

## Chapter 1 – Introduction

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**Announcer:** Born in the Bronx, New York, Judge Claire Eagan graduated from Trinity Washington University in 1972 and later from Fordham University School of Law.

She began her legal career working as a law clerk to Judge Allen Barrow of the U.S. District Court for the Northern District of Oklahoma, and went into private practice at the Hall Estill Law Firm in Tulsa, Oklahoma from 1978 to 1998.

Claire served as a U.S. Magistrate Judge from 1998 to 2001 and was then nominated to the U.S. District Court for the Northern District of Oklahoma. She served as Chief Judge of the court from 2005 to 2012.

U.S. Supreme Court Justice John Roberts appointed Judge Eagan as the chair of the Executive Committee of the Judicial Conference in 2020. She assumed senior status in 2022.

Listen to Claire tell her story, how she knew she wanted to be a lawyer as a young girl, the important mentor in her life, and the decisions she made as a judge on the podcast and website [VoicesOfOklahoma.com](https://VoicesOfOklahoma.com).

## Chapter 2 – 8:10 The Bronx

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**John Erling (JE):** My name is John Erling and today's date is March 25, 2025. So Claire, would you state your full name, please?

**Claire Eagan (CE):** Claire V. Eagan.

**JE:** The V is standing for what?

**CE:** It's a middle initial from my confirmation name because I do not have a middle name.

**JE:** You don't have a middle name

**CE:** Correct.

**JE:** Not even Veronica?

**CE:** That is my confirmation name in the Catholic Church. So I wanted a middle initial. And I use that.

**JE:** OK. And it's OK for you to do that. And we are recording this interview in the recording studios of [VoicesofOklahoma.com](http://VoicesofOklahoma.com). Your birth date?

**CE:** October 9, 1950.

**JE:** Making your present age?

**CE:** 74.

**JE:** Where were you born?

**CE:** In the Bronx in New York City.

**JE:** Your mother's name, maiden name, where she was from, that kind of thing.

**CE:** My mother's maiden name is Lynch and her father was Phillip Lynch. And when she was a young girl, she grew up in the Bronx, a wealthy girl because my grandfather at the time was the youngest man to have a seat on the New York Stock Exchange. But on her 12th birthday, October 29th, 1929, they lost everything.

**JE:** So that date, of course, October 29th, 1929 was the start of The Great Depression.

**CE:** So she went from riches to rags, and she's a very important part of my life.

**JE:** Did she talk a lot to you about that and how they went from here and then their living conditions?

**CE:** She never dwelled on it. She moved on. She had to leave the school she was in. She had to go to a different high school, which was free, and so she had a whole new set of friends from that high school, and she never skipped a beat. She was an extrovert, had friends everywhere, and she never dwelled on it.

**JE:** Nor talked a lot to you about it. Because some people could say, "This was awful and it impacted my life for the rest of my life," and apparently it didn't.

**CE:** It didn't.

**JE:** So then I asked what do you draw from her, and you probably just stated that.

**CE:** The other thing that is important is her love of education stemmed from the fact that they lost their money and she wasn't able to go to college. She had to work right out of high school. So I think the fact that my parents drummed into us that we were going to college—it wasn't a question, it was a statement—and how important education is, that dictated what became of us.

**JE:** Right. Because she didn't get to go on to college.

**CE:** Correct. And then your father's name?

**CE:** Joseph Eagan. His father was from North Adams, Massachusetts. The Eagan spelled the way we spell it seemed to have clustered in North Adams, Massachusetts, and my father's father moved from there to New York City. And he was Irving Berlin's chauffeur.

**JE:** Really?

**CE:** Yes.

**JE:** Irving Berlin's chauffeur. And when you say the spelling—so spell your last name.

**CE:** It's E-A-G-A-N, which is not the typical Irish spelling. Most people spell the name E-G-A-N.

**JE:** OK. All right. His personality?

**CE:** My father?

**JE:** Yes.

**CE:** He was the quintessential quiet man. He was shy—of course spoke around the house—but in social settings he was very quiet. But when he spoke, he had important things to say, and people listened.

**JE:** And what did he do?

**CE:** So he became—after World War II, he became the general manager of a tri-state roofing supply company in New York City. Once again, he couldn't go to college because of World War II. And when he came home and was already married to my mother, they wanted to start a family, so he also went into business without a college degree.

**JE:** All right. But he succeeded and flourished.

**CE:** Eventually.

**JE:** Was able to put you...

**CE:** He put all—yeah, he worked three jobs to put all three of us through college.

**JE:** And so you had—tell me, siblings?

**CE:** So the oldest is my sister Anne Marie. She's four years older than I. My brother Phillip is two years older than I, so I'm the baby.

**JE:** OK. So you draw from him—from your father—what characteristic, do you think? Be real quiet?

**CE:** Think before you speak. But also, once again, just reading. His famous saying was, "An idle mind is the devil's workshop." So if he saw us just sitting around on a Saturday, he would find a book and give it to us.

**JE:** Isn't that amazing?

**CE:** Yes.

**JE:** Isn't that wonderful? What a gift that was.

**CE:** Yes. The gift of reading, which we all love to this day.

**JE:** Oh yes, yes, yes, yes. Your education then—your grade school?

**CE:** So I went to the local Catholic grade school in my parish.

**JE:** In...

**CE:** In the Bronx. In the Bronx, still there. And then I went to high school at the Academy of Mount Saint Ursula, which is a girls' private high school in the

Bronx that my mother attended before she had to drop out. And then I went to college in Washington, D.C.

**JE:** What year did you graduate from high school?

**CE:** 1968.

**JE:** Beyond your academic life, did you have a social life? Did you join clubs? Did you...

**CE:** Well, we had no sports in Catholic girls' schools, so I played intramural basketball. But we didn't have sports. We were in the Bronx. You made your own fun. I had girlfriends that we would, you know, walk, talk, listen to music. I read a lot. I was a nerd. Did my homework and studied a lot.

**JE:** Paid off for you in the long run, though.

**CE:** In hindsight, it did.

**JE:** Right, right, right. So life then, even as a grade schooler and so forth in the Bronx—that just seems so foreign to a lot of people. What's life like in the Bronx?

**CE:** The home life was interesting. We lived in a fourth-floor walk-up. We had no elevator, and my mother raised three babies, carrying them up the stairs along with the groceries. We had two bedrooms—my parents' bedroom, and the three of us were in one bedroom, which is not as large as this studio room. We had one bathroom with a bathtub and no shower. We didn't have a telephone for a long time because they initially had one when I was younger. My mother was on the phone with her girlfriends all the time and it was too expensive, so they disconnected it. We didn't have a car till I was about eight. Most people in New York at the time didn't drive. My mother never had a driver's license. We didn't get our driver's licenses until—I didn't get it until I graduated from law school. So you walked a lot. But also, we lived by subway stations and I could go down to Manhattan, go to the theater, shop, walk—just spend a lot of time down in Manhattan.

**JE:** How about groceries? Did you have to go far to a grocery store?

**CE:** Bronx in those days—there were a lot of post-World War II refugees who were there, so we had a lot of German and Jewish bakeries and

delicatessens. And on every street there was like a pizza place, a butcher shop, a grocery store, a Chinese laundry. I mean, it was a little microcosm on every block. So we only had to walk a block to get to all of those grocery stores.

**JE:** What years are we talking about here now?

**CE:** So we lived in the Bronx from—well, from when I was born. My parents moved out of the Bronx in 1972, my senior year in college.

**JE:** All right. So in the '60s and so forth, were you interested in sports? I'm thinking about way back when—the Brooklyn Dodgers and the New York Yankees and all that.

**CE:** Of course. The Yankees games were on every Saturday. My brother's high school is across the street from Yankee Stadium. So I went with my father to Yankees games, and occasionally—I remember the New York Giants were still playing at Yankee Stadium—I occasionally went to a football game. We didn't go that often, but it was on every Saturday on our black-and-white TV. We watched it.

**JE:** Living across the street from the Yankee Stadium?

**CE:** My brother's high school.

**JE:** High school. Wow. That must have been exciting for him.

**CE:** It was.

### **Chapter 3 – 10:48**

#### **All About the Resume**

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**John Erling (JE):** After high school, then you go on to college, and that college was...

**Claire Eagan (CE):** Trinity College, now Trinity University, in Washington, D.C. Nancy Pelosi graduated from there. Kathleen Sebelius. Those are the people who come to mind whose names you might recognize. I think it's very important to my story that our parents told us we could go anywhere

we wanted in the United States as long as it was Catholic, because they were devout Catholics. And with everything going on in the '60s, I think they were afraid that if you went to a non-sectarian college, you would lose your faith.

So I wanted to go to an Ivy League school, but of course they weren't coed at the time. So there were the Seven Sister schools, and my sister, who was four years older than I, said, "I think the place for you is Mount Holyoke." And so that's where I wanted to go.

So one night we're in a restaurant at dinner, and my mother said, "Claire, where are you going to college?" I was still a junior. And I said, "Well, I'm going to Mount Holyoke if I get in." And my mother thought for a moment, and she said, "You can't fool me. That's not Catholic." And my sister stepped in and had a huge fight with my mother in the restaurant, saying I needed to go there—best school, etc. I stopped the fight, and I said, "All right, just tell me what the closest thing is that is a Catholic women's college that I can attend that would give me the same quality of education," and my sister suggested Trinity.

**JE:** And that's how that came about. But a great reputation.

**CE:** I got a great education there and met wonderful people who are still friends. I wasn't that happy my freshman year. I didn't do that well my freshman year because, like most people, the first year of college was a change. And I didn't always go to class. I wasn't as studious as I had been in high school. And so after my freshman year, I just decided I need to take charge and change that. So I did. In my sophomore year I did really, really well. So I just corrected myself.

**JE:** Where is that—Trinity? Where is it?

**CE:** Right across the street—northeast Washington, D.C.—right across the street from Catholic University. Very close to Howard University.

**JE:** OK. All right. And then you graduated with what degree?

**CE:** A Bachelor of Arts, cum laude, with a sociology and French double major.

**JE:** In what year?

**CE:** 1972.

**JE:** So did you have a calling to—you're gonna go out into the world and you were gonna... what were you gonna do then?

**CE:** So, a very important part of my story is my junior year, which I spent in Switzerland—my junior year of college—and it's related to why I'm in Tulsa. But I knew from a young age that I wanted to be a lawyer. Never focusing on the fact that I wanted to be a litigator, but I had no public speaking abilities, and I was very shy and very nervous. Never focused on it. But I always knew I wanted to be a lawyer.

**JE:** OK, why? Why did you know that?

**CE:** I just think the art of persuasion was important to me, and finding something that would convince a judge that this was the right thing to do. And it just appealed to me. And I never wavered in what I wanted to do. I studied sociology because I thought it would be a good segue into the law. It didn't matter what you studied undergraduate to do well in law school.

After my sophomore year of college, I wanted to transfer from Trinity—to, at that time, the schools were going coed—and I wanted to transfer to Dartmouth. And I got the same objection from my parents, that it wasn't Catholic. And I said, "Well, an alternative is there's a Catholic junior year abroad program in Fribourg, Switzerland, and I would like to do that." And they agreed. So I spent my junior year in Fribourg, Switzerland. The best years of my life. Did really, really well. Went back to Trinity for my senior year. And between college and law school, I wanted to take a year off to study abroad and to spend one more year enjoying life before I went into the three years of law school and then the legal practice. So I did spend a year abroad again after college. I spent six months in Paris and four months back in my town of Fribourg, Switzerland, working for the program that I had studied on.

**JE:** Were you picking up on the language?

**CE:** So, of course, I spoke French as fluently as an American high school student can speak French before I moved there for my junior year. Of course, became more fluent my junior year abroad because Fribourg is the cutoff between the French-speaking and the German-speaking Switzerland. So we spoke French in one part of town and we spoke



German in the other part of town. So I studied German in Switzerland, which is a lot easier for Americans to pick up because of the grammar and the pronunciation not being as difficult as French. So I did learn enough German to live there and get around those two years.

**JE:** Do you know any of it today?

**CE:** Oh, I can travel. But, you know, I can't have in-depth conversations. But I...

**JE:** Can certainly—you could muddle your way through.

**CE:** Yes.

**JE:** So you graduate from Fordham...

**CE:** So then I went to Fordham Law School in New York City, and the reason I went to Fordham is—number one—it was Catholic. And number two, I had no income, so my parents were paying for law school. At that time, they had moved up to Bronxville, New York, which is in Westchester County, and I lived with them during law school.

**JE:** Is this a fair question—because your parents' faith helped you make decisions—do you have that faith today? Are you as committed to the faith as they were?

**CE:** I will put it this way: I feel that Catholicism is part of who I am. But I will be very honest in saying I do not attend mass every Sunday.

**JE:** Right.

**CE:** But it's part of who I am.

**JE:** Yeah. When did your parents pass away?

**CE:** They both passed away in 2004. So I was about to be 54 years old.

**JE:** Oh, so they saw you through into your career and all that, and they were approving, I suppose.

**CE:** When I first moved to Tulsa, they thought—my mother said, “You need to have your brains tested.” Not because it was Tulsa, but if you take into account the fact that they didn't have money most of our adult lives... At the time I had a standing offer from a Wall Street firm at a starting salary of

\$26,000 a year in 1976, and I came out here to clerk for Judge Barrow for \$12,000, and they could not understand that.

**JE:** Yeah, even I can't understand that.

**CE:** So I kept telling them, "It's all about the résumé."

**JE:** So how did that invitation to come to Tulsa come about?

**CE:** Very good question, because once again, this is part of what I think my charmed life was. I, on my junior year abroad, met a young man from Georgetown University who was from Tulsa, Oklahoma. His name was Ainsley Perault Morton. His grandfather was Ainsley Perault, who owned Anchor Paint and built University Club Tower, the Mansion House, Indian Springs Country Club.

And we—we weren't dating—we just became best friends, which of course nobody believed. It was unheard of at the time. But seriously, we were best friends. He started TU Law School the same day I started Fordham Law School. And when I got home from law school the first day, he called me and he said, "What are you doing next summer?" I said, "Well, probably not a legal job, because first-year law students don't get legal jobs. So I'll probably just find a summer job." And he said, "Well, my grandfather's best friend is the chief federal judge out here, and you have your summer clerkship with him if you want it." And I said, "Daddy, can I go to Tulsa next summer?" And he said, "Why?" And I said, "It's all about the résumé." And so he agreed, and I came the summer of '74 and was a summer clerk for Judge Barrow.

**JE:** But then you actually moved then to Tulsa.

**CE:** So after my summer clerkship—Judge Barrow had five summer clerks that year—Judge Barrow called me and offered me a permanent clerkship upon graduation, which normally those clerkships last a year or two. So the summer after my sophomore year, I worked for a Wall Street firm and I had an offer from them. And so I had their agreement that I could clerk for a year and then I would come back and work on Wall Street in a Wall Street firm.

So I came out from September of 1976, and I was supposed to go back to New York in August of 1977. That year I was in the courtroom every day

with Judge Barrow. I looked around at the lawyers practicing. I wanted to be in the courtroom. I wanted to be a litigator. And I didn't want to be at a Wall Street firm in a library for seven years before you ever did anything. And I just decided that working at a large firm in Tulsa, Oklahoma, offered me both the prestige of a large law firm—Fortune 500 clients—but being in the courtroom sooner than seven years of practice. So I decided to stay. I notified the law firm, and I ended up staying with Judge Barrow for almost two years. I left in April of 1978.

**JE:** Did your parents come to visit you in Tulsa to see what place of Indians and teepees this is all about—and cowboys?

**CE:** They finally came in 1978. And if you remember the energy crisis—and at the time, of course, Tulsa was still called the Oil Capital of the World—my mother called and said, “Well, there’s a gas shortage. Will we be able to get gasoline if we come out to Tulsa?” And I laughed, and I said, “You bet. It’s a lot cheaper than it is in New York City.” And she says, “Are there any good restaurants?” So they came. I don’t know until later in our lives that they fully understood or embraced my permanent move here, but I think as my career progressed, they finally understood.

## **Chapter 4 – 13:30**

### **Mentor Fred Nelson**

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**John Erling (JE):** So your career there started, but did you embrace Tulsa from the beginning? I mean, that was kind of a big thing—to come out of the East and come to Tulsa.

**Claire Eagan (CE):** Yes. And the first summer that I was here in 1974, I really never thought I would come back. And then I got the offer of the clerkship, and I know how important the clerkship was to me. And so I came prepared for one year, and then I fell in love with Tulsa. The way of life, the people, the friendly atmosphere, the ease of getting to work—no subways, no soot, no grime, no crowds. I mean, I just fell in love with life here.

**JE:** Well, I came in '76 and I did the same thing you did. I fell into a good thing, is what I say. As you were entering the legal profession, were there any challenges that you faced because you were a woman?

**CE:** I faced some. First, I faced some numerous moments during my interviews at Hall Estel. I was asked if I really wanted to practice law, if I was going to have babies. All the other people in the room kind of sucked air when that question was asked of me. And I answered the question, like, I can handle this. I want to practice law. It didn't mean I ruled out having children. I just knew I wanted to practice law and I wanted to do it as a career.

But I was very fortunate in getting a job offer from Hall Estel, because Fred Nelson—he was the head of litigation—he became my dear friend, my mentor, and he believed in promoting women. I mean, he couldn't get me in the courtroom fast enough. He just wanted to throw me in the deep end and see if I could swim. And the first time I went to Denver with him on an appeals case, the night before, he said, "Claire, you're arguing this." And it was such a terrifying case. I said, "Fred, please don't make me do it. I'm ready to do that, but not this case." And he finally agreed.

He sent me to court right away. He saw me in the library after two months and he said, "What are you doing in here? You're wasting your time. You know you need to get out there and represent clients and be in client meetings and be in the courtroom."

So I really, really, really lucked into a great situation with a firm. I was only the third woman. I was the first female partner at Hall Estel. Other than the funny question I was asked, no one at Hall Estel ever gave a second thought to the fact that I was a woman. And it was the best place for me. I had 20 years of great colleagues and practice there.

**JE:** You probably know this story—Judge Stephanie Seymour—who I've interviewed for Voices of Oklahoma. And I asked her what challenges she met. You may know this story, and I'd like to repeat it for those who are listening. If you know the story, you could tell it too. Because President Carter wanted to put more female judges, and so a commission was set up. Do you know where I'm going with this? And then you tell it—as to that commission and what they were doing.

**CE:** Well, I won't have as great knowledge about it as you have, having spoken directly with Stephanie, but I do have personal knowledge of what happened.

Lee West—who became, as you know, also one of your subjects of the interview—ended up on the district court in the Western District of Oklahoma. He had been at the Civil Aeronautics Board, the head of the CAB, and he was being considered for the 10th Circuit position that Stephanie ultimately received. And so he joined Hall Estel temporarily, and I worked with Lee on a case or two while he waited.

And as a result of that commission, and as a result of Jimmy Carter listening to his wife Rosalynn, who wanted to put women on the bench, Stephanie Seymour and then Ruth Bader Ginsburg and then others followed. Stephanie got the 10th Circuit position. Lee West then got the Western District position. And I say they were both brilliant appointments, and they both ended up where they were supposed to be, because Lee West was the greatest trial judge.

**JE:** And a wonderful sense of humor. But this one comes from when she was being considered. The chairman of the group was a 70-year-old trial lawyer from Wyoming. He said, "We're gonna go..."—I'm reading this transcript from Stephanie—"We're gonna go around the room and everybody's going to throw out somebody who's obviously not qualified." He said, "I'll start," and he threw Stephanie's name out.

And this woman from Denver, 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 qualified. Why do you think she isn't?" And he said, "She has four children. She couldn't possibly handle the job."

So this woman, Stephanie says, was dumbfounded and didn't know what to say. But by the time it got around to her—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." "No, he's not. He has five children. Couldn't possibly handle the job."

And so they put her name back in, and the rest is history. Isn't that a great

story? And we look back on those days—and even the way Blacks and others were treated—and it was just like, today we can't comprehend those views. But grateful that we've moved on.

Let's talk a little bit more about Fred Nelson. He was Chief Judge, Tulsa County District Court, and he was a victim of a bombing. Did he talk to you about that?

**CE:** Yes.

**JE:** And he was seriously injured in 1970. What did he say to you about it?

**CE:** He knows who did it. He was going out to his car on Election Day, and he turned over the car, and a bomb exploded into his lap, if you can imagine. His internal organs were visible. His daughter, who was still in high school across the street at Edison High School, was still at home that morning, and she ran out. And he said—this is so typically Fred Nelson—very calmly, “Go get towels. Go get towels. Towels.” Put towels where he was injured. And he was in critical condition, but they got him to the hospital. His life was saved. But it was an attempt to kill him so that somebody else could get the position.

**JE:** And for those of you who have followed this story, Albert McDonald and Tom Lester Pugh were charged but never tried for the crime. There was a reason for that. Cleo Epps said they got the dynamite from her farm. They wanted to get Nelson, a Republican, out of the way so Charles Pope, a Democrat, could win in the general election. Pope had represented McDonald and Pugh, and they thought he would be a friend on the bench. That's the kind of thinking.

**CE:** That's exactly right.

**JE:** Yeah, that's the kind of thinking—that kind of mind will go through. And then Nelson received 70% of the vote in the primary and went on to defeat Pope in the general election. Six weeks after the bombing, both McDonald and Pugh died in prison while serving time for other crimes.

**CE:** And he was never bitter.

**JE:** Really?

**CE:** It's a statement of fact. It occurred.

**JE:** Did it impact his life in any way? Was he nervous about his own security, you think?

**CE:** I don't think so.

**JE:** So he'd be considered one of your major mentors.

**CE:** He was.

**JE:** How fortunate you were—and that he survived all that and could be continuing to be with you.

**CE:** Yeah. I lost him too soon. He died in 1987. But our friendship was deep. Which does bring me to a story that circles back to your question about how tough was it.

So Fred and I worked together on so many cases. Basically, I was his sidekick. And we'd go places, and he'd say, "OK, Claire, I'm leaving—take over." And a lot of the people that were in the cases we were in—because we handled major cases for the Williams Companies and others—were the shining male stars in town, the head of every law firm.

And the morning after Fred died, I saw some of those people, and they asked me if I was gonna retire now that Fred was deceased. And I said, "No." And they said, "What are you going to do?" And I said, "Well, take over the caseload, represent our clients." And I was quite shocked, because some of the people that asked me the question I did not think had that bias. But I stayed.

**JE:** Yes. Isn't that amazing?

**CE:** But that's 1987, which is...

**JE:** Well...They should have known better in 1987. You wrote an affidavit in support of April Rose Wilkins. Tell us who she was and what that was about.

**CE:** She had been married to a man named—I don't remember his first name—Mr. Wilkins. Had a child with Mr. Wilkins. And Mr. Wilkins was the son of Roy Wilkins, the head of WilTel Communications.

And one of my partners at Hall Estel, in about 1997 I think it was, came to me. Her parents owned a company called Soft, Inc., which made soft

braces for people that were having surgery or orthopedic problems. And they were clients of this partner of mine. And the daughter was April Rose. She was dating Don Carlton's son. And I was advised that she was in an abusive relationship. She had been in Italy with him, and there was abuse, and the Italian police wouldn't do anything because it was a domestic matter and didn't want to get involved with two Americans in an abusive relationship in a hotel.

So she came back to Tulsa, and I represented her to get an emergency protective order from him. It was a codependent relationship. They were dependent on each other. And there were drugs involved. And it was one of those love-hate relationships—because she loved him—and it was a cycle of violence, and then there would be violence, and she'd want to get away from him, and then they'd see each other again. So, there was a lot of feeling there.

So I went down with her to get the emergency protective order, and it was set for a final protective order. And of course, Mr. Carlton's son was served with the notice and came with an attorney. And I showed up for the hearing—and April Rose did not show up. Because she had been told the night before by her love interest that he was gonna be there with his attorney, and it was gonna be hard on her and embarrassing, and she was frightened. And she did not show up. And I did not get the final protective order. So the emergency protective order was dismissed. And I advised her to stay away from him.

And long story short—one night, late at night, she went over to his house. I don't know if they engaged in any drug use, but they had an argument, and there was a loaded gun, and she shot him. So she went to trial. At that point, I think I had already been appointed a magistrate judge. But there I was—an attorney at Hall Estel that had represented her—and there was a file at Hall Estel. And I was never contacted or called to testify. And I didn't think—as a magistrate judge—I could be an advocate. So I waited. And she went to trial and was convicted. She put on the battered woman syndrome defense, kind of, but no one called me to testify to my observations and knowledge of the relationship.

To this day, the matter may still be pending. I know that there was a reform act that came out—I think it was last year or the year before—for victims of



abuse who could go back and challenge their sentencing and seek a new sentencing. I had been advised that there might be a new sentencing. I think I was advised that last November, and I haven't heard anything since. But her matter may still be pending.

**JE:** April Rose. Her last name again was...

**CE:** She went by April Rose Wilkens. W-I-L-K-E-N-S.

**JE:** And then—I don't know—the Carlton name was so big in this town. And I don't know if that played any into this at all. Maybe not.

**CE:** It may be part of the argument they're making.

## **Chapter 5 – 10:15**

### **U.S. Magistrate Judge**

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**John Erling (JE):** Everybody says, "You have to talk to her about running." When did you—and I'm a runner too—when did your running career begin?

**Claire Eagan (CE):** So I had a five-and-a-half-year marriage to my first husband, and we were getting divorced in 1984. I moved out of our house and moved to an apartment on the river, and every male lawyer friend I had in Tulsa, Oklahoma, was a runner. And I thought, there must be something to this. So I just went across the street to the river and started running.

I was introduced to my second husband on a blind date because we were both runners. And the night we met on our blind date, we decided we were gonna run the New York City Marathon. And I started running marathons. I've done 20 marathons and more half marathons than I care to count—and Tulsa Runs—and just... running became a passion. It was a shared love of my husband and me.

**JE:** And his name?

**CE:** Anthony Loretta. L-O-R-E-T-T-I, Junior. Went by Tony.

**JE:** And you lost him recently, so this is fresh for you, isn't it?

**CE:** Still hurts. It's been 10 months.

**JE:** The only thing I share in common with you in running is the activity itself. But I too ran the New York Marathon. I haven't run 20 marathons. I started running half marathons when I turned 70, and so I've only done about four or five of those. But I admire you.

And running is—uh, it's better than drugs. I could tell people—and I'm sure you relate—that if my brain felt scrambled and had all this crap in it, I knew that if I just went out and ran six miles, I'd come back and—bingo—my mind would be clear. Did you find that?

**CE:** Yes. I ran before every trial, before every opening statement, closing argument, appellate argument, client presentation. And my best running buddy just happened to mention to me last week—she said, "I've been running with you for almost 30 years, and I think I've heard every closing argument you ever made."

But I figured out the strategy for every case I had while running. And it is—it is a mind-clearing activity.

**JE:** It is. And it gets your mind to be creative. I too have had many ideas from running and could hardly wait to get back to the car to write it down so I wouldn't forget it. And are you still running?

**CE:** I am. So now I kind of walk-run. But now that the weather is getting warmer, I intend to go back out there. I did the 5K in the Tulsa Run last October. I plan to start running again this spring.

**JE:** We were both running the Tulsa Run last fall too—didn't know that.

**CE:** Well...Maybe I'll see you in October.

**JE:** And maybe so. And I am running now myself. From 1998 to 2001, you served as a U.S. magistrate judge for the Northern District of Oklahoma. What did that entail? What kind of cases would you have been...

**CE:** So magistrate judges are appointed by the district judges pursuant to statute to assist the district judges in pretrial and non-dispositive matters. What they do in our district—because they have different responsibilities under the statute and local rules in different districts—but here, we try to

make as much use of magistrate judges as possible.

So, in civil cases, they'll do all the pretrial discovery. They do settlement conferences in civil cases. In criminal proceedings, they do initial appearances, arraignments, preliminary examinations—all those preliminary matters before the criminal case gets to the district judge.

Magistrate judges cannot do case-dispositive motions or rulings or trials unless both parties consent pursuant to statute. At the time I was a magistrate judge, we really didn't seek consents for that because we had plenty of district judges, and it was pre-the McGirt decision, so we didn't have the crush of cases that we've had since 2020.

Currently, in our district, the parties are asked if they'll consent to a magistrate judge. So now they can do trials and cases to conclusion. They can do misdemeanor trials, but not felony trials.

**JE:** And how did you come to that position?

**CE:** So, in 1997, there was an opening for a district judgeship. And of course, starting after Fred died, I would apply for every district judge position in the district—whether it was a Republican opening or Democratic opening—because I wanted to be a district judge.

I knew—I was a registered Republican—and I knew I had no chance under, you know, a Democratic regime. But I always applied so that the senators, who were both Republicans, would know that I was interested.

And so, in 1997, I applied for an opening under President Clinton, which was the Thomas Brett opening. Three people came out of committee and were nominated in succession, and each one failed to get nominated by the president.

So when George W. Bush was elected, I applied for the Thomas Brett position, which was still open. And that is how I got the district judge position.

But let me circle back to 1997, when I didn't get the position under Clinton. I had just lost a nephew and realized that life is short, time is short—you

never know how much time you have. So there was an opening for a magistrate judge position, and I applied for it. There were 64 applicants. And once again, the sun and the moon and the stars lined up, and I got it.

And so by the time I was nominated by President George W. Bush, I had three years of experience under my belt, which inured to my benefit in my nomination by President Bush.

**JE:** So then you're nominated to the U.S. District Court. And Senators Jim Inhofe and Don Nickles nominated you?

**CE:** Yes. Well, the president—they recommended me to the president, and then the president nominated.

**JE:** Right. So did you have interaction with both of those senators?

**CE:** Yes. So I interviewed with each of them. I had only met Senator Nickles once before that, and I think Senator Inhofe once before that. And then, when I'm being considered and they're getting ready to forward my name to the president, I had an in-depth interview with each of them. And they were, once again, so incredibly supportive. And they really—they'd never had a woman district judge. So I was the first female full-time magistrate judge, and I was the first female district judge in our district. So... I can't thank them enough.

**JE:** When they interviewed you, I suppose they were prepared to interview you about your career and the justice system and all that. They get pretty in-depth with you?

**CE:** They ask questions about the death penalty. They ask about recent Supreme Court cases. And they're not trying to ask you how you would judge a case—they're just trying to figure out: Do you align with what the president's agenda might be?

And it's kind of interesting because... you take an oath to apply the law as it is. So—especially for district judges—you're applying Supreme Court precedent and your circuit precedent. And as you see in the political theater of Supreme Court nominations and hearings, it's very political and about their views. But here, I think it was to see that this is a person that has what we want on the bench. And those interviews, I guess, went pretty well.

**JE:** I guess so. Did you ever meet President Bush?

**CE:** So we were all supposed to visit with President Bush at some point, but unfortunately during our nomination process—I was one of the first to go through after 9/11—and so we weren't able to. Even—we were supposed to get a phone call as well. But the president did not have time to call every single judge. So I did not meet President Bush.

**JE:** So then did you serve then as Chief Judge of the court?

**CE:** I did, from 2005 to 2012.

**JE:** As you took the bench the first day, do you remember your thinking?

**CE:** I remember not so much taking the bench the first day, because I had gotten used to taking the bench as a magistrate judge. But I remember going in to be sworn in by the Chief Judge on the day my appointment was signed by President Bush. And I remember having a feeling of disbelief that this was actually happening to me and for me. And it—it was the most amazing feeling. But it's also—it's a huge responsibility. So... I think the swearing-in was the big moment for me.

**JE:** "Here I am, this little girl from the Bronx," yes. Where was that swearing-in?

**CE:** So in the—on the 4th floor ceremonial courtroom in the courthouse that you were in for Judge Seymour's interview. That big courtroom.

**JE:** Oh, our federal building downtown. Yes. OK.

**CE:** And that's where my office is.

**JE:** OK.

**CE:** I'm actually on the same corridor as Judge Seymour.

**JE:** Oh, I see. OK.

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**Chapter 6 – 5:15**  
**RxDepot**

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**John Erling (JE):** 2003, there was a ruling to shut down RX Depot, which acted as a middleman between U.S. customers and Canadian pharmacies. So you pick up on that and talk about what the case was?

**Claire Eagan (CE):** I will. So the United States brought this action against this corporation. RX Depot Inc. was affiliated with RX Depot Canada Inc. to basically import non-American manufactured drugs into the United States.

RX Depot was a Nevada corporation that had an office in Tulsa, Oklahoma. They had 85 stores. They served approximately 800 customers a day. So the action was brought here because of their presence in Tulsa. The United States brought a civil action for injunctive relief and disgorgement of profits under the Federal Food, Drug, and Cosmetic Act for importation of these drugs illegally from Canada.

What was happening is: Americans would get a prescription from their doctor with a set dosage and a set number of refills. Then they would apply online to buy these from RX Depot, because RX Depot was offering those drugs more cheaply than they could buy in American pharmacies. And because the price of drugs at the time was so high in the United States as compared to Canada, two things were happening—people were taking buses across, they were taking those trips to Canada to buy their drugs, but also people were getting online to buy them from Canada.

What was happening is, if you got online and signed up for RX Depot, you gave me your American prescription—signed by an American doctor—for a drug theoretically produced in the United States. These would be sent to Canadian pharmacies where a Canadian doctor would rewrite a prescription for a patient he or she had never seen, and then fill the prescriptions, mail them directly to the customer in the United States, and bill them by credit card. So they had never had any interaction with the patient.

The concerns were that they were sending U.S.-manufactured drugs back across the border without either the recommended dosage,

recommended number of pills, or the inserts in the package—or they were selling non-U.S.-manufactured drugs that had been manufactured not necessarily in Canada, but places like Eastern Europe. There was no control over what you were getting. And sometimes the dosages didn't match—they were subpotent. The number of refills was extraordinary.

So the United States sought injunctive relief. I initially had a two- or three-day hearing. I granted injunctive relief and told them to cease and desist immediately and stop and shut down. And then within months, the parties got together and came up with a consent decree, where they would basically agree to a permanent injunction and shutting down all the stores.

Initially, I had ruled that disgorgement of profits from the two principals and from RX Depot was not appropriate. The circuit reversed just that one part and said yes. And then, once again, the parties got together when it came back to me to reach an agreement on disgorgement.

But that case caused more death threats than I ever got in any other case—including letters hoping that I died of a long, painful illness without access to medication. And I understood. I understood that there are Americans out there that cannot afford their prescriptions, but I was doing what the law required.

**JE:** How did those death threats come to you?

**CE:** “May it be long and agonizing.” But no—you know, we'd get phone calls and letters. And it was nothing that I ever asked the marshals to look into, because it was angry people from far away that were not about to get on a bus to come to Tulsa, Oklahoma, to deal with the judge. But I took it as just venting anger, and I understood their anger.

**JE:** Did any who took this medication—which could have been counterfeit, substandard—have a reaction?

**CE:** The United States did not put on any evidence of any deaths or long-standing illnesses. Their concern was more prophylactic in terms of getting it shut down. They had done enough testing to see that there could be subpotent pills in there. So I never had evidence of direct deaths or illnesses, but their fear was that it would ultimately result in some.

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**Chapter 7 – 10:00****John Pickle**

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**John Erling (JE):** 2005—there was a ruling, a civil rights judgment against an Oklahoma manufacturing company for human trafficking. And this involved the John Pickle Company based in Tulsa. What interesting things can you talk about? Because this is an interesting story too.

**Claire Eagan (CE):** It is probably the case that I'm known for the most because it had a civil rights impact across the nation with regard to—I hate to say human trafficking—but behavior and luring people into the country on false pretenses.

There was a local company, John Pickle Company, owned by John Pickle, that fabricated products for the petroleum and power industries. They manufactured large products, large vessels, and they needed welders. Initially, John Pickle had a joint venture—I think in Kuwait—and he recruited some people from India to go work there because he thought he could get cheap labor.

Well, he had good contracts on hand and wanted cheap labor, so he contacted a company in India—I think it was called Al Sait—to recruit highly qualified, trained welders to come work in the United States with the promise of jobs, permanent employment, visas, and the probability of permanent residency in the United States.

When they got to Bombay—about 55 of them came in total, including two cooks to cook for them—there was a bait-and-switch. They were forced to sign documents saying they were coming as trainees, that they would be paid as trainees, and that they would pay for their room, board, medicine, phone, and other expenses. They had already paid a fee upfront to have this opportunity. The documents were explained to them, and they said, “This isn't what we agreed to,” but they were forced to sign them because they were getting ready to get on a plane. So they signed them under duress.

They came over in three tranches—in October, November, and December of 2001—and were put in a warehouse that had been turned into a



dormitory with bunk beds. They had these two chefs preparing Indian food that they were charged for. They were classified as trainees. They were harassed—verbally and physically. They weren't allowed to leave the premises. There were armed guards. They lived in a horrible little dormitory room with no privacy. The bathroom was one big bathroom. They were allowed to leave to go to church on Sunday but had to come right back.

They were working on valuable contracts at a highly skilled level, and they actually produced—in a few short months—over \$3 million worth of product. But they were being paid between \$1 and \$2 an hour.

Originally, the plaintiffs sued—52 plaintiffs—against John Pickle. They sued for Fair Labor Standards Act violations for failure to keep a 40-hour workweek, to pay overtime, and to pay minimum wage. They sued for race discrimination—that the East Indian workers were treated differently from the white workers. They sued for deceit—for the bait-and-switch at the airport. False imprisonment—because they were under armed guard and their passports and visas were taken away. They sued for intentional infliction of emotional distress. They sued for violation of Title VII work conditions. And finally, they filed suit under an immigration act.

I dismissed two claims—the Title VII violations, because they were duplicative of the others, and the immigration claim. Then, in a companion suit, the Department of Labor came in—so it was the *United States v. John Pickle*—and filed similar labor claims. I tried the two together.

Phase one was a trial as to whether they were trainees or employees. If they were trainees, they didn't have to be paid minimum wage and a 40-hour workweek because they were being trained for better opportunities—maybe in Kuwait, maybe in the U.S. They were promised both. After a trial that lasted days, with lots of documentary evidence, I found that under the Fair Labor Standards Act, they were employees—not trainees.

Then we were going to try liability on all the other claims, and a third phase was going to be the damages. The parties agreed to collapse the second and third phases together, and we would do all the other claims and damages together.

It was a fascinating trial because all of these gentlemen were from different parts of India and spoke different dialects, but there was one dialect they all had in common. Our local court interpreter found someone who could speak that common dialect, so when the representative plaintiffs testified—not all 53 testified—they picked a cross-section. They answered in that dialect, and it was translated into English. It was a fascinating trial.

At the end of the second phase, I found that they were entitled to wages and overtime compensation, that they were entitled to compensatory damages for the hostile work environment and the race discrimination, and punitive damages for the intentional deceit. They also got \$1,000 each for false imprisonment.

They were only there until February of 2002, when they finally escaped through someone at a local church who came and picked them up. After February 2002, they were able to stay in the United States, and by the time of the trial, they had been in the U.S. 10 additional months without employment. So I gave 10 months' worth of damages to them for that.

**JE:** How much was that?

**CE:** They ended up receiving individually—if memory serves me right—somewhere between \$25,000 and \$45,000 each, which included the punitive damages and the intentional infliction of emotional distress damages. Doesn't sound like a lot of money to us, but for a year of their lives—for these people who had suffered greatly—it was significant.

And the good news is, most of them—I think the last I heard—most of them were allowed to stay in the United States. They were very, very skilled welders, and assuming they had the right visas, they would be able to be gainfully employed.

**JE:** How old were they?

**CE:** I think most of them were in their 20s and 30s.

**JE:** Did they have families?

**CE:** Some of them had families back home. And of course, they were here to send that money back home.

**JE:** When you say you ruled, do you have a staff with you that's working with you and helping you collect your thoughts as you come to this decision?

**CE:** Yes. So, different judges have different numbers of law clerks, depending on how you choose to set up your chambers. I have two law clerks—one who's a permanent law clerk and one who's what's called a term law clerk—clerks for one year. That way, my permanent's with me—he's been with me since, like, 2006—and the others come for one year. So you're giving a lot of attorneys an opportunity to clerk for one year, but you have someone with you who you know and trust and think alike, and you write alike.

My law clerk at the time worked with me on this, and we'd go into a conference room every day after the hearing, compare our notes, and write out our findings and conclusions. These opinions are—like, I think the first one is 50-some pages—they're findings of fact and conclusions of law. And then the law clerk is doing research. I do most of the findings of fact; they do most of the conclusions of law, because they're doing the research as to what is the law that applies to these facts as you find them. So the first one, I think, was 50-some-odd pages. The second one was maybe 70-some-odd pages. And then a final judgment awarding them each individual damages.

**JE:** John Pickle—was he then called as a witness?

**CE:** Yes. Yes, he was.

**JE:** All right. How did that go?

**CE:** It did not go well for him.

**JE:** He could not defend...

**CE:** The documents belied what he testified to. They were backdating these alleged training sessions and grading them as trainees when, in truth and in fact, they were working—like, up to 20 hours a day on the floor making things. They backdated documents. And so what he said on the stand didn't match his documents.

**JE:** It must give you tremendous satisfaction when you can right wrongs—and that's what you did here. Doesn't that—

**CE:** That's what it's all about. Right? Being fair. And if you see something like this—that you can—and it's not personal. If you read my findings, they're not personal. They're just unemotionally stated facts and findings based upon documents and testimony. So yes, it's very rewarding. And you've picked the two cases that I think were two of the most rewarding I ever worked on.

**JE:** OK, good.

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## **Chapter 8 – 7:55**

### **McGirt Decision**

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**John Erling (JE):** There's gotta be some cases where there was a conflict between the legality—the legal principles—and then you have personal beliefs as well when deciding these cases. Is that going on in your mind? “This is the way I feel, but I know I've got to go this way.” Is that tough?

**Claire Eagan (CE):** I not only took an oath to set those aside—I really think that I can and do set those aside. I mean, you know, I was asked if I could rule in a death penalty case, and yes, I can rule in a death penalty case, and I have. I've never sentenced anybody to death, but I've done habeas cases that come from the state court, or other federal courts, where there's a death sentence and I rule as the habeas judge. You have to be able to set those aside—otherwise, you just have a bunch of people on the bench who took an oath to do something they can't do. So I'd like to believe I can do that.

**JE:** Apparently you have. Death penalty—what was your personal belief in the death penalty?

**CE:** You know, as a Catholic, I was raised to not believe in the death penalty. I asked my parents about it when I was considering applying to be a federal judge. And one parent said, “Well, you know, the Catholic Church does not believe in the death penalty, but some people give up their right to life by doing horrific things and taking the life of another.” And the other parent said, “I don't believe in it.” And it's just like, OK. So... no one goes around proud of the fact that they're seeking or imposing the death penalty, but

because those are the laws in effect that govern what I do, I have to be able to apply those laws. So I do.

**JE:** Was there a death penalty case that came before you?

**CE:** So I have ruled in death penalty cases, but not as the trial judge. It's, you know, habeas corpus relief. You come after the trial saying, "I was denied due process," or "It was not a fair trial," or, you know, "There's some error in the trial process that you can fix in habeas."

**JE:** You assumed senior status when?

**CE:** October 1st, 2022.

**JE:** And what does that mean?

**CE:** It means that I continue as a judge, and I keep staff dependent upon how many cases—what percentage of an active district judge caseload—I take. In the 10th Circuit, if you have greater than a 50% total caseload, I can keep my assistant—my judicial assistant, who assists us in administrative responsibilities—and I can keep my two law clerks.

So I decided, because at the time I had caregiving responsibility for my husband, that the criminal docket was too overwhelming after the McGirt decision, and that I had to be in court every day to do that, and I needed more time at home. So I elected to take no additional criminal cases, and I have a full load of civil cases.

**JE:** You referred to the McGirt decision a couple of times. So let's talk about that and how it affected your workload. Supreme Court ruled in 2020 that the Muscogee Nation reservations had never been disestablished by Congress. State courts could no longer prosecute tribal nations for crimes committed on reservation ground. So talk about the development and how that...

**CE:** After that decision, McGirt was expanded to include other tribes in Oklahoma that had treaties similar to the Muscogee Creek Nation treaty. The ruling—that the tribal reservations had never been disestablished—affected criminal jurisdiction.

For certain crimes, known as the Major Crimes Act, the federal

government—federal district courts—have exclusive jurisdiction to hear those cases. Tribes, of course, still have tribal jurisdiction for other cases that are not in the Major Crimes Act, and general jurisdiction over other crimes—Indian on Indian, or Indian and non-Indian.

But the bottom line was that most of Oklahoma—and I'm gonna exclude Osage County for now because they have a case pending, but it's a different type of treaty—for those tribes whose reservations were not disestablished, the federal district courts got jurisdiction of all the cases that used to be brought by the district attorney for the county.

Our caseload went from an average of 80 pending at any given moment to 240 pending per judge at any given moment. So we were in court all day, every day—criminal pretrials, changes of plea, sentencings—such that I had to have another law clerk in the back helping me on my civil cases because we had so little time for them. The criminal cases have a Speedy Trial Act, and we had to get on those right away.

Things are starting to settle down, although there's still an issue pending with regard to what jurisdiction the state has over certain types of crimes—including, for example, whether the Creek Nation has before it a non-tribal member versus a tribal member. The state is taking the position that they can still prosecute that. Those cases are now before me, so I can't comment on those—just to say that they're pending.

Long story short, most of the dust has settled. We've gotten some more magistrate judges. We've gotten two new district judges. So we now have a good handle on our docket, and things have calmed down quite a bit, and we're able to handle it. All the judges are now able to have somebody working full-time on their civil cases as well as the criminal cases, so we're bringing our dockets current. But it was a long, long three or four...

**JE:** Years.

**CE:** Yes.

**JE:** Wasn't there a case where a man had a traffic accident or something and he contested it because he was on the reservation and he couldn't be charged with this traffic violation? I think—is that true?

**CE:** So there are a number of cases out there where the issue has arisen over whether the tribe, the state, and the feds have jurisdiction. Those cases are still going—they're percolating in the system. There are cases coming out of the Oklahoma Supreme Court. There are cases coming out of the federal district court. There is a recent case—Castro-Huerta—from the United States Supreme Court.

Those issues are still in the process of being resolved. The big question right now is: What jurisdiction does the city and the state have over both traffic tickets and criminal prosecution? And I think that's what you're referring to.

There was a recent case with Governor Stitt's brother, and that's still percolating through the courts as well. So—stay tuned.

## **Chapter 9 – 4:35**

### **FISA**

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**John Erling (JE):** 2013—you were appointed to the Foreign Intelligence Surveillance Court. And you were the author of the opinion explaining the... call... the metadata collection program was constitutional. And we can bring up a name here—Edward Snowden. Leaks. Former contractor. Leaked classified documents revealing extensive government surveillance programs. So—and then there are other issues here as well. So talk about your role in that and what your final opinion was.

**Claire Eagan (CE):** Well, let's start with a little—if we have time—a little background. So the FISA Court, which is the Foreign Intelligence Surveillance Act Court, was founded in 1978 to deal with applications from the executive branch of the government for warrants and orders to employ various techniques to gain foreign intelligence information for counterintelligence and counterterrorism purposes.

I was fortunate enough to be appointed by Chief Justice Roberts as one of the 11 district judges on that court. I served from 2013 to 2019. Shortly after the Snowden leaks, an application came before the court for business

records. And those are the records that were maintained by the telecommunications company, which basically are a trove of what's called metadata—which are not the contents of communications, but every call made: by date, time, number called from, number called to, and duration.

The purpose of collecting metadata is to see if there's a link in the phone calls that you see in those business records that would lead you to a pattern of frequent numbers called by people who are believed to be engaged in terrorism or counterintelligence.

So at the time, there was a challenge to the collection of those business records. And at the time, the business records were kept at the—kept stored in servers in government agencies and produced by the telecommunications companies.

After the uproar—after Snowden and the leaks of the collection of this data—I had a matter before me. There was a challenge to the constitutionality of this collection under Title V of FISA, which is the third-party production of records.

And so, I decided that because of the notoriety of the issue, that I wanted to write an opinion so it wasn't a secret decision. FISA judges can write opinions and put them on the FISA website after the government has redacted any classified or sensitive or compartmented information.

So I wrote the opinion finding that it was not a violation of the Fourth Amendment to gather these records and review these records. As a result of the opinion—I mean, good things happened as a result of this.

Instead of every time somebody calls somebody, and that person calls another person—that's called a hop—so the first hop is getting the target's calls. The second hop is the person that target called. And then the third hop is the person that every one of those people called. So you're getting a lot. On that third hop, you're getting a lot of information that may not be directly related unless you see a pattern.

Two good things have happened: the telecommunications companies keep the records, and now there has to be a warrant issued for physical search of those records. And it's now limited to two hops, absent



extraordinary circumstances. So, I mean, those are good things that happened as a result of things that appear in the news.

**JE:** Right. What was your pushback on that? Any?

**CE:** Oh, the main pushback was that I didn't address a case that dealt with putting a surveillance tracker on a car to learn a physical location of someone. And so the next judge that had the issue supplemented my opinion by ruling that that case was not applicable, because physical location of the caller or the callee was not being disclosed.

## **Chapter 10 – 8:25 Judicial Conference**

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**John Erling (JE):** Chief Justice John Roberts appointed you as the chair of the executive committee of the Judicial Conference?

**Claire Eagan (CE):** Yes.

**JE:** What is a Judicial Conference?

**CE:** So, in 1922, the Judicial Conference of the United States was founded by then-Chief Justice Taft to basically assist the Chief Justice—who, when you think about it, is doing for the third branch what the president does for a huge executive branch. You have one person that's in charge of a branch.

So in order to have an administrative body that advises and assists the Chief Justice, the Judicial Conference was formed. It's comprised of 26 judges: 13 of whom are the chief judge of each circuit, 12 district judges who are appointed by the judge in their circuit to serve, and then the chief judge of the Court of International Trade.

It is an administrative body that meets twice yearly but receives administrative reports and recommendations during the year from standing committees of the Judicial Conference about things that can be done better—changes that we're looking for in the law or in the rules that govern how we practice. And so the 20 standing committees of the Judicial Conference have judicial members who study issues and make recommendations to the Judicial Conference to adopt at the semiannual

meeting, so that we're always looking for better ways to do things and move things along.

Along the way, there can be recommendations that we seek legislation, which the Chief Justice can then forward to the Hill. But the Executive Committee is the standing committee that basically takes the committee reports from all the other committees, puts together the agenda for the Judicial Conference, and is available to meet not only semiannually but any time to deal with matters that come up between the meetings of the Judicial Conference.

So, that's another one of those—both the FISA position and the chair of the Executive Committee—are two positions that, once again, I say I don't know how the sun and the moon and the stars came together for me, but they were incredible life experiences for me.

**JE:** Well, it wasn't by luck. You earned it. It was about your résumé.

**CE:** Résumé.

**JE:** You were appointed to succeed Judge Merrick Garland on the U.S. Court of Appeals for the D.C. Circuit, and President Barack Obama had nominated him to the U.S. Supreme Court. The Senate refused to hold a vote to confirm him for political reasons. Then Justice Scalia dies—a conservative—and Obama would have appointed a liberal to the Senate, but then we know the rest is history. President Trump nominated Neil Gorsuch to fill the Scalia vacancy and was confirmed. And so then President Biden named Garland as U.S. Attorney General.

Chief Justice Roberts—have you met him?

**CE:** Yes.

**JE:** Tell us—when you're around him, what kind of person have you found him to be?

**CE:** I always thought he was the smartest—if not one of the smartest—people in the room. Down to earth. Gregarious. Friendly. Not judgmental in a social setting. An interesting table companion at lunch. Humble. And... a regular guy.

**JE:** A regular guy. How about the other justices—did you meet them?

**CE:** I have. I've met Justice Gorsuch, Justice Sotomayor, I've met Justice Ginsburg.

**JE:** And why—why were you meeting them?

**CE:** So I would meet them... I first met Justice Gorsuch when he was Judge Gorsuch, and I met him at 10th Circuit conferences. And then—and of course I met Justice Breyer. So, different justices go to the Judicial Conference meetings of individual circuits. There's one judge that's the circuit justice, and so I'd meet them at the 10th Circuit conferences.

**JE:** You know, we can't have this oral history interview without talking about our friend Robert Henry. Robert Henry was in the 10th Circuit Court of Appeals out of Denver, correct? And I've interviewed him for Voices of Oklahoma, and we're both a big fan of his.

**CE:** I am a big fan of his.

**JE:** In the Supreme Court, when they're dealing with a case, do they sit around a big table and talk about that, or can they not—do they have to have the individual doors closed and they can't come out and visit with each other? Are they able to go back and forth?

**CE:** The process—of course, not having ever been there—but the process, as understood publicly, is they prepare for these oral arguments by reading and having their law clerks researching. And, you know, typically they'll probably have a bench memo prepared by a law clerk. But they all go fully prepared to every oral argument, and they take turns asking questions.

And then after oral arguments, they go into a huge conference room for a conference, and they discuss it. And they—as I understand it—they go around the table for a preliminary assessment of where everybody is. And the Chief Justice decides who's going to write. And it depends upon—it has to be somebody who's going to be in the majority as it then stands, before anything's put—pen is not put to paper before they do it as an initial assessment.

But, you know, things change. People change their opinion. Justices see a first draft of an opinion, and they could say, "Oh, I'm not comfortable with this. I want to write my own concurring, or concurring and dissent, or dissent." The Chief Justice kind of keeps track of who's doing each opinion.

And then opinions are circulated among the justices to see who's going to sign up for the majority, how much of the majority opinion a certain justice is going to sign up for, whether each justice wants to write a separate opinion—either concurring, dissenting, or doing each in part—until there's a final. That's why it takes months, these things.

**JE:** I'm always fascinated. The work you did up until now—there wasn't another opinion. There wasn't a conservative or liberal opinion. You were following the law. Am I correct in saying that?

**CE:** I—I hope. That is my goal. And the answer is: I hope I met that aspiration.

**JE:** But in the Supreme Court, we have a liberal interpretation and a conservative interpretation.

**CE:** I would like to say... that there are judges that are appointed who happen to be the best and the brightest of the party of the president who nominates. The same party. But that doesn't mean—I mean, they take the same oath to apply the law.

Now of course, the Supreme Court is all dealing with, you know, "What's our precedent? What's the extension of our precedent? Or is it time to review this precedent for a different outcome?" But the bottom line is—they may have ideological preferences—but I believe that they are all following their oath and doing what they believe is what the law is or ought to be, in good faith.

You're laughing because that was a diplomatic answer—but I honestly believe it.

**JE:** But it's almost—we almost know when something comes before the Supreme Court...

**CE:** I don't anymore. There are a few justices I can't...

**JE:** ...which is—they're going to rule or not. We almost know that. Except now, lately, we aren't sure—which, it should be that way.

**CE:** Exactly right.

**JE:** We should not be sure. But some of them we know for sure. And that's what I find so interesting.

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**Chapter 11 – 8:50**  
**Find Mentors**

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**John Erling (JE):** Did you ever have moments on the bench that changed the way you think about the law?

**Claire Eagan (CE):** I've had a few moments on the bench where a lawyer has done or said something that is so offensive and presumptuous about what jurors think or are thinking that it's made me, at times, wonder—are jurors impacted by those types of biases or comments that come from the mouths of lawyers?

I have made it a practice to meet with almost every jury that's ever sat in trial before me—not about their decision, unless they want to ask a question about what they didn't hear—but about their process of reaching resolution. And I will tell you that the most reassuring thing that I've ever felt as a judge is that jurors really do take their oath seriously. Listen. I mean, they've noticed things that even I've missed as a judge. Listen, observe, and try to do the right thing following the instructions and not be impacted by the bias.

So I think the most startling thing for me on the bench is to see the jurors see right through that kind of bias. I don't know that I have a moment that I can point to where I've had a eureka moment on the bench about personal belief.

**JE:** You talked about listening. One of the toughest parts of doing this kind of interview is listening. You've got to listen to every single word. And as you're sitting on the bench, you had to too. And if your mind wanders just a little bit—you just alluded to that—that the jury heard it and you may not have. Same thing happens sometimes to me.

So listening—sometimes it seems so easy—but it's concentration. And I haven't had a hard time listening to you today.

A little bit about what's going on in this year, 2025. Our judicial system is under fire. It comes from—now this is going to be current event and you may or may not want to comment on it. Let me state my case here,

Judge—listening.

So let's talk about current events, because what's going on today eventually will be history. In this year, 2025, our judicial system is under fire, and it comes from President Donald Trump. There's an intimidation campaign to spread fear among judges, to keep them from insisting that the Trump administration follow the law. He stated, "We have rogue judges that are destroying our country." And he's also targeting law firms whose lawyers have worked against Trump—and in fact settled with one firm for \$40 million in pro bono work. The Supreme Court may have to be bolder in protecting that legal system that they protect. Do you have any comment on this that's going on today?

**CE:** So my admiration for Chief Justice Roberts only increased last week when he spoke out after the intimidation tactics against different judges—one in particular—and talked about how threatening judges threatens the independence of the judiciary. And you can't call for the impeachment of a judge just because you disagree with that decision.

So once again, I think we have, at this time, at the helm of the Supreme Court, a perfect person for this time. Because in my humble opinion, Chief Justice Roberts always keeps the best interests of the judiciary as a whole—and of the Supreme Court as a whole—forefront in his mind, as opposed to any individual case trumping that.

So with regard to this political climate, I think you will see federal judges across the country may be disappointed that our colleagues and friends are being attacked, but not afraid for the system. Because I believe in the third branch as an independent branch. I believe in our Supreme Court and that they will help us weather the storm.

**JE:** Do those justices also consider, when they have an opinion and a ruling, the political fallout that's going to come from this?

**CE:** I think they—they're not unmindful. They're brilliant people. They're not unmindful. But I think they have the courage to make a decision that is not a political decision, but still keeping in mind that you're acting as a court. And that sometimes you may take a position in a case that is not predictable to you or me or the general public because you may have a

higher interest in mind.

But once again, I think we have people on the Supreme Court that can put aside the political fallout to do what they think is right. I may not always agree with what they think is the right decision, but that's why they're there.

**JE:** Well, I suppose there were those who didn't agree with your decisions either.

**CE:** Right. I'm sure in every case there's somebody unhappy.

**JE:** Were there attorneys who came before you that were ill-prepared?

**CE:** Yes.

**JE:** And you were shocked, probably?

**CE:** Yes. But in a criminal case, I have to make sure that that does not lead to ineffective assistance of counsel. And so the good thing is, in criminal cases we have a way of dealing with obvious unpreparedness, ineffectiveness. In a civil case, we can't advocate for anybody. They hired this lawyer and, you know, they're stuck with the lawyer they hired. But yes, I see ill-prepared lawyers all the time.

**JE:** So does money count here? You buy the most expensive lawyer—has that played out?

**CE:** You know, the most expensive lawyer is not necessarily the best. Also, I know judges are aware of how much billable time is being put on any given case, and whether the billable time being spent is commensurate with what's at issue. And find many, many times—many, many times—that the case is being overlaid, overworked, overbilled to the client. It's something I strove to be mindful of when I was a lawyer. It bothers me as a judge, but it's not my money, so I have to keep quiet in a simple case about things like that.

**JE:** So what advice would you give young lawyers—especially maybe women aspiring to careers in law or on the bench?

**CE:** My opinion is that all young lawyers—but in particular, because young women still have issues they have to deal with in terms of getting ahead in

family and how to balance family life—find mentors. Plural. And they don't have to be your same gender, or belief, or political party. Just find people that will help guide you in your career. And in my experience—I mean, I am where I am because I had great mentors. So that's always my advice to them: find mentors and stay in touch with your mentors at every step.

**JE:** Right. Maybe you've already said that, but let's have you encapsulate the most rewarding aspect of your career as a judge.

**CE:** Solving litigants' problems. And hopefully in a prompt, effective, and cost-effective manner. Just solving problems. Because for every litigant, their case is the most important case you have. And being prompt and effective is very important to me.

**JE:** Well, there's been a lot of stress. You've been having fun, haven't you?

**CE:** Yes. I love my job. I love going to work every day.

**JE:** How would you like to be remembered?

**CE:** I would like to be remembered as a... always prepared, thorough, fair, purist.

**JE:** Yeah. Well, Claire, this has been fun. I've enjoyed this.

**CE:** I have as well. And time flies when you're talking to John Erling. Thank you!

**JE:** I've heard your name in the community—and fun to meet you in person. And thank you for giving us this for Voices of Oklahoma.

**CE:** Thank you for having me.

**JE:** You bet.

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