t a very good and she wasn’t very interested in it.

JE: [laughing]

SS: I think probably when she went on the Supreme Court she probably quit cooking.

JE: Yeah.

SS: There’s actually a cookbook out with Marty Ginsburg’s recipes that the Supreme Court put out after he died.

JE: Then he was quite a cook?

SS: Oh, oh, he was, he was a brilliant tax lawyer, but he was also a terrific cook and a very laid back guy. He carried in his suit pocket a small flash of Campari, which is what she liked to drink.

JE: Oh, [laughing].

SS: He took care of her.

JE: Yeah. She obviously represents a liberal of weighing of the party but when she came on was she more moderate, do you think?

SS: Things have just changed, you know, the law progresses so it changes over time. I can't remember, I think she was always lenient in that direction.

JE: Well, she spent a good part of her career in the advancement of gender—

SS: Yes.

JE: . . . equality, and women's rights.

SS: Yes. Yes.

JE: Which was right up your alley.

SS: Yeah.

JE: And you were the same way.

SS: It was at a time when that was changing.

JE: So you were often first, she was, as we pointed out, the second female justice. She had to be a lot of first-female on her ward.

SS: Oh, I'm sure she was.

JE: On her ward.

SS: Actually, she and I were up for consideration for that Supreme Court position when she got it.

JE: You were too?

SS: Um-hmm (affirmative).

JE: I didn't realize that.

SS: It actually was publicized somewhere, yeah. I wasn't pushing for it because I didn't want it. Her husband was campaigning for her. I forbid my husband to campaign for me because I like being here and I don't like publicity interfering in my life. I hate all of that. So I really didn't want it.

JE: Your name was selected by?

SS: Well, it was put out there by Clinton and the administration.

JE: So were you one of two or many or several?

SS: I have no idea. All I know is what I read in the paper.

JE: Right. But probably relieved that you didn't get it?

SS: Absolutely.

JE: But, but a nice honor to have been considered.

SS: Yes. Well, there were so few of us women out there that . . .

JE: It limited the pool?

SS: Yeah, and a lot of them were older, so—

JE: Right. But what a compliment. I didn't know that.

Chapter 09 - 4:10

Supreme Court Justices

John Erling: And for the sake of history and those who listen back, I just wanted to name the present Supreme Court justices and see if you had any interaction. Like Clarence Thomas. He served the longest now, twenty-eight years. Did you ever have back and forth with him?

Stephanie Seymour: I did. I sat on moot court with at Chicago when he was on the DC Circuit. That's where I first met him. And I sat with him there on Kansas moot court with him after he was a justice. And he came here, he had a connection to Oral Roberts University, and he came here to speak one time, and called up and asked me if he could come by my chambers, which he did. Sat here and yakked with my law clerks. He's a very friendly guy.

JE: This is interesting, here is Justice Ginsburg, shy and she's the first one out there, so you would think that maybe Clarence Thomas was shy, and now you say he's gregarious, but he doesn't ask any questions.

SS: I know. I asked him—

JE: You asked him?

SS: I asked him about that. He really didn't want to talk about it. I think the reason he doesn't is because there was all that flap about him when he was up for the position and it just so offended him that's it's now his shtick. And when I talked to him when he was here, I said, "It's just your shtick. You know, you're smart, you could ask tons of questions."

He gave me a shrug.

JE: So he's carried a grudge for twenty-eight years?

SS: No I don't think it's a grudge anymore, it's just the way he.

JE: Right. Stephen Breyer?

SS: Stephen Breyer was actually our circuit justice for a couple years. What happens is the chief justice of the Supreme Court selects where the Supreme Court members are going to be circuit justices. And I'm sure they give him some input. So when the First Circuit opened up, which is where Breyer is from, when he sat on the Court of Appeals, the chief moved him from our circuit to that circuit.

Ginsburg was only our circuit justice one year and the Second Circuit opened up. So he moved her to the Second Circuit. And she actually had so much fun out here she asked if she could have two circuits. Because a couple of them do.

And he said, "No, the Second Circuit will keep you busy."

JE: Um-hmm (affirmative). And the Second Circuit is?

SS: New York, which is where she was on the Court of Appeals.

JE: He served twenty-five years to this point, then Judge Roberts has served fourteen, he came on much later. Did you have any—

SS: I've met him at judicial conferences and that's about it.

JE: Samuel Alito served thirteen years.

SS: He came to one of our judicial conferences. It's a tradition in our circuit, probably others too, that the circuit justice who's assigned often brings one of the other justices to our judicial conferences. And typically after they've been put on the court. So Alito came one year after he became a Supreme Court justice. Gorsuch was there last time. And I suspect that Kavanaugh will be brought. I don't know for sure. Our current circuit justice is Justice Sotomayor.

JE: Sonia Sotomayor has served ten years and you mentioned earlier you had a phone call with her. So you're in communication a fair amount with her?

SS: Not a fair amount, just when something's up.

JE: Elena Kagan served nine years.

SS: I've met her at judicial conferences.

JE: Yeah?

SS: And she actually came and talked. I think she and Gorsuch were friendly in some connection and he brought her out here before he went on the court. He brought her out here and she came to one of our judicial conferences.

JE: Neil Gorsuch has served two years nine months.

SS: Was my colleague, Tenth Circuit for ten years.

JE: So obviously you enjoyed that relationship.

SS: Yeah.

JE: And then Brett Kavanaugh, the most recent has served one year three months.

SS: I have not met.

JE: So for those who listen back, that's our current lineup of the justices as I read them. You probably said that some people will say, "Wouldn't want to be you, but I'm glad you're doing it," right?

SS: Yes. [both laughing]

JE: How about Sandra Day O'Connor, were you around her much?

SS: Actually yes because she and Robert Henry became good buddies. There were on a committee somewhere, I think it was International Committee, so he had her out here. She had come to several of our judicial conferences at his behest. He was chief at one point.

JE: Yes. And she was the first female on the Supreme Court.

SS: Um-hmm (affirmative), yes.

Chapter 10 - 7:25

Liberals and Conservatives

John Erling: How many courts of appeals are there in the United States?

Stephanie Seymour: Eleven now.

JE: Eleven. In this Tenth Circuit, is it true we have seven Democrats and five Republicans?

SS: Currently?

JE: Yeah.

SS: That's one of the interesting things about the federal court system that I love. Some people have a problem with the political process of picking people and the president's party gets to—

JE: Right.

SS: . . . pick the current one. But it goes back and forth so much and it's just who takes—I took senior status. I had friends try to convince me not to take senior status on my birthday when I turned sixty-five, which is when I was eligible. Because it was right before an election. They said, "What if a Republican gets in and you'll be replaced by a Republican?"

And I said, "I believe in the system." And the system, because we have lifetime appointments, it really takes a lot of the politics out of it because you're not subject to, unlike state court where you have to run for election. Being a judge you're not subject to politics. You may have views about things but you're really deciding the law.

And I was replaced by a Republican, Jerome Holmes in Oklahoma City, who happens to be black, which I thought was great. He's a very moderate Republican, a super colleague. But it goes back and forth.

When I first became chief, I think there was one or two Democrats and the rest were Republican. But you see how much it's changed because it goes back and forth. And that will continue to change.

JE: Once it's all settled down and you're all together working. Do you really think that some are thinking Republican, some are thinking Democrat?

SS: No, I think some of us are more liberal. I've always been fairly liberal in my views, and some are more conservative, but not in a political sense, more in a philosophical sense. I would say

probably 95 percent of our cases it makes absolutely no difference. So we're talking about a small number of cases where your views might make you lean one way or another way.

JE: Yeah. The environment, what—

SS: But then you've got law, you have precedent. We have to follow precedent, we can't make up law. So we're bound by precedent. We can be overruled by the Supreme Court. But it's a very intellectually exciting process to me. I think the federal court system is great.

JE: I think it would be interesting to study. You said you considered yourself liberal—

SS: Um-hmm (affirmative).

JE: . . . and some are conservative. What leads to somebody becoming liberal or becoming a conservative thinker?

SS: Oh, the part of where you grow up—my father was very liberal. Michigan was very much a Democratic state, very labor-oriented when I grew up there. Actually, my father's father was a lawyer and a judge. I didn't know much about that because he was fairly old when I knew him. But after my father died, it's a pretty fascinating story, after my father died I found papers of his. And I discovered that my grandfather, who was a Republican when I knew him, ran for city council in 1917, ran for the Battle Creek City Council as a Socialist.

JE: Ump (kind of shocked sound).

SS: There you go.

JE: [laughing] And we had the fear of socialism, didn't we?

SS: Oh, yeah we did. But by the time I knew him he was Republican. So . . .

JE: [laughing] Your first days when you have your nomination and you are now on the Tenth Circuit, what did you have to do? Let's just start at the beginning. Hire staff or what?

SS: When I—oh, yeah, I had to hire staff. I had a secretary and two law clerks. That was the first thing you do. But I was confirmed August 31st, I think, and I immediately sat on the November turp court, it was wild. So I had a couple of weeks to read the briefs. I can't remember. I think I just sat one day, but there was an en banc, this is also a funny story.

There was an en banc, so I had six cases to read the briefs in then on the en banc.

JE: I've got to ask you, what does that mean?

SS: Our cases are decided by a panel of three of our judges. And the losing party can file a petition for rehearing en banc, saying, "This is a very significant question. Your case conflicts with cases in other circuits," or the circuits are split. So they're asking the entire court, all the judges, all the active judges. There were eight when I started and we went to ten, now we're twelve. They're petitioning that group body to hear the case en banc, all of the judges. Those judges are polled, though you have a polling and they vote on whether to take it up en banc.

So there was a case that was en banc to be heard the second day I was going to sit. I think I sat on Monday. I woke up that morning throwing up, I was sicker than a dog. And I

thought, *Oh my God, they're all going to think I'm afraid to show up.* But when I called home the kids were throwing up, so I didn't sit on the en banc. That was part of my first experience.

JE: Yeah.

SS: But it was a lot of work. There were some cases, pre-court cases, that came down, I don't remember what, that caused a lot of pro se people to file cases in the '80s. And we were getting tons of those and the caseload in the '80s was increasing 16 percent a year. So our caseload was going up like crazy and it got to be a big workload preparing for court, you know, fighting the cases.

Three judges hear argument on the panel and then after argument we vote on the cases. We talk about how we think it should come out. And the chief of the panel is the most senior active judge on the panel of three. That person decides which among three are going to write the case for the panel. That's how the opinions get written, and you send out a draft to just those three judges and somebody might dissent. If they dissent, they let you know and they write a dissent and you go back and forth. And then the opinion goes out and gets published. Then the party who loses can file a petition for rehearing en banc or they can file a petition for certiorari in the Supreme Court, if they think they have a case.

JE: We've given plenty of rights, haven't we?

SS: Yes, yes, yes.

JE: Our Constitution—

SS: Um-hmm (affirmative).

JE: . . . from the beginning sought that.

SS: Yes. That's one thing great about our system.

JE: Yeah.

SS: It's a very fair process.

JE: My mind is jumping to the jailhouse lawyers. They keep looking for ways to have an appeal. Did you deal with that?

SS: Of course.

JE: Do you get a—

SS: And my husband does criminal law.

JE: Okay.

SS: So if you want to refer to criminal lawyers as jailhouse lawyers you can. There's all kinds of lawyers. He happens to be very smart. And—

JE: Well, I was thinking about the criminals that were in jail.

SS: Oh, the pro se business.

JE: They, they're known as jailhouse lawyers.

SS: Oh, okay.

JE: I wasn't talking about real lawyers.

SS: Okay, yes they can file pro se.

JE: They get in there and they all of a sudden think they're lawyers.

SS: Well, they have access to law books.

JE: Yeah.

SS: Some of them are pretty good.

JE: They're pretty good, you say? They—

SS: Oh, yeah, some of them are smart and use the access they have to law books.

JE: But when they say—

SS: Most of them are just silly.

JE: But they don't come to your level.

SS: No, no, no, they don't. That's pro se and if it comes to our level usually a lawyer will be appointed to represent them. But they can file, you know, like I said, prisoner pro se petitions, they sit in jail and a lot of stuff and you have to deal with that. They don't have a lawyer.

JE: You have to get up to speed on many, many different issues.

SS: Yes you do, which is why this job is fascinating, because we have so many different issues. I like that.

Chapter 11 - 6:43

Brown vs. Board of Education

John Erling: When Penn Square Bank collapsed—

Stephanie Seymour: Um-hmm (affirmative).

JE: . . . you were there. Tell us about your experience.

SS: Not my favorite bankruptcy laws, not my favorite kind of law. I don't remember anything specifically. We got a ton of cases out of that.

JE: Energy related issues, of course?

SS: Yeah.

JE: Here we have oil and gas in our state.

SS: Umm.

JE: Well, not just our state but the region.

SS: Yeah, and it was a learning process because, of course, I never had an oil and gas case in law school. Or Indian law. We have a lot of Indian law cases, which are fascinating.

JE: Was there any area that you enjoyed the most?

SS: Oh, I like constitutional law issues. You should ask me about my most famous case, which—

JE: Was?

SS: Now I can read the briefs on my iPad but they used to all be printed off. I've actually gone back to that because I like to scribble on them. But I would be sitting for five days and on the library table out there would be the stacks of briefs. So I'm out there looking through just the preliminary and I see Brown vs. Board of Education.

JE: Yeah.

SS: This is like '88 or '89, I can't remember. I'm going, "What?" And it's got a really old case number on it. I'm reading the briefs and I find out that the little girl, you might have noticed, you may not have noticed, out there I have a print of her up on the wall, the little girl in Brown vs. Board. By the Supreme Court decided that in 1954 and sent it back to Federal District Court in Topeka, Kansas, to desegregate with all deliberate speech, she graduated from high school. And the case sat there. I don't know where the lawyer was but the case was never closed. Usually the district court will close a case and that will be the end of it. It was still open, the original case. And when that little girl became a mom and her little girl was starting school in still segregated schools in Topeka, Kansas, because they never did anything about it, she reopened the original case and argued that the school system in Topeka had never been desegregated.

A district judge said, "No you can't do this, it's light," and threw it out and it came up to my court. She attached a lot of evidence that they were still desegregated and we said, "Oh, yes you can." Sent it back down and they ended up creating a magnet school system in Topeka, Kansas.

JE: Wow. Wasn't that fun to be part of that?

SS: That was fabulous for that.

JE: Yeah, yeah.

SS: I mean, it was shocking. You know, I had no idea that the case had never ended.

JE: You are essentially reviewing the work of other judges.

SS: Yes.

JE: So are you kind to these judges and not—

SS: I'm kind. I believe in being kind.

JE: [laughing]

SS: Most of us are kind, yeah.

JE: But you have to push back on—

SS: Well, you have to reverse them when they're wrong. And sometimes, you know, we have things like due process of law in our Constitution. What the heck does that mean? You know, that's been decided over many years by cases but that's a broad term. Or equal protection of the law. So sometimes it isn't clear. And that's one trial judge who's making a decision of the law and how it applies in a case. And it comes up to us and there's three judges and we're rethinking that.

So it's not always the trial judge, it's just sometimes the law is vague and needs clarification, and we do that. Sometimes it's misapplied and sometimes it's because the lawyers write such crummy briefs in some cases that they don't educate the trial judge sufficiently about the law. Sometimes the law changes between when it's done and the trial court and when it gets to the circuit. So there's all kinds of different situations.

JE: You cer—

SS: You have to ask the trial judges how they feel getting reversed.

JE: Well, you probably know how they feel.

SS: I got reversed a couple of times by the Supreme Court.

JE: Oh, really?

SS: Yeah.

JE: How did you handle that?

SS: Oh, I'd had to redo a case once, but it ended up, I think Scalia wrote the opinion, I can't even remember what the issue was. We had to rehear it and I rewrote it. I came out the same way. You know, this process is interesting.

JE: Right.

SS: I'm still doing it because I love it. Senior judges, that's one thing that's fascinating about federal court, we love our jobs. Twenty-five percent of the entire federal judiciary, appellate and trial, are people more like me and I'm working for you for free. Because when I turned sixty-five I got full salary for life. And I could have quit and gone into practice. But I didn't because I love my job. So it's a pension now. I'm working, I could be working someplace else.

JE: And drawing this pension.

SS: And drawing this pension.

JE: Right.

SS: But 25 percent of the entire federal judiciary, trial and appellate, are people like me.

JE: Because they enjoy it.

SS: Because it's fascinating.

JE: Yeah.

SS: And because I could reduce my load. I went originally to 40 percent, and then I recently went down to 25 percent because I travel a lot.

JE: You just told me before, you got a call today from Justice Sotomayor.

SS: Yeah. The message was she wants to ask about a Tulsa lawyer. I have no idea what because when I called back, I called back from home since I sort of dawdled my win, now apparently she did too because when I called back it was her office number and she wasn't in yet. So I have to call her back and see what she wants. But she's our circuit justice and I know her personally.

JE: I've met her and view, obviously, she's a real pleasing easy person to get along with.

SS: Yeah.

JE: So will you just get a call on your desk and the justice will be on the phone or do they—

SS: It's not common but every now and then something comes up.

JE: Our former attorney general, our former dean of law school, our former president of Oklahoma City University, nominated to the bench by Bill Clinton in '94. Robert Henry and the two of you were on the circuit at the same time.

SS: Yes. He became a good friend, he's a delightful guy. We had a lot of fun.

JE: And so you would work on cases together?

SS: But we're randomly selected for cases. That's a very significant point. Once upon a time, the chief of the circuit put the panels together of three, just sort of picked them. That went out sometime in the '80s, when actually a Republican judge says, "Hmm, shouldn't we be doing this randomly?"

And we all said, "Yes."

So which judges sit on a panel, it could end up being all Democrat appointments, all Republican appointments, or a mixture, because it's done by computer, the panels.

JE: Okay.

SS: So it's a very fair process. And shortly after Deanell Tacha, the second female on the court got appointed we ended up with an all-female panel because there was a district court judge from Denver who was sitting with us. We had visiting judges when our caseload was growing so fast. She was sitting with us and we got randomly selected as an all-female panel. And the looks on the faces of some of the guy lawyers when they came in the courtroom was kind of funny.

JE: [laughing]

Chapter 12 - 10:07

Oklahoma City Bombing

John Erling: Let's jump to some cases. The Oklahoma City bombing, April 19, 1995, Timothy McVeigh and Terry Nichols were to be tried in our state. But it would seem this would not be a fair place to try them. You were one of two judges that got involved with that and you took charge of it immediately.

Stephanie Seymour: Because I was chief when that happened. And all of the federal district court judges in Oklahoma City recused. So I had to decide who was going to try the case. The whole process was so shocking because when it happened I immediately called Bill

Holloway in Oklahoma City and nobody answered the phone. I tried all kinds of people and nobody answered the phone in the federal courthouse. I mean, it was shocking because that was right across it.

Robert Henry told me afterwards glass was broken in his windows of his chambers. But he happened not to be at his desk at the time. I mean, the whole—

JE: You mean the federal building there—

SS: In the federal building across from where it occurred.

JE: Yeah, across from the Murrah Building.

SS: Yeah. So all the trial judges in Oklahoma City recused. And it was the responsibility of the chief of the circuit to replace judges when judges recuse, all of them.

So I came down here and I pulled out the books where I could read who all the trial judges in the circuit were. And I pick Dick Matsch, trial judge in Denver, a Republican appointee who I considered one of the fairest judges I knew. Because he was, he just was, so I called him up.

He said, "Okay."

So I was the one who selected him to try the case.

JE: He moved the case then to Denver.

SS: Yes because that's where he is. Which was a good idea because it got out of where, I mean, it would have been bad to do it here, where it happened, especially in Oklahoma City.

JE: Right. Not many people know that story, how that happened.

SS: Yeah.

JE: What kind of a court would he run, Richard Matsch?

SS: He'd been in the military, worked at a standup desk, was a standup guy. That's one of the reasons I picked him because he's fair but he ran a tight ship. So he did. He's the kind of judge that listens to both sides.

JE: People in Oklahoma City and in Oklahoma wanted to get their pound of blood or what-have-you, or gallon, and I suppose that was upsetting to many that it was being moved out of Oklahoma.

SS: I don't know.

JE: No?

SS: I mean, I'm sure a lot of the public might have thought that but, you know, you really didn't want to try it in a building where the windows were broken because it was across the street from where the bombing occurred.

JE: Yeah.

SS: Which is why all the federal judges over there recused.

JE: We have the interview with Stephen Jones who defended Timothy McVeigh. Those of you who are interested in this case, you can listen to his interview.

In fact, Judge Matsch died this year, didn't he?

SS: Yes he did, it's very sad.

JE: As you said, you have a special interest in Native American rights and you served on the joint Federal Tribal Relations Committee of the Ninth and Tenth Circuits.

SS: Um-hmm (affirmative).

JE: Founding member of the Oklahoma State Federal Trial and Judicial Council. You wrote an interesting decision shielding Indian tribal casinos from Oklahoma taxation.

SS: Um-hmm (affirmative).

JE: Talk to us about that.

SS: Indian law basically didn't exist as taught in law schools when I went to law school. And I didn't know anything about it until I moved to Oklahoma. I didn't have any cases when I was a practicing lawyer. I had to learn Indian law when I became a federal judge. I think we still have thirty-nine tribes here. Oklahoma was Indian country, as you know, when five civilized tribes were kicked out of the East they settled here. It wasn't a state at the time. Most states have reservations that have been set up for Native Americans. We don't have reservations here; the Native Americans own their land and fee simple because they were here before the white guys were here.

JE: Do we call that sovereign?

SS: Yes. They did treaties with the federal government in the early 1900s because settlers, white settlers were coming out here and the tribes had jurisdiction over a huge amount of the whole state, basically. So the federal government paid them money to reduce their boundaries so that white settlers could come and actually own the land. That was a process that occurred mostly in the early 1900s.

I had a case, it was in the '80s, I think, late '80s, Creek Nation bingo, as you know, bingo became a great money maker and they were going to build a casino on their land here. And the state said, "No you can't." Or the state wanted to tax them, I can't even remember what the facts were but I got the case. Really learned about Indian law and ended up holding that the state could not tell them what to do, it was their land and they were a sovereign nation. That was one of the early cases.

And I'm going to now tell you about a current case because it's fascinating. About a year ago, I can't remember his name, a Creek Indian was tried in state court for murder and was convicted.

A lawyer here in town who does a lot of Indian law was involved in the original case filed a habeas petition in federal court claiming that he was wrongfully convicted because the boundaries of the Creek Nation were never lawfully disestablished, that's what they called it in the early 1900s. There's been a bunch of cases including the Supreme Court case. They had to use certain language in the treaty to make it clear that the tribe was

giving up its sovereign land.

And this lawyer filed in federal court claiming that the state trial was unconstitutional because this was still Indian land, still part of the Creek Nation, because the boundaries were never properly disestablished. He lost in trial court here. The panel of my court, I wasn't on it, and a 120-page opinion reversed and said, "Oops, they didn't use the right language and the boundaries were never disestablished."

There are 1.8 million Oklahomans that are not Indian within those boundaries, including all of Tulsa County. How's that? Tim Tymkovich was on the panel; it was written by Scott Matheson, who was appointed by Obama. Anyway, he wrote the opinion. And there were two Democrats and Tim, a Republican from Denver, were on the panel and he joined it and I sat with him on a panel shortly after that.

I said, "Okay, Tim, I'm kind of surprised."

He said, "I can't tell you how hard I tried and my four law clerks tried not to come out that way. But it was your blankety-blank opinion in 1989." [laughing] So anyway, he joined the opinion that was unanimous in the Tenth Circuit.

The state filed a petition for certiorari with the Supreme Court and asked the Tenth Circuit to stay as the effectiveness of the opinion pending Supreme Court review and in certiorari. So the case has been stayed. So for the moment, it isn't applicable, we are still in the state of Oklahoma as Tulsans.

Went to the Supreme Court, they granted certiorari. They heard argument last spring and my former colleague, Neil Gorsuch, who was on my court for ten years, recused, so there are only eight justices deciding this case. And everybody thinks they're split four to four because they didn't come out with an opinion. And they said they were going to hear it reargued this fall, they were going to reargue it. That hasn't happened yet. I'm totally speculating because I haven't talked to Gorsuch but he and Tymkovich were good friends, they were both in Denver, both in our court.

My guess is Tim went down, sat in his office, and said, "Oh, my God, look at this case. What am I going to do? Help me figure this out." And that's why he recused.

But now we've got a Supreme Court that's—

JE: So what's going to happen if they're four and four?

SS: I don't know. They haven't reargued it. Congress could fix it because Congress is over all of us, federal, state. Congress could pass a law fixing this treaty, but whether it's able to do that or not, I don't know, it's fascinating. Isn't that fascinating?

JE: It is fascinating.

SS: We might be in the middle—and if we are in the Creek Nation then these crimes like murder would be tried in federal court, by law. There's a statute that said major crimes committed in Indian country are tried in federal court, not state court.

JE: It would turn everything upside down here, wouldn't it?

SS: Yeah it would. We wouldn't have any state taxes.

JE: Right.

SS: We might get some Creek Indian taxes. Murphy vs. somebody is the name of the case.

JE: Currently in our state here in 2019, we have an impasse between Governor Kevin Stitt and the major five tribes regarding the gaming compacts. You may have a comment on it. I do this for historical value for those who are listening back. The tribes earn \$4.5 billion each year, thanks to casino style gaming. And of that money, anywhere from 4 to 10 percent goes back to the state in exclusivity fees. The fifteen-year deal is set to expire in January. The governor wants to renegotiate the terms of the agreement. Tribes say the compact automatically renews if new agreements aren't reached. But the governor disagrees.

I don't know if you have an opinion you can—

SS: I don't because I haven't read any of it but that's a fun legal question, isn't it?

JE: Yeah.

SS: To what makes my job so fun, fascinating questions.

JE: Yeah. The tribes have come together, the five major tribes united for Oklahoma. I read on their website last night there's not a sector in this state untouched by the tribes. Oklahoma Native Americans are leading the way when it comes to funding schools, building hospitals, constructing roads, repairing bridges, operating businesses, and supporting communities.

SS: Well, it's clear that the casinos are their big money maker. A lot of them were in a lot of poverty before they started operating casinos.

JE: Yeah. I think they've reached out to the fed level. I don't know how far this could go.

SS: It won't be tried in federal court.

JE: Yeah.

Chapter 13 - 9:17

Impeachment

John Erling: You left the chief judgeship in 2000 and you assumed the senior status, as we've talked about, in 2005.

Stephanie Seymour: Yeah.

JE: Janet Levit, who is now the provost of the University of Tulsa, former dean of the law school, was a law clerk for you in—

SS: She was.

JE: ... '94 and '95.

SS: Yes she was.

JE: Because of Janet and about fifty others who clerked for you, they established the Judge Stephanie K. Seymour Lectureship in Law at TU.

SS: Yes.

JE: That a nice honor?

SS: That's a fabulous honor because the people who speak at it are law professors who aren't tenured. That's part of it, it's for young up and coming law professors. And they always find some fascinating person, some fascinating topic, to come once a year. It's great, I love it. And she's great. She's also a good friend.

I'll tell you how I hired her, which is a fun story, because we get tons of applications from all over the country for law clerk positions. Most of them are highly qualified, it's often very difficult to pick. I was in the process of looking at things. I get a call from David Boren and he said, "You really should hire Janet Levit." He said that because her husband, Ken Levit, she and Kenny met at Yale Law School, Kenny was coming out here for something. So he wanted Janet to want to come to Oklahoma. She grew up in Chicago.

I said, "Sure, I'll interview her." And I did and ended up hiring her.

Let me make a comment here about law clerks, because that's one of the really fun parts of this job is we get to hire these fabulous young up and coming lawyers who are really smart, as our law clerks, and get to work with them for a year.

JE: And what a great experience you're giving them.

SS: Yeah but it's a two-way street.

JE: You're learning from them?

SS: I'm learning from them. They come from all over. I like people. You know, I usually hire people from all over the place.

JE: And you didn't have that experience clerking for anybody?

SS: No. I had the offer on a, I think it was the Massachusetts Supreme Court, and I decided I didn't want to do that.

JE: So as I said, today is September 5, 2019, and the nation is grappling with impeachment hearings regarding President Donald Trump. And the issue is, was there a quid pro quo involving Ukraine and the president? Did he withhold aid, forcing the Ukrainian president to investigate President Trump's political rival, Vice President Joe Biden and his son, Hunter?

I don't know if you got to watch any of it yesterday but it was kind of like we had a constitutional law class.

SS: I got to hear some of it.

JE: You got to hear some of it?

SS: Yeah, I got to hear some of it.

JE: Three law professors testified something about the Democrats, another was tapped by the Republicans. I think they all agreed there's reason for impeachment but the one Republican thought we were moving too fast.

SS: That was interesting. And part of that is political, I mean, I kind of think they're moving too fast to the extent their court cases pending about getting witnesses in who say they were not going to be a witness because the president doesn't want us to and we're working for the president. People who know a lot about what went on haven't testified as a result of that. So in that sense, it would be nice if the process were longer. Part of the problem is politics.

Now Iowa presidential elections coming up, there's some senators that are in it, so there's reasons to speed it up and not have it go into the election year. But they're political questions. But the constitutional issues are fascinating.

JE: Right.

SS: Oh, I think a lot of people don't understand that impeachment by the House is simply a charging process, like a prosecutor charging somebody with a crime. And then it has to be tried by a court if it's a prosecuted case. Or in this case, trial by the Senate. So this stage of the process is simply saying, "There is enough evidence to charge him with this."

JE: Right. And that follows him the rest of his life.

SS: Yeah. But he's entitled to defend himself.

JE: Right.

SS: So far he's not chosen to do that.

JE: Have judges in Oklahoma who are in the Tenth Circuit been impeached?

SS: No. It's a very seldom used process.

JE: But it is used against judges too, not just presidents?

SS: It can be. Yeah. We have judicial misconduct system, and we are governed by that. We are not permitted to talk publicly about politics, for example. Which is one of the things Brett Kavanaugh did. You probably saw his rant about when he was up for being a justice, he came from the DC Circuit and there were seventy judicial misconduct complaints filed in the DC Circuit against him for his conduct.

The next day, he was confirmed by the Senate and went on the Supreme Court. And the Supreme Court does not have these rules that we have. Because this is a tripartite government, they're an equal branch. Congress can't pass a law governing the Supreme Court. Congress passed the judicial misconduct system governing us because we're lower than the Supreme Court.

So what happened was he was no longer on the DC Circuit so all seventy judicial misconduct complaints were sent to the chief justice, Roberts. The chief justice sent them all to the chief of our circuit, Tim Tymkovich, who's in Denver, to decide, and the case is moot.

I had judicial misconduct complaints against judges in this circuit who committed judicial misconduct and when you decide that one of the options is to resign, which moots the case. And there have been judges that did that. So I knew it was moot, he was no longer on the court.

So I said to Tim when I saw him, I said, “You just going to declare this moot?”

He said, “No.” He said, “I think the public needs to understand there needs to be a process beyond that.”

What that means is if there’s a judicial misconduct complaint against a federal judge, when I was chief, you have to give the judge a right to respond. And if you think it’s totally clear, I could have entered an order clearing that. But if there’s back questions, then you convene the Judicial Council of the Tenth Circuit, which consists of five circuit judges and four district judges, as I recall, and they decide it. There can actually be a hearing before it.

So what our chief did was send that judicial misconduct complaint to those nine judges. And they wrote a published opinion, it’s what Tim wanted. He wanted a published opinion that would be out there explaining exactly why this case was moot, why nothing could be done about his judicial misconduct. He did that very effectively by just explaining how the system worked, in the course of which he said, “Judge Kavanaugh as a sitting circuit judge on the DC Circuit committed judicial misconduct under our rules when he sat there and ranted about this was all the Democrats fault, because we’re not supposed to talk politics.” And the opinion clearly said, and you can find it, that that was judicial misconduct. But then explained why nothing could be done because he was no longer a circuit court judge, he was on the Supreme Court.

Fascinating, huh?

JE: Um-hmm (affirmative)! What other kind of complaints would it have been? You said seventy complaints.

SS: Oh, just anybody, any lawyer, anybody can file a judicial misconduct complaint. So just a bunch of people did it.

JE: Okay. So these are lifetime appointments. How old is the longest serving judge?

SS: Bill Holloway was ninety, McWilliams was older than that. Bill Holloway was a federal judge in Oklahoma City. I said we can quit or we can work as long as our brains are working. And there is a process if a judge gets dementia or anything so they’re not really capable, there’s an internal process for handling that, that sees the judge does not stay.

JE: How long do you think you’ll continue to work?

SS: My husband says I will die with a brief in my hand. I don’t know, I mean, it’s such a fabulous fascinating job, I’m only doing 25 percent, and it’s only 25 percent of the orally argued cases. And there’s a bunch of our cases that are not orally argued like all those pro se stuff. I don’t do that anymore. I just do cases that are orally argued, 25 percent of that. And our

caseload has gone down. We have as many cases in this circuit now with twelve judges as we had in 1980 with eight judges. Our filings have gone way down, and part because we have a really great mediation program in this circuit, which was started with the idea of Judge Gorsuch and Judge Tymkovich a number of years ago. They said, "It's very important we've got all these cases." Our caseload was growing a lot. "We need to train the federal district judges to deal more and to get more into media court mediation."

And so they set up a program where we had speakers come in and all the federal judges were talked to about how much better it would be to have some of these cases mediated. And I guess that worked, because when I asked our chief, Tymkovich, "How come our cases have gone down so much?" he said, "Good mediation program." And he said, "Maybe they're afraid of you guys, I don't know, and they just settled." [both laughing]

But our caseload is down a lot.

Chapter 14 - 4:37

Advice to Female Law Students

John Erling: You were a trailblazer for women on the court. Few women grads in '65. First woman of various roles. What is your message to women who are planning to go into the world of law?

Stephanie Seymour: You have a lot easier time than I did.

JE: Yeah.

SS: Because there are now a lot of women lawyers. But I guess my message includes, "Don't give up your family life," because I had four children over time. I worked part-time. I worked four days a week for a number of years when I was a lawyer. I took off six months, there was no maternity leave back then. I just took off. But my work firm was always fine with that. They didn't really know what to do with me, so I just sort of created rules as I went along. It is very possible to have a family life and practice law.

One of the things I say is there should be more women starting their own firms because then they would have control over that. But the system is much better than it used to be and a lot of firms have maternity leave. And if they don't, you can take three months off without pay, under federal law now. So having a balanced life is great.

JE: Young women are still looking to strong role models like yourself.

SS: Um-hmm (affirmative).

JE: And it's got to encourage them, "Look what she did, I can do this, I can be strong, I can be smart," and all that. You have no idea how many women you've inspired. And all the interns that came through.

SS: Yeah. And law clerks.

JE: And they weren't all women, I mean, they were men and women.

SS: No, big mix.

JE: Right.

SS: Of course, it affects the guys too to work for a woman.

JE: How's that?

SS: Well, they can see that women are confident. One of the things I always tell my law clerks was if this was about balance. It's not a great thing that big law firms, you go to work in New York and you work how many hour days.

One thing great about ending up in Tulsa, Oklahoma, lawyers here tended to be more sane about that. I didn't work on weekends. I'm very efficient—I brought my lunch, I worked through lunch hour. I found out early on that if you go in on Saturday you're yakking most of the time anyway and not getting a lot of work done. So I was able to do what I did just by bringing my lunch and working when I was work and not working at home.

Or if I had to take work home, I love to cook so I always cooked dinner, that was a big balance for me between the job and home. And then if I had stuff to do, get the kids in bed and do it after that.

JE: Women have it more difficult in that area, don't they, than the men?

SS: Well, because we have the babies.

JE: Yeah. We're in your office here in the federal building. Is this where you've always been?

SS: Yes, but originally I was in some hole in the wall downstairs until I got this space. But I've been here a long time.

JE: How many years do you think you've been in this office?

SS: Probably since 1980, '81, I can't remember. It was a long process because you deal with the government to get stuff done.

JE: I'm fascinated by that round desk you have there. Is there a story behind it?

SS: Yes. I saw it, I loved it. I saw it somewhere and I just wanted it and it cost more than the government was going to spend. I had an allowance and so we paid for the rest of it. I said, "I just won't get a new car because I love this desk." And I said, "And when we retire, I can take it home. It's got two sides."

JE: Yeah.

SS: "And we can work at it." Of course that's never happened.

JE: Okay.

SS: Because I haven't retired, totally.

JE: How would you like to be remembered?

SS: As a good judge and a good mom and a good wife. How's that?

JE: Yeah.

SS: All of which are very important to me.

JE: That is very good.

SS: And a good grandmother.

JE: Yes.

SS: If you like those grandkids.

JE: How many grandchildren do you have?

SS: Eleven and only three of them are boys, so as I say, "We're going to eventually take over."

JE: Other judge that I've interviewed is Judge Joe Morris.

SS: He's a great guy.

JE: Still alive at ninety-some. And I'm trying to think of the federal judge in Oklahoma City, I've interviewed him, he's so funny, so humorous.

SS: Lee West.

JE: Lee West.

SS: Yeah. He was one of the four names given to President Carter. He was one of the four on the list that the Nominating Commission sent to the president. I was really worried about him because he was in Washington, DC, for a time and he'd been golfing with the lawyer in the Justice Department who was in charge of the process. I thought, *Umm*, but Carter appointed him to the federal bench after that. But he applied for the Tenth Circuit position.

JE: Well, thank you, Judge, or I've come to call you Stephanie.

SS: Yeah.

JE: I've enjoyed this very much. A non-lawyer trying to make his way through an interview with you. You made it very easy, so I'm hoping that young people who listen to this will learn a lot from what you've just said. And I thank you very much.

SS: Happy to do it.

Chapter 15 - 0:33

Conclusion

Announcer: This oral history presentation is made possible through the support of our generous foundation-funders. We encourage you to join them by making your donation, which will allow us to record future stories. Students, teachers, and librarians are using this website for research and the general public is listening every day to these great Oklahomans share their life experience.

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