Rex Travis—Oracle of Achievement

It’s not often you go to work for a legend. Of course, I didn’t know I had at the time. I first met Rex Travis after a fire at our house. I was not a lawyer at the time, but owned a small construction business. Not quite a year after the fire, our attorney friend called to say he’d run into a “Rex Travis” at the courthouse coffeeshop. Rex, he said, was something of an insurance law guru, teaching Insurance at two law schools. Rex had warned our attorney friend about a big problem we were about to face with our claim. Yikes! He wanted me and my wife at his office that afternoon. Our attorney friend had aptly described Rex as a “Wilford Brimley” sort. We liked him right off. And, even better, trusted him. About two-weeks later, Rex had our claim resolved. Little did I know we’d also set in motion a date with destiny.

Two years later, I closed my construction business to go to law school. My second summer, “Legal Intern” license in hand, I dropped a resume at Rex’s office—and landed my first “law job.” It didn’t take long to see that Rex knew everyone in the legal community. And they all knew him back and seemed to all like and respect him.

Rex recently received two “Lifetime Achievement” awards in about as many weeks. On Law Day he was given one by the Journal Record (I enjoyed Judge Swinton’s description, in The Briefcase, of Rex’s expression as the recipients accomplishments were read and he realized it was he). OAJ then awarded Rex its Lifetime Achievement award at this year’s Summer Meeting.

I interviewed Rex for this article. First question (of course): “Why law.” I have heard a similar refrain from others: “Eyesight.” Rex wanted to fly fighters for the Air Force, but lacked 20/20 eyesight. Poor Rex—lucky us. Still Rex enjoyed a long career in the Air Force Reserve, retiring as Lieutenant Colonel. He credits the Air Force for his comfort with public speaking. In intelligence, he briefed flight officers on enemy aircraft identification and capability, and about enemy ground threats in the flight path. Rex also credits his military briefing for showing him how to teach. Though they didn’t call it such, in all that briefing Rex learned how to really teach.

Rex could not be a pilot, so he heeded a high school teacher, who told him “as much as you like to argue” (oh, and he had an aptitude for English, and such) he ought to be a lawyer. Rex protested that he did not know any lawyers and had never seen a courtroom, so his teacher sent him to Ben Lampkin. Rex ended up hanging around Mr. Lampkin and going to court with Ben and Joe Wolfe, Ben’s partner. Rex’s time with Ben and Joe impressed upon him that law is fun, AND rewarding. Ben and Joe, Rex says, just very obviously loved to practice law.

Rex still loves to practice law. Who has he not asked: “Can you believe they pay us to do this?” Often, he asks this after a particularly grueling trial or difficult hearing. But he also asks this during those moments normal people define as fun. I truly think Rex has as much fun in the grueling parts as when times are easy. His take on law is it’s “a really good way to make a living, getting paid to do something that is a lot of fun, making really good friends along the way.”

During law school, Rex clerked for Brown, Darrough, Darrough, & Marbury (Judge W.H Brown started the firm after leaving the bench). They mostly did oil and gas, while Rex really wanted trial work. Rex graduated from OU law in 1962 (his License is signed by two of the justices in the bribery scandal—curiously, only those two signatures have faded, one now completely obliterated). After law school, wanting trial work, Rex followed law school friend, Ken McKinney, to work for Duke Duvall & Ben Head. When Head later left, Rex took on the trial work, *and really learned to try a lawsuit*. Back then lawyers tried lots and lots of cases. Rex says they’d try a case Monday and Tuesday, and come back Wednesday to start the next. They did that two weeks each month, with a short summer break in the jury docket.

Asked why we no longer try so many lawsuits, Rex said, off-the-cuff, probably because insurance companies did not worry then about bad faith. Before *Christian v. American Home Assurance Company*, Rex says, the insurance companies were just cavalier about trying lawsuits.

After the Duvall firm, McKinney and Rex formed their own firm, with Ken Webster (McKinney later spun off of McKinney, Travis, and Webster, to form McKinney and Stringer). After that, Rex joined Cleeta John Rogers firm, which became Rogers, Travis & Jordan. Rex recalls there, a “very bright,” new lawyer, Yvonne Kauger, before she left to clerk for Justice Hodges and later her own Supreme Court appointment. Justice Kauger recalls her early work with Rex when she was “barely out of law school.” Justice Kauger, asked about Rex, praised his “expertise and knowledge [and the] work-manlike way and manner” he practices law. She recalls matter-of-fact demeanor in a hearing before the banking commission: “After months of preparation [and] impassioned argument” by both sides, the Commissioner took the application under advisement and the two groups adjourned to the Governor’s Club. Upon seeing the Commissioner join the opposition table for drinks, Rex warned his colleagues, dryly (and prophetically), that they had lost. Justice Kauger notes in postscript, though they won on appeal.

Also, at this firm, Rex brought in young Gerald Durbin, who had served under Rex’s command at the Oklahoma ANG Security Police Office. Durbin, later a partner with Rex in Travis & Drubin, recalls “lessons” from Rex:

“Rex taught me how to analyze legal issues, how to listen, how less is more, and yes, even how to dress.” Rex taught that a defense lawyer should underdress to show the “poor defendant could not afford a rich, successful lawyer.” Durbin never thought Rex's dressing theory was successful, though: “once he opened his mouth and that insightful, brilliance came out, the jury knew differently. They knew he was just a poor dresser but a brilliant lawyer.”

After Rex transitioned to plaintiff’s work around 1987, he and Durbin crossed swords in trial. Durbin recounts, fondly, “battle with Rex.” Defending a bad faith case once against Rex, he recalls Rex asking “in the most loving way”—in front of the jury: "WHO IS THE IDOT THAT TOLD THIS INSURANCE COMPANY TO TRY THIS CASE??!!??"

From my experience with Rex, that’s Travis 101. Gentleman scholar up to trial, it’s all-holds war when the jury is in. I recall Judge Swinton (I think it was) chastising Rex for noisily tapping his clippers on his table when the opposition seemed to be making a point with the jury.

Durbin would probably agree. He shares a story about his wife watching he and Rex go at it. Her question afterwards: How could you be such good friends with what Rex told the Jury about you.” Durbin knows Rex’s hears and remains obviously fond: “I thank Rex for all he taught me and contributed in a big way to whatever success I have had.”

In addition to being a mentor, Rex is smart enough to have good mentoring himself. From the time I started as Rex’s intern in 2002, he had a regular Saturday breakfast schedule with Justice Opala (I think Justice Opala’s only rule was that they speak only Latin). Rex, in turn, shares with me, and others, what he has picked up over the years, including stories about, and lessons from, those who came before him.

In the late 1970’s Rex was invited (his word) to join a firm with Lloyd Benefield, David Russell, and Charles Freede, Jr. Rex was with Benefield, Travis, Russell, and Freede until starting a solo practice around 1981. Judge Russell was “quite pleased” about Rex’s recent honors, speaking a common refrain about practicing with Rex: “He is very smart, works hard, and is willing to take on difficult cases. He probably knows more about auto insurance law than anyone around.” More important to Rex, I suspect, Judge Russell notes: “He's also my friend.”

Rex knows so much about insurance law because he not only has taught it for many years, but has created much of it through his impressive appellate workload. Some may not know, though, Rex has also made law as a litigant. Rex gets a twinkle in his eye when he explains that he is responsible, in *Travis v. Travis,* for the rule that attorneys “have no good will.”

Rex gives a typical “Rex” response about the transition to plaintiff’s work: “the plaintiff’s lawyers were making a better living than the defense guys.” Pressed, he added that he had four kids in college at one time, and then three in professional school (1 vet and 2 lawyers). The transition was sealed, he says, after a particularly good result in a motorcycle case. I pressed further. Surely, there was a philosophical consideration. “Not at first,” he confided. But, ultimately, he says, came a deeper satisfaction. His insurance company clients just didn’t get excited about the .000000001 difference he made in their bottom line. When he gets a good result for a plaintiff, he says, he can change a life (now we’re getting somewhere, I’m thinking). He punctuated this thought by reference to a recent case where he talked the client into a structured settlement. “We secured a lifetime income for that client.”

Shortly after retiring from the Air Force Reserve in 1987, Rex started teaching Insurance at OU and OCU. He enjoyed teaching and thought it would make him a better lawyer. He reasoned he would really know a subject if forced to refresh and update each year to prepare for class. Later he added Conflicts of Laws to his teaching, thinking that would be good to add to his knowledge. Rex’s teaching is also a boon for his practice, providing a steady source of referral business.

I asked our judges to talk about Rex Travis. The response was impressive, with many, on short notice, sharing stories not just about his acumen, but also his integrity:

Judge Bryan Dixon recalls Rex “fighting” a dispositive motion. Judge called the case for argument, but, as the attorneys approached the bench, Rex simply said “Judge, please sustain their motion.” Rex explained: “I want to appeal this case to try and change the Supreme Court’s ruling on this issue.” That, says Judge Dixon: “Took away my thunder, as my first question was going to be about the case that was right on point and against Rex.” Judge appreciated the approach: “It was pure Rex Travis-- Honest and to the point as to what he was trying to accomplish by having the Supreme Court reconsider the law.” We’ll all concur with Judge’s takeaway: “God bless Rex Travis and may the rest of the bar learn from his honesty and integrity to the Court.”

Judge Stephen Friot expresses similar praise for Rex’s contribution as a “revered” lawyer:

“I tend to think of lawyers, especially within our local bar, in terms of generations.  Every generation of lawyers in our bar produces lawyers who are not just respected, but revered.  When I was a young lawyer, the older generation of lawyers included exemplars like Bob Emery, V.P. Crowe, Lynn Bullis and Roy Lytle.  Now, the older generation of lawyers includes Rex Travis, who, in his own unpretentious way, has, beyond question, earned a place among those who come to mind when we think of those who are revered for setting the standard for professionalism, competence and civility.  For decades, Rex has practiced at the cutting edge of insurance law -- sometimes a rough and tumble area of practice at the trial court level -- and he has done it with truly remarkable effectiveness as an advocate, matched only by his unfailing grace and good humor.  We can only hope that the generations to come will produce more, preferably a lot more, like Rex Travis.  We need them.”

Having worked with Rex daily for a number of years, I echo Judge Friot’s appreciation. Not only does Rex have an encyclopedic knowledge of the law (in a way I have not seen in anyone else), but he truly is “unpretentious.” Judge Walke calls him, “a man of the people”—more on that too come. Like Judge Friot, I see in Rex the finest example of professionalism, competence, and civility. And I see him exhibit these qualities day after day, when no one is looking. We truly do need more like Rex Travis.

Judge Lee West speaks of Rex’s preparedness, congeniality, and faithful mentoring:

“I can think of no one more deserving of the "Lifetime Achievement" honors awarded by the Journal Record and the Oklahoma Association for Justice than Rex Travis. Rex has never appeared before me without being scrupulously prepared. He is also, of course, famously and unfailingly courteous and congenial. Rex has left a positive and indelible mark on insurance and plaintiffs' practice in Oklahoma. Equally important, he is shaping the future of the bar through his teaching and mentoring.

Chief Justice Noma Gurich expressed “utmost respect for Rex,” echoing those fortunate enough to practice around him, that Rex is “always … well prepared and a wonderful advocate.”

Judge Thomas Prince appreciates Rex’s famously sharp storytelling:

“Everyone who knows Rex, knows his love of a good story.  Typically, his stories have some subtle, maybe not so subtle, maxim.  Recently, I was a first party witness to a conversation with Rex, as he visited with the new President of our Inn of Court, following the ceremony in which the new President had been installed.  After each had offered comments about the evening’s festivities, Rex, as only he can, worked in a subtle quote from the character Gust in the movie, *Charlie Wilson’s War.* Rex said something to the effect that *“It’s wonderful that you’re our new President . . .* (and then with barely a corner smile on his face, said) *. . . we’ll see”.* Of course, the point of the story in the movie – told by Gust concerning a Zen Master and a little boy who had been given a horse on his 14th birthday – is not to think that you’ve got this thing figured out or triumph in your new spot on top of that pony, because, just when you do, events can always take a sudden, unexpected turn.”

Rex’s “barb” reminded Judge Prince of an earlier exchange with Rex:

“That small comment by Rex reminded me of an exchange with him in about 1985, when I was dispatched to defend the deposition of a claims adjuster in Tampa, Florida, which was to be taken, of course, by Rex.  At the conclusion of the deposition, Rex looked up and said, something to the effect that “I think I just found the theme of my case.”  The temperature was hot and I was ready to go home.  In the moment, however, I asked Rex to enlighten me on the “theme” he had discovered.  He was kind enough to tell me and to help me understand that I didn’t know nearly enough about the importance and mechanics of developing a theme for every case.  Although the specifics of that case are now erased from my memory, I haven’t forgotten Rex’s least subtle point that day in Tampa – that I need to understand that the best way to practice law and to live my life is to understand that I never, really ‘have this thing figured out.’”

That lesson from Rex, that we never “have this thing figured out,” has helped many a lawyer. Quite often, when working out a thorny legal problem with a colleague, Rex will offer something like: “This lawyer stuff really gets complicated.” Hear, hear.

Judge Geary Walke, another of Rex’s friends, says: “He’s the finest example of a lawyer who practices in the trenches but is truly an academic scholar.” Judge Walke captures it beautifully: “Rex is friendly toward all but has achieved the highest accolades from all corners of his profession . . . a man of the people [who] stands taller than most because of his integrity.”

            Judge then got cryptic, and a bit sheepish:

“I say [the above] because I am always shocked and amazed he will still speak to me, still acknowledge me in public, and hasn’t cast aspersions despite the spectacularly bad client I referred to him while I was practicing law.  He can still call this client by name, although he hesitates, and he recalls minute details of just how bad the case was, which he uses to remind me.  I’m sure he didn’t break even on the case and his subsequent mental health treatment costs probably exceeded any benefits squeezed out of the case.”

Rex laughs about the “referral” Judge “dumped” on him upon taking the bench and allowed that the client was half-crazy, and a real thorn.

Judge James Croy is another beneficiary of Rex’s coffeeshop wisdom:

“About a quarter of a century ago, our firm negotiated an attractive settlement, but retained money in trust because the Veterans Administration had paid $16,000 in related bills. I wrote the VA several times requesting a demand, but I received no reply.

At this time, motion dockets were held on Friday morning, and many lawyers would gather at a coffee shop after the various dockets to share war stories. One Friday I plugged myself in with the PI bar, next to Rex Travis. I told him of my dilemma with the VA and opined that I might send the agency a check for the $16,000.00.

Rex began shaking his head and repeated, “No. No. No. No,” about twenty times, all the time shaking his head pitiably as if wondering how I had ever passed the bar. Then he gave me the phone number for an attorney at VA to call. He cautioned me NOT to mention how much I thought was owed or the amount of the settlement. Rather, he said, just ask her to send a demand. “It won’t be for $16,000.00,” he assured me. I called, and sure enough, a few weeks later received a hateful ‘pay or die’ letter from the VA chastising us and demanding the immediate payment $6,400.00 to avoid legal repercussions! All because of Rex Travis at the coffee shop after motion docket.”

Steve Barghols offers the “neutral’s” perspective of the respect paid Rex by his opponents:

“Rex Travis is one of my all-time favorite mediation clients.  He is universally respected (and almost universally liked) by the defense bar.  Rex’s adversaries often tell me that “No one knows more about insurance law than Rex.”  How many of us, plagued with gnarly research issues and in desperate need of help, have called or emailed Rex, stopped him at the courthouse or on the sidewalk, or consulted his voluminous scholarly writings?”

Steve then notes Rex’s ability to resolve a case:

“Rex has an unmatched ability to get to the point.  Although I frequently receive 30- and 40-page mediation statements, Rex’s one-pagers are far more informative and helpful.  As kind and gracious as he is, Rex doesn’t suffer fools or tolerate much game-playing.  If he doesn’t believe his claim is being taken seriously, he is up and out the door (sometimes surprising both his client and his mediator).

As the neutral, I value the vast knowledge, wisdom and experience Rex brings to the table.  He manages his room with uncommon authority and good humor.  He expertly knows the cards he is holding, the other side’s hand, and what the dealer has yet to show.  Even when the risks might cause other plaintiff’s lawyers to fold, I’ve often heard defense lawyers implore their client representatives to settle because ‘Rex is so crazy he might actually try this case.’”

Finally, Steve describes Rex’s calming influence:

“Rex is masterful in managing expectations and his environment.  Once, Rex was local counsel to some out-of-state lawyers who made a particularly ambitious mid-seven figure demand; and I was more than a little pleased to bring back a multi-six figure response.  The out-of-state lawyers were irate, grumbling and complaining that they were being disrespected.  Confident that he would work with and not against me and advance the mediation process, I asked Rex, the ‘Oracle of Oklahoma,’ for some much-needed local perspective—to assure his team of non-locals that the first defense number of the day in this post-tort reform, red state was anything but insulting.  With that twinkle in his eyes and sly smile we all know, he replied ‘I’m never offended when someone offers to pay money to my client.’  With a few simple and good-spirited words, he completely defused the tense situation, commanded his conference room and saved the day.  On that day, like every day I’ve worked with Rex, he makes me proud to be a lawyer.

Well-said Mr. Barghols. Rex’s is the definition of Lifetime Achievement.

Rex, as we’d expect after 55years in the profession, is a bit old-school. The first deposition I attended, Rex sent me with my intern license to present a witness. I asked, “what do I do?” His advice was: “read a newspaper.” Well, as he knew I would, I survived the experience and learned a little bit about how to represent a client. (No, I did not take a newspaper).

In addition to the above, Rex is darn funny. I offer two “exhibits.” Exhibit “A” Rex told on himself; I witnessed Exhibit “B.” The first involves a motion “response” Rex and his partner at the time (who will remain unnamed) faxed to the other side, which was simply a photocopy of the “one-finger salute” on the case style. They followed this later with a second facsimile, the real response, along with this note: “Sorry, we accidently sent you our draft.” I recall thinking Rex must have had a pretty good working relationship with the other side.

The second “funny” was about a year out of law school, when I helped Rex try a case involving a ladder injury. The opposition was a big-city lawyer who had already defended something like 600 ladder cases. Rex was starting his presentation of our expert when the tall-tower lawyer jumped up to exclude the expert. His objection went on for several minutes, running the gamut. Judge then turned and asked: “Response, Mr. Travis?” Rex stood up and stepped forward to the podium, put his hands in his pockets and exclaimed: “It’s silly,” and sat down. Judge overruled the objection. Like Mr. Durbin, I learned from Rex that sometimes less is more.

Rex is also known for his memory, having few peers there. It seems he recalls every legal theory and appellate case. Come to Rex for help and he’ll at some point “wonder” if a particular case “might not” apply. Confess ignorance (or not), and he unpacks the case, including detailed discussion of the parties, attorneys, and judge, as well as the historical background. Then, he gets to the issues and holdings. The closely-guarded secret (many ask about this) is his “card file,” an alphabetical listing, by issue, of most every appellate decision from Oklahoma (state *and* federal, naturally). The real secret, though, is Rex does not need the card file. He seems to access to all of those cases from memory. The real beauty of the card file, I think, is so he has citations at hand.

I asked Rex what changes he has seen in his 55 years of practice We talked more about all the cases they used to try, and turned to civility, which we hear so much about now. Rex has a different take (go figure). He thinks things are not nearly so bad as we hear. He recalls: “we used to have to file and argue a lot of silly motions.” After these motion dockets, “we would gather for coffee at the Adair Cafeteria” (in what is now the annex building). During one of the coffee meetings, said Rex: “B.J. Cooper and Ron Hudson got into a fist fight.” Rex says such antics were somewhat common then. Not so much anymore. Rex sees more rather than less civility now. His take, regardless: “If you treat people with respect, they will, by and large, treat you the same way.”

Rex has been a golden resource for the Bar. From teaching defense CLE during his years with the Oklahoma Association of Defense Counsel (OADC) to his many years teaching for the Oklahoma Association for Justice (OAJ), to his adjunct professorship at OU and OCU, Rex truly has taught a generation to practice law.

We should thank Judge Lee West for this closing:

“I hope Rex does not think that a measly 55 years of law practice entitles him to slow down. He is a mere youngster, and I expect he has a few decades of trial work and trial stories to come.”

Indeed. Thank you, Rex.