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Transcript

GOODSILL: Welcome Frank. The focus of today's interview is your legal career, and maybe we'll hear some other stories too! Why don't you start by introducing yourself. Tell us when and where you were born.

DAVIS: Okay. Frank Davis. I was born here in Richmond, in our house out between Richmond and Rosenberg, July 12, 1928. And just as a little side track on that--this won't take long--but I was having my blood taken and my annual check-up a year or two ago, and this black lady was doing it. She said, 'What's your name?' And I said, 'Frank Davis'. She said, 'When were you born?' and I said, '1928'. She said, 'Did your mama tell you that?? You wasn't born in no '28!' (laughing) I said, 'Yes, ma'am. Yes, I was. Thank you VERY much!' She said, 'No, you were born in '38.' I said, 'No, I can tell you a lot about the '30s.' (chuckling more) It was SO funny. Those ladies can express themselves. I never had anybody contest me on my birth date like that! 'Did your mama tell you that?' (both laughing)

GOODSILL: There's a long history of your family in Richmond?

DAVIS: Yes, my grandfather, Anton Wessendorff, came to Galveston. Virginia Scarborough, my sister, can tell you more about it. He came with his toolbox in 1853; he was a cabinetmaker and a coffin maker. And he and his brothers came over to avoid being put into the military in Germany. They got here, and there were three of them as I recall. Anton came here to Fort Bend County and then he had a number of sons and one of them was Tony Wessendorff, that would be my grandfather, my mother's dad. And before he died at age 57, he'd established three or four lumberyards here and in Richmond and in Beasley and I don't know where all. And Wessendorff Nelms, a hardware company that was equal to Stewart and Stevenson at one time in Houston. He was a REAL businessman. One of the black men that worked for him was Mandukas we called him Duke. I don't know what his last name was we didn't know last names in those days! (laughs) But Duke was a wonderful guy, he was like one of our family. Incidentally he became a driver for General Patton in World War II!

I asked him one day about Mr. Tony because Mandukas had worked at the lumberyard for years. He said, 'Frank, Mr. Tony--those other guys would be scratching pencils trying to decide what lumber we needed for a house. Mr. Tony would just kick a rock and tell you what you needed.' (laughing) Then Duke would load up the lumber and go build a house. I never knew Mr. Tony very well. I was born in '28 and he died in like '31, at an early age.

I went to Richmond Elementary School, went to Richmond High School and when I got out, I went to A & M. I was trying to play football there because I'd played some in high school but I didn't like the football situation at A & M and so I called home and I said, 'Dad, I don't like it here. I want to leave.' He said, 'You're not leaving until you're a sophomore. I don't want anybody to say they ran you off, because of hazing.' So the day I got to be a sophomore, I said, 'Come pick me up.' (laughs) And then I went up to Austin--I rode a bus up there--it was night and I walked around the campus and I saw 'You shall know the truth, and the truth will make you free' on the front of the main building. I said, 'This is where I'm going to school.' So I went to school there.

When I got out, I'd played some football for the Longhorns and I got a job in Houston as Assistant Sales Promotion Manager for Houston Natural Gas. Then the Navy--I was drafted by our local draft board. I got back from a trip to California and I had a draft notice waiting for me, and I knew all those fellows. And I went to them and I said, 'Man, I don't want to be in the Army. I'd like to be a Navy pilot.' They said, 'Frank, go to Dallas. If they'll take you, we'll just tear this up.' So I went to Dallas, I took the test and they said, 'We'll take you!' But they said it would be six months. This was 1950, the Korean conflict. They said it would be several months before they would call me. I got back home and two days later the phone rang. They said, 'Come to Dallas. You are now in the Navy.' And they put me on a train to Pensacola. I'd always wanted to fly. So I flew in the Navy.

When I got out, I got a job at Lamar Consolidated, being a football coach and teaching. And I LOVED teaching. I majored in business at Texas so I taught accounting and applied math and pinch-hit in physics some. I'd been a celestial navigator in the Navy so I knew all the stars, so I started an astronomy class. Had a wonderful time teaching. But I was going broke and still living with my parents. We just lived across the railroad track. And I thought, I've got to DO something. We had a family situation where property was divided and it wasn't to my liking as to what was happening. And I couldn't get a lawyer friend of mine to tell me why this was being done the way it was. I said, 'I'm going to law school.' So I went to law school at Texas and was there from '55 to '58.

I got out and I worked for a small firm in Houston for a few months, Elliott and Elliott on 19th Street in the Heights. A wonderful man and woman law practice, but I didn't want to work on Saturday because I wanted to go see Longhorn football games on Saturdays. (both laugh at this)

So I went down and applied to the D. A.'s office for a job as an Assistant District Attorney. I would call Dan Walton, who was the District Attorney, and I wouldn't get him, but I'd get his nice secretary. And I'd say, 'Would you tell Mr. Walton that this is Frank Davis and I REALLY want a job at the District Attorney's office?' Frank Briscoe was in there at the time, of the Briscoe family out here in Richmond. Frank had been just a year or two ahead of me in school. So I went into the D. A. office and I liked it. I tried a number of criminal cases and did very well in the County Court and then in the District Court. I think the biggest event that sticks with me from my District Court experience was trying a case opposite Percy Foreman. You probably haven't heard of Percy.

GOODSILL: Oh yes I have, too!

DAVIS: He was THE best lawyer that I ever tried a case against. And everybody realized that. He was a criminal defense lawyer. But he'd been a Chautauqua preacher before he'd been a criminal defense lawyer.

GOODSILL: Tell us what a Chautauqua preacher is.

DAVIS: Well, Chautauqua is like--they have one in Boulder and they have them in New York and elsewhere--sort of a Christian encampment and they have a central dining area and all that. I don't know how long he spent in that, but he was eloquent in his speaking. He was big man and when he got up and started picking a jury, he could identify with EVERYBODY on that jury. He either knew their Aunt Susie or their young nephew, Jack, or something that happened in their town where they grew up. He had the case won before we ever put them in the box. And he never bored anybody. He could sit there and he was genuine. He really wanted to hear about those people and their background. His opening sentence was, 'I'm Percy Foreman. Don't hold that against my client. I know you've probably heard about me but this is my client and I'm going to represent him as best I can. Put that aside and just listen to the evidence, please.' I tried three cases against him and he won all three. He SHOULD have won all three. They were good cases. But I won a lot I shouldn't have won (laughing) with somebody of less distinction than Percy.

Then I got an opportunity to go with Andrews and Kurth, which was an old law firm. Second oldest law firm in Houston, Baker Botts started at about the same time. The first fifteen years of my practice there, I represented doctors, because I represented the Medical Protective Company, which insured 95% of the doctors in Houston.

So I tried a LOT of cases representing doctors and they were easy cases to win. I would settle those that were bad. I mean, I had one case where the doctor took the wrong LEG off. I said, 'We're going to settle this.' You had to get the doctor's permission, but I said, 'You're going to lose, and lose bad. And I can't help you. We've GOT to settle.' We did.

If you went to trial, you had a reasonably good chance of winning and I'd say, 'Doctor, if you'll just humble yourself and look at the jury and say here's the situation I faced--and no tricks, no comedy--just say here's what it is. 'I was trained properly, I've done this surgery a number of times. Things go wrong. And here's where it went wrong. We didn't get the result that we wanted. But we don't GET the result we want every time.' And I won seventy-four out of seventy-five. I lost one and I should have lost it. But it was a great place to break into the trial practice. And then I had an anti-trust case that took a long time.

GOODSILL: What was it about?

DAVIS: It was about rebars--these steel bars that are concrete reinforcing. The company I represented was out of Victoria, Texas, SMI. They and Bethlehem Steel and U. S. Steel and some others had gotten together and decided they were going to set the prices. 'We're not making enough money so we're going to do some price-setting. If you get this contract, we're going to see to it nobody will bid lower than you on this contract. You take it for that price. Then the next job that comes up, we'll give it to 'B' and we'll do the same with him.' I was representing--this is a little bit beside the point, but you meet good guys and not such good guys when you are practicing law-- and the fellow who was in Structural Metals was one of the smartest, nicest guys I've ever met. When he walked in my office, he said, "Frank, I hear you're our lawyer. I'm guilty. I set the prices and I was the guy that kind of was running the deal. But U. S. Steel in Bethlehem and the others came to me and said, 'We're going to put you out of business if you don't go along with price-setting. We can do it. We'll start and we'll underbid you on every job you make. We're big and we can do that. And we're going to run you out of business'."

And this gentleman, whose name I won't mention, said, "In the whole of Seguin, we were the biggest employer. The whole town depended on us. I thought, 'I can't NOT go along with this and have them put us out of business. This is important to the city. I don't like doing it, but if I'm gonna do it, I want to be the head guy and I want to try to be at least fair about it.'" So he said, 'Don't tell any judge or any jury that I'm not guilty. I am guilty and I'll pay the price. Whatever it is. Don't get up and tell somebody I didn't do it, because I did.' I said, 'Well, that's kind of unusual.'

We found they do a background check before you go before the federal judge, to see what sort of sentencing there's going to be if you plead guilty. And they saw that he had given 20% to Texas Lutheran College every year for the past fifteen years. He'd gone to Texas Lutheran. He gave 20%! He didn't just give 10%; he gave 20%. He was a leading citizen in Seguin. And the judge said, 'I'm going to give you a \$500 fine and a year's probation.' The federal prosecutors started saying, 'JUDGE! You can't DO that.' He said, 'Maybe you didn't hear me. Now listen closely. It's going to be one year probation and \$500 fine. I don't care what you guys from Washington say. That's what it is.' (laughing) And so that was kind of a unique experience.

Then I tried some other pretty big cases, but to get to the Howard Hughes case, I was sitting at the OU-Texas game in Dallas. Howard Hughes had died about one year earlier. His dad and Hughes Tool had been our client for years at Andrews Kurth. Andrews Kurth had offices in Beijing and London and Mexico City and I don't know where all. When I joined that firm, we had thirty-five lawyers. When I left it, we had three hundred and fifty, a pretty big firm. Howard died in 1976. I never met him. I didn't know much about what was going on. I was real busy with a lot of other cases I was handling. We had a LOT of lawyers working on the Hughes case, probably fifteen or twenty, taking depositions. And we had sixty-seven wills filed, saying THIS is the will of Howard Hughes. SIXTY-SEVEN! Only two or three of them had any validity at all. Most of them were just people thinking, 'Okay, they'll pay me something if I write this will and make it look like it's genuine.' (laughs) Kind of like Aunt Mamie George's will that Ms. and some lawyer wrote for her. I sat in on all that too.

GOODSILL: Maybe you can tell us that story later?

DAVIS: Yeah, I'll be glad to, because it's an interesting story. That's what happened. She took care of Aunt Mamie and they had her present at a meeting of the Board, which she was on, and they had her signing a division order. And everybody knew Aunt Mamie hadn't known what she was doing at least seven or eight years. But someone wrote a great will for her and he had a chance of winning. And I don't know what they finally ended up with in settlement.

Anyway, we had a lot of wills filed in the Hughes case. And then we had domicile cases filed. The State of California filed one, saying Howard Hughes was present in California with an intent to remain, and that made him a domiciliary of California, so the estate owes us state inheritance tax. And Texas said, "He was domiciled in Texas."

GOODSILL: About the Hughes Tool Company did Howard run it or his dad?

DAVIS: He did. And they developed this bit for drilling that was THE best thing going.

GOODSILL: But that was the daddy that developed that, not Howard?

DAVIS: Well, somebody developed it when the daddy was still alive. Another company developed it, it was Reed Roller Bit that had that. Well, Howard-- his mom and daddy both died when he was only nineteen--he got his disabilities removed. This means that although he was seventeen, not 21, the court could rule that Howard Hughes could now conduct business as an adult. And then said, 'I'm going to buy out everybody else in the family.' He was just one of the people that were supposed to be getting money from his mother and dad's estate. He bought out everybody else and either before that or right after that he bought Reed Roller Bit and this bit. And then he made millions, because the world wanted that roller bit. It was SO far ahead in drilling through rock that anything else wasn't even close. And he got that and started to make a lot of money, but he put a man named Raymond Holiday in charge of Hughes Tool. I took his deposition. I even put him on the stand. Howard went out to Hollywood and lived in a big hotel out there. He even had his own tickertape and started doing the stock market. And he married Ella Rice. Do you want to hear all this stuff?

GOODSILL: Sure!

DAVIS: Okay. He married Ella Rice. He and Ella had been king and queen in the May Fete at Christ Church Cathedral downtown, when they were growing up. And she was beautiful. I interviewed her, too. But she was so far gone she couldn't help me much. They married and they moved out to California and they were living on Muirfield Road in a beautiful house. I've seen the house since. And he started having an affair with an actress named Billie Dove. This was the silent movies, before they started the 'talkies'. Ella found out about his affair and she got on the train and headed back to Texas. I had the telegrams that he sent to her and the telegrams she sent to him begging her to come back. That he'd changed. That he wouldn't do that anymore. She said no, no way, I'm going back to Houston. She came back to Houston, got a divorce of course, and then married Mr. Winston of Rowles Winston, who was just a wonderful man. I interviewed him, too, when I was getting ready to try the domicile case. He told me, 'Frank, she'd like to help you but this is a chapter of her life she wants to forget and she doesn't remember a lot of things about it. She put this out of her mind. She really can't be any help to you on that.'

Howard did that, and they got the divorce. And of course, he was just RICH, he was very good looking, he was flying all the time, designing aircraft, flying experimental aircraft like the Japanese Zero. He designed that aircraft and made it available to the U.S. and they didn't take it. The Japanese took it and it was the best fighter--better than any fighter we had for a while, until we developed something else.

So he lived out in California most of the time. But the last ten or twelve years of his life, the Mormons had him. He had twelve of them as body guards because he heard they didn't smoke or drink. He was kept on drugs after he had crashed an experimental aircraft and was in pain. I put the Marine Sergeant on the stand at the trial. He had gotten up from a bar and run over there and took Howard out of that burning aircraft and saved his life. This guy was just sitting at the bar and saw the crash and ran there. Howard sent him a check, sent him to college and sent him a check every month or two months until Howard died. He took care of this guy. I can't remember his name, but a nice fellow. Howard was seriously injured. He was put on drugs for a while and he never got off. The Mormons had a couple of doctors on their staff and they would say, and maybe it's true, that they were keeping him out of pain. But, anyway, they made the decision where he would live. So he wasn't in ANY state with an intent to stay because of something HE did. His caretakers took Howard where they wanted to take him.

He did not live in California or Texas with an intent to remain. Presence in a state with intent to remain is necessary to establish "domicile". The Mormon caretakers took him outside the country because Howard Hughes hated paying taxes.

GOODSILL: Where did they have him outside of the country?

DAVIS: They had him in London for a while, right opposite Hyde Park. They had him up off of Vancouver in some hotel up there. I remember being on an Alaskan cruise and pointing out to John Hill, who had been our attorney general and was on the other side in the domicile case--John had been an excellent plaintiff's lawyer before that--and I said, 'John, that hotel is where Howard was.' I've forgotten where else they kept him. OOH, off of the Bahamas. They had him down there for quite a while. And he was up on the top floor, and I remember the Houston Bar Association used to take annual trips. And we went to the Bahamas while he was up there on the top floor and my wife decided she wanted to go up and just look at the floor. She went up there and there were a couple of armed guards at his door, saying, 'What do you want up here? You're not coming on this floor. Go back down below.' (laughing) I don't know how long Howard was there but he spent some time there.

But then he died in Mexico and this is MY story--there is disagreement about it. The people in charge of him didn't want him to be dead in Mexico and deal with Mexican death taxes so they put him on an airplane and acted like they were flying him to the hospital to try to save his life. But he was certainly dead when he arrived at the hospital. That's what Methodist Hospital said, unofficially. I don't know what they said officially! But he was dead. And then sixty-seven wills showed up.

California said he was domiciled there so they wanted inheritance tax. The federal estate tax was 77% at that time. It was a LOT. Then you have a California inheritance tax, which is different from an estate tax. Estate tax is on the estate, not on the people that receive the assets. An inheritance tax is a tax against the people who inherit property. They were claiming, 'He was domiciled here and you owe us inheritance tax.' Texas said he was domiciled here because he was on that airplane coming back here and some guy had come and rented a space in one of the high-rises in Houston, Saint James Place. It was a nice facility but whether Howard ever intended to occupy it, I don't know. But I know he was dead before he got here. Our partner said the reason for that space being rented was to keep all of Howard's records, as we were doing his tax returns. But why they would pick a nice place like Saint James Place to keep records? It was a bit doubtful.

So the firm had twenty or more lawyers in it and they called me up at the Oklahoma-Texas game, and said, 'Frank, would you go to L.A. and just talk to a few witnesses? We're running close--the trial's going to be in two weeks and we really need some help out there, talking to witnesses. Catch the plane to Dallas. Don't come back to Houston. Go there and talk to witnesses.'

When I got there, and I was with twenty lawyer I knew quite well-- ALL of them were junior to me, some that I'd even trained--and I said, 'All right, who will I be talking to? Why am I talking to him? What are the ten best documents we've got? What are the ten best documents they've got? What is their game plan? Where are we going? We're right close to trial. What am I supposed to ask these witnesses when I go talk to them?' And my fellow lawyers did not give me satisfactory replies.

So I went to the local lawyer that we hired as counsel--he was in the ARCO Tower, and I went up there. I said, 'What's going on? We've got twenty lawyers out here and they're talking to witnesses and they've taken FIFTY depositions--FIFTY DEPOSITIONS!' I said, 'Nobody knows what we're going to do when we go to the courthouse!' He couldn't tell me anything about it.

I got back to my hotel room--I was staying at the Century Plaza where all of us were staying. The phone rang about 11:30 that night and our partner, who was running the whole thing, Mickey West, said, 'Davis, you are now in charge of the domicile case.' I said, 'Mickey, the case is going to be tried in TWO weeks. You've been working on it a year and a half! You've got twenty-five lawyers.' He said, 'Maybe you didn't hear me. Frank, come home, you're now first chair in the Howard Hughes domicile case that'll be tried over here in Pat Gregory's court.'

So I flew home and I fortunately got a week's delay to try to read enough to find out what we were doing. FIFTY depositions! And I had a LOT Of lawyers. I had Hugh Ray as my main one. He was getting the witnesses for me, like William Randolph Hearst, Jr. And he got this guy, Pat DiCicco, from Italy--good looking Italian guy who'd been a producer in L. A. and was now retired and living in Italy and supposedly tied up with the Mafia. He was movie-star good looking. I put him on the stand and the judge would stop him, did it about three times, saying, 'You wait until the lawyer has finished his question. Don't you interrupt him to try to answer. You wait.' He did that to Pat DiCicco about three times! (laughs) Pat DiCicco wasn't used to somebody doing that with him. I went out in the hall when we were through with him as a witness, to thank him for coming over from Italy. And he said, 'I'm going to have that judge's head on my wall tomorrow.' And I said, 'Pat, judges DO that. Please! It isn't you particularly.' Anyway, he didn't have the judge's head. The judge came up to me about ten years later. He said, 'Frank, you saw me at my worst.' I said, 'I sure did! Boy, you were TERRIBLE. You were SO interested in trying to get a higher judgeship if John Hill won the governor's race that you weren't a FAIR judge. NONE of the evidence that they introduced should have been allowed into evidence. They couldn't prove it up. I had hired a lawyer particularly to say it shouldn't come into evidence. They can't tie it up. But YOU made me stipulate to it, and if I didn't stipulate to it, you said you weren't going to pay the firm anything. We had twenty lawyers. This could take five or ten years. We HAD to let that evidence in.' I said, 'Anyway, I agree with you, that was not one of your better moments.'

So we went to trial and they put on some evidence, and then they took a break for New Years. They took a break at Thanksgiving, they took a break for Christmas and at New Year's. And when we got back after New Year's, they surprisingly said, 'We rest.' And it was time for me to go forward. And BOY, getting people in from New York, from Los Angeles, from Italy, and trying to get them there on time! I couldn't say, 'Judge, would you give me a few hours? Can we recess today and I can put somebody on tomorrow?' If I wasn't ready, the case was going to be over.

So I showed a lot of Howard's movies, like 'The Outlaw' with Jane Russell. Did you ever see that? Where she comes up out of the lake in her T-shirt without much on? (laughing) And I showed 'Hell's Angels'. I HAD to, to have something to show the jury, waiting for the next witness to come in. We tried it until late February or early March. I KNEW what the jury was going to do, because they thought, 'Well, we want some money for Texas.' So they came back and found he was domiciled in Texas and that the estate owed inheritance tax.

But I had introduced as my primary document an affidavit by Howard Hughes, signed by him and notarized, from Las Vegas in a certain year. I've forgotten what year it was. He said, 'I'm domiciled in Nevada. This is where I'm trying to start a business. I've built this nice house for myself. I've bought five or six casinos. This is my home.' And that was not contested! Nobody ever said that wasn't Howard Hughes' signature. Nobody said this wasn't the lady who wrote the acknowledgement for that. It was uncontested. But you don't have to believe even that. That was A. And B and C. I had three REALLY good pieces of evidence that showed that he was NOT domiciled in Texas or California. Nevada didn't care because it didn't have an inheritance tax. And Howard didn't want to pay taxes so he did this. Well, they came back and found against us, but the case was turned over--California came and asked me if I would join with them in going before the U. S. Supreme Court because I knew a LOT about the case and they thought something might come up that they couldn't answer.

We went to the Supreme Court on this basis: 'Supreme Court, if you'll rule Texas out of this, we have settled on an amount the Estate will pay us and no judgment is necessary of where he was domiciled. So the Estate will pay us this amount of money, if you'll rule Texas out of it.' We asked the Supreme Court to rule Howard Hughes was not domiciled in Texas.

And I went up with them, before the Supreme Court, and it was a wonderful experience to be before some REALLY notable judges. Whizzer White and Renquist were there. It was just outstanding. It was a wonderful experience for a lawyer. And we were anxiously waiting for them to make a determination. They came back and said, 'We're not going to determine this case, because what you're asking us to do is just rule that Texas was not his domicile. If you come back before us and ask us where he was domiciled, we'll figure that out. But we're not going to rule Texas out and let y'all settle. That sounds a little too smoky for us!' Then they said, 'We're going turn it over to a Master' and they did turn it over to a professor over in Minnesota or somewhere.

But another case came along about that time, where Getty Oil wanted me to represent them. And it was a REALLY big case, and the firm asked me to not do the appeal of the Howard Hughes case, but take up this Getty case and represent Getty, which I LOVED because I made lots of trips in to Wilshire Boulevard, to the Getty offices out there and spent a lot of time in Tulsa, Oklahoma. So that was the end of my dealing with the Howard Hughes case. One of the guys that I had helped train was Clay Lilienstern. He handled that appeal, and I'm told what we did was pay Texas \$25,000,000 and we paid California \$50,000,000--but each one of them had the opportunity to take some of the land that Howard owned, instead of money. California took what we thought were valuable assets. Turned out they weren't so valuable. California has SO many regulations. One property was a thousand acres, sitting right between Marina Del Mar and L. A. Municipal Airport. A THOUSAND ACRES, right on the Pacific Ocean! It was the helicopter headquarters. And we thought, 'This is worth millions!' They took it. I don't know what's ever become of it.

We thought the 25,000 acres outside of Las Vegas that Howard paid 25 cents an acre for was worth something. But Vegas and the desert and all. We all had contingent interests because the heirs didn't have enough money to pay the law firm in Delaware, the law firm here, the law firm in California, so they said, 'You take a part of the estate and if you win, then that's your part.' And I had an interest in that.

Goldman Sachs came by and they said that 25,000 acres--it wasn't 25,000 anymore because a LOT of development had been made--in Summerlin, which was the leading subdivision in America for seven or eight years, right outside of Vegas--they said each acre is worth \$1,000,000. He paid twenty-five cents for it! But they had built major freeways, two or three schools, they had several churches, they had great houses, great developments, different levels of houses--you know, million and a half dollar houses down to three hundred and fifty thousand dollar houses. Besides the schools and the hospitals and whatever else they had, they had ALL kinds of infrastructure. We got our final payment in 2010. And IF what they said would have been true, (I had not been paid since '83), I would have received \$19,000,000 as my part in 2010. I got \$1,500,000. The company that we sold it to was Chicago folks who went bankrupt so they didn't have to pay all the Hughes people. So they were in bankruptcy and that's what we received.

GOODSILL: Sounds like there's a lawsuit there!

DAVIS: What the company did, they went out and bought so much they couldn't pay for. It was genuine. But they WANTED to do that so they wouldn't have to pay us. That's MY theory. And I didn't go to any of the bankruptcy hearings. All I know is, I thought I was going to be on Easy Street, but I wasn't! (both laugh) But that's pretty well the end of it. So we settled with California, and California's \$50,000,000 was not near worth \$50,000,000 to them because of all the regulations. They took land that didn't turn out to be all that good. Texas, I don't know about their \$25,000,000. That sounded like a LOT of money but it wasn't close to what the estate was worth. The estate wasn't very valuable at the time Howard died because he was in such bad shape. And like a lot of companies, people under you are not always looking for your best interests. Plus there were people who thought the Mafia was involved in some of the Vegas operations. I didn't have anything to do with it. These were the tax lawyers but there were very low evaluations on that estate. Will Lummus was my partner and a nephew of Howard's, looked just like him, a wonderful guy. I had lunch with him Tuesday. Several of us get together. He's not doing that well now but a good looking guy, smart, he's a probate lawyer. He got good people around him and I don't know what the numbers were, but suppose the estate was worth \$500,000,000 at the time Howard died. It was worth \$15,000,000,000 within two or three years, maybe more. Because he got the right people doing the right things with the properties. I remember we sold an island off the Bahamas. We thought, again, it was worth one thing. He paid fifteen TIMES that for it. It was just amazing, what Will was able to do hiring the right people to handle the business, because Will was a lawyer, not a businessman. He sure got the right people in there to turn it around.

GOODSILL: I'm just laughing to myself about how thrilled Howard Hughes would have been on the return on investment from twenty-five cents an acre to--

DAVIS: A million dollars! (both laughing) That's a little bit of an increase! TWENTY-FIVE CENTS AN ACRE! You can go to that now--Summerlin--and it's beautiful. I've been there.

GOODSILL: Is it your opinion, that Howard wasn't able to manage things at the end because he just wasn't functioning? Things were kind of falling to pieces?

DAVIS: A good friend, Jack Real, who was with Lockheed at the time that Howard sold TransWorld Airline for \$560,000,000 or something that he took twenty of our lawyers to get that money and go to different banks around the U. S. to deposit it. He wasn't going to put it all in one place.

But Jack Real was a GOOD friend of Howard's, and having been in the air industry with Lockheed, he kind of kidnapped him from that group of ten or twelve Mormons and took him over to London and got him off of drugs and functioning again. At one time Jack Real testified that they went in to one of the aircraft manufacturing plants there in England, and they met Howard. 'Mr. Hughes, while you're here, we've got this aircraft we developed, and it's just not performing like we want it to. And we wondered if you'd look at the plans and the aircraft's right out here.' And Jack said Howard went out there, went through the aircraft, took the plans and read them. He said, 'If you'll make these changes, it'll work.' They did it. It did. It flew perfectly. That's how smart he was at things. The Mormons got back in charge of him. That's when he had the long fingernails, the long hair and ordered how many, 150 cartons of some kind of ice cream when he was staying at the Desert Inn in Las Vegas? He LOVED that ice cream. He just lived on desserts his last few years, but he was SO skinny. And he ate a quart of that ice cream and decided he didn't like it so the hotel started giving ice cream, to everybody, every night to try to get rid of it, for months! (laughing) Because they'd stored a number of deep freezers full of whatever it was.

GOODSILL: I listened to an audio book on Howard Hughes, a biography. It was the LONGEST book I have EVER listened to! You've heard it said that people who have a real genius are sometimes on the border of being a little bit insane? He sounded like he was just on the edge there.

DAVIS: I put the policeman on the stand, during the domicile case who had testified for the State that Howard was in a bungalow there at the Beverly Hills Hotel, wouldn't cut his fingernails, wouldn't cut his hair, sitting there just eating desserts, and he was in kind of a reclining chair. Wouldn't take a bath for a number of months, or maybe even a year or more. And they'd have to take some water and a bucket or a hose and water him down to clean him up. I had the jury just nearly falling out as I was examining this guy about that treatment. I thought they needed a little humor. They'd been sitting two months, listening to stuff. But Howard was amazing. When he married finally, he called one of our lawyers. She wanted to live in a house in Rancho Santa Fe. Howard told our lawyer to go there and tell the guy who was building the house; it was about finished, that Howard and his new wife wanted to move into that house. He wanted to rent it or buy it. Well, our lawyer went there and talked to the guy, he had a number of sporting goods places around California, he said, 'No, I'm not going to do that! My wife wanted this house, it's being built and no, I'm not going to rent it OR sell it to you. This is something she's really looking forward to.'

And our lawyer told that to Howard, and Howard said, 'Go back down there and tell him we're going to build a sporting goods company right by him or right across from him in every place he's got it, and he's going to be out of business in a year. Now doesn't he want to reconsider?' And the guy said, 'Yes, I will let you have it. You can rent it.' And they rented it and moved into it and the girl and her mother lived in part of it and Howard would NOT come in that room. He would show her how to hold a golf club right outside of a sliding glass door, but he wouldn't touch her or her mother. Just to show you, he wasn't JUST on the edge, he was WAY over the edge, if that story's true! (chuckling) The lawyer's still alive. He was told to go and tell that to the owner.

I put on the stand, one of the other women that said she was married to Howard. I put Ginger Rogers on, who was delightful. I talked to her the night before in the Warwick Hotel. I've told everybody and lied about it all these years, that I danced with her that night. I didn't! But I COULD have! She was so sweet and it would have been easy to get up. But anyway, this woman, either claimed she was married to him--I think they went out on a yacht and the captain on a boat can marry you--and they went through a false kind of deal. But I talked to her before she went on the stand, and she told me Howard didn't want to come back to Texas. He didn't like it. He changed so much. He didn't like the heat, he didn't like the humidity. She got on the stand the next day and said the opposite. OH, he LOVED Texas. I said, 'Judge (a lawyer can announce surprise when a witness tells you other than what they've said), surprise! This is completely contrary to what she told me last night'.

He said, ' Ah, go on with your testimony.' The judge was so determined to help Texas. That was the only time in my forty or more years of trying cases where I had a witness just completely turn on me and testify so differently than what she had told me the night before.

GOODSILL: Any theory on why she did that?

DAVIS: She did it maybe because the State offered her money. They may have said, 'Look, get up there and help us win this case, and we'll take care of you.' It's awful to think the world works like that. And I don't KNOW that. That's my speculation. Why else would she tell me one thing and then get up there and say something completely different? And she got paid some money somewhere down the line, I heard. I don't know that for a fact. But that's about it on the Howard Hughes case.

GOODSILL: Well, you've had an interesting career. Would you say that was the highlight?

DAVIS: I'd have to say it was but I was under such pressure since I had so little notice. If I had gotten to be in on it from the start--but, boy, to have that THROWN on me with ALL those depositions that I hadn't had a chance to read, and ALL those documents! I'd have to get up in the morning and look in the mirror and say, 'Davis, you can do this one more day.' But I mean it was tough. Whereas I enjoyed most cases I tried because I was well-prepared and I felt I did a good job. That one was SO worrisome, but certainly, it lasted longer than any other one and had the most interesting witnesses. I had some other fun cases.

GOODSILL: I was going to ask you, if you had cases that had to do with Fort Bend County?

DAVIS: I did. Well, I wasn't actually a lawyer on the record in the adoption by estoppel by Joe Bingham Crawford. Vincent Elkins was representing the George Foundation, or whoever was on the other side. The same way in the will case of Ms. Mskimmins. Well I WAS kind of involved in that because the will that was existent named Ms. Mskimmins for half, is my best recollection. She got half the estate and Mama was to receive one tenth.

GOODSILL: Why don't you go back a little bit and tell us who some of these characters are? You're familiar with them, but the listeners aren't.

DAVIS: Okay! Well, Ms. Mskimmins was the nurse that took care of Aunt Mamie George. Uncle Albert had died sometime before and Aunt Mamie wasn't in very good shape, mentally or physically. They built a house for Ms. Mskimmins that's still there; it was for sale not long ago. Nice lady and did a good job for Aunt Mamie, I think. And after Aunt Mamie died, this will surfaced and Percy Foreman showed up in the county court to ask for probate of this will. Mrs. Syd Davis, my mother, (Aunt Mamie was a Davis before she married Albert George) was a one-tenth devisee and Miss Mary Dee Myers, August Myers wife, was a one-sixth devisee. I think Martha Ansel, Bert Ansel's wife, were one tenth too. The Boy Scouts were thrown in there, I think, for a little bit. I heard that Mama was named as a one-tenth divisee when my brother and I were at a party, a dance. I guess somebody had called and told me this was the way the will was written. I walked over to my brother on the dance floor, and I said, 'Tommy, man, Mama was named as a one-tenth owner in Aunt Mamie's will. But Mama says that Aunt Mamie didn't know anything about what she was doing. It's a bogus will and if anybody comes and asks her, she's going to say it's completely phony. I'm not taking ANY money from that will!' (laughing)

GOODSILL: Your mother didn't think she was in the will at all?

DAVIS: She was IN it but she said, 'It's a bogus will. Everybody knows Aunt Mamie didn't know what she was doing. She didn't leave me anything. That will shouldn't BE probated and I'm not going to take any money from it.' My brother nearly fell down. 'Well, I'm going to go talk to Mama.' I said, 'Talking to Mama ain't gonna help! Mama says if anyone asks her, she's going to say the will is invalid.' (laughing throughout) Well, Mama kept that stance and a lawyer from Baker Botts, came out and talked to Mama and said 'Would you PLEASE take something? We can settle this case if you'll just take something. Even though you think it's not valid, we want to go ahead and settle it and not have to try anything.' Mama said, 'Nope, I'm not taking ANY of it.' They spent a week or two and she finally said, 'All right, I'll take something.' It was precious little compared to what she would have gotten.

I had another aunt at the time, Mrs. Goodwin, Mama's sister, who kept telling me, 'Frank, I'm SO disappointed that Aunt Mamie would not name ME in her will.' I said, 'Dobbie, Aunt Mamie didn't name anybody. The will is bogus. She didn't leave you out, whoever wrote the will left you out.' She could NOT accept it and she was VERY disappointed that Aunt Mamie would leave her out. I never could convince her that the "will" was not written by Aunt Maime.

GOODSILL: Now how was Percy Foreman involved? He wrote the bogus will?

DAVIS: Well, somebody wrote it and he was the lawyer presenting it. And Ms. Mskimmings decided she wanted more than what she'd been getting.

GOODSILL: She wasn't a one-tenth?

DAVIS: One half.

GOODSILL: So how did it settle out? Did she get half?

DAVIS: I don't know how it settled out. All I could keep up with was keeping Mama happy and trying to talk her into going ahead and let them get out of this thing. 'Mama, you know principle is one thing but you're not saying the will was valid. All you're doing is allowing them to settle.'

GOODSILL: As I understand it, a lot of money was left in the George Foundation, and so if that money was given away in a settlement--

DAVIS: I think the Foundation had already been set up.

GOODSILL: So there already was money in the Foundation and this was a separate will.

DAVIS: I think so. But I really don't know about that. I sat there in the hearing that morning with Percy and Ms. Mskimmins. We had a nice old judge, he wasn't even a lawyer, as the judge that would rule on this. And I said, 'Mama' --she was living in a little apartment right next to Mrs. Irma Dru Hutchison. They were the first two people to graduate from Richmond High School. Mrs. Irma Dru Hutchison taught me math, and she was a wonderful lady. Anyway, I said, 'Mama, come to the hearing. You're named in the will and even though you think it's bogus and all, just come and listen to it. I mean, we're talking about \$10,000,000 at least, probably for you.' She said, 'Oh, I don't want to come over there.' I said, 'Mom, please, just come over and listen.' She came in and she sat in the back of the courtroom, and I was up in the front with the lawyers. And I'd look back and see her every now and then, and it went on for an hour or two. One of the lawyers testified and then the secretary who had said that she was present at the meeting of the Board on a certain day and signed a division order, showing that she knew what she was doing. The secretary that acknowledged the instrument that she signed was on the stand, and she broke down and cried. And she pointed at one of the lawyers and said, 'He made me do it.'

I know Aunt Mamie wasn't there. She hadn't been to a meeting in some number of years.' I turned around, and Mama was gone. I went over at lunch and said, 'Mama, why did you leave?' She said, 'Frank, I don't want you to practice law. I never heard so much lying in all my life, and I want you to get out of the law practice.'

GOODSILL: So you went and retired, right then, right?! (laughing)

DAVIS: (chuckling) I said, 'Mama, they don't ALL lie. I know it sounded bad. I'm sorry that happened, but I'm doing pretty well at the law practice.' But she said, 'NO, you get out!' (laughing)

GOODSILL: Is this right in the middle of your career?

DAVIS: Well, I hadn't been practicing VERY long, maybe four or five years.

GOODSILL: (laughing still) Oh, your mom was SO disappointed in your career path!

DAVIS: Yeah.

GOODSILL: She'd rather have you be a high school teacher or a coach.

DAVIS: ABSOLUTELY! Be broke but don't join that bunch of thieves!

(both laughing uproariously)

There were a lot of people that stood up for what was right in those days. I don't know if we have that many anymore or not. She wasn't ABOUT to say that was a valid will. She said, 'Let them come talk to me.' And the whole town knew for ten years that she [Aunt Mamie] hadn't known what she was doing.

We passed a Gulf Station and I remember Aunt Mamie in her big black car with a chauffeur, pulling up and I just happened to be walking by at the time. I kind of gave her a kiss and said, 'Hi, Aunt Mamie, it's me.' She didn't know me. And this was several years before she died. And I'd been out to their house, daddy used to cut their corn; I'd spent a LOT of time there. Again, she was a Davis before she was a George. And then I dated Dot Myers Harrison in high school and college and Dot, of course, was even closer to Aunt Mamie than I was. Sometimes on an afternoon, we'd decide we ought to go visit Aunt Mamie and Uncle Albert. And we'd go there and visit with them.

GOODSILL: Thank you very much for your stories and your memories.

DAVIS: My goodness, it was a pleasure talking to you.

Interview ends.