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Project collects legal history

The plan is to record interviews with judges so that their histories can be preserved.

BOISE -- Decades of Idaho's legal history sits in law libraries across the state, encapsulated in the case law and code books. But the interesting stuff -- the living, breathing side of the law -- was disappearing as the state's most influential lawyers and judges grew old and died, said Boise attorney Deb Kristensen, president of the Idaho Legal History Society.

Inspired by the oral history projects of the 9th Judicial Circuit History Society and StoryCorps, Kristensen and other members of the Idaho Legal History Society decided to take depositions of their own. The 9th Judicial Circuit History Society's oral history project collects interviews with judges throughout the circuit, and StoryCorps is a national nonprofit project that records the stories of average Americans.

They compiled a list of 50 candidates and began recording interviews in 2007, as well as gathering oral histories taken by other individuals and groups in earlier years. Court reporters around the state pitched in, transcribing the oral histories, and workers at the state Historical Society Library took on the painstaking work of indexing, cataloging and archiving the interviews.

Slowly, the personalities behind the state's legal traditions and culture began to take form. "The cases are going to be preserved for ever and ever, but the people behind them, we really don't know much about them," Kristensen said. "Everybody can read a case, but this is really about the people and events that have shaped where we are today. They offer perspective about how things have changed, and why they became the way they are over the years."

Listening to the interviews gives a depth to the legal history that would be hard to grasp through written words alone, said Kathy Hodges, an oral historian with the state Historical Society who is assisting with the legal oral history project.

"What I find really interesting as I listen to the collection is the way people structure a story, the way they change the tone of their voice when they're about to launch into something important," Hodges said. "In the conversation, they use a lot of the same devices that we think of as being literary: Foreshadowing, surprise endings, pacing and tone. There's something about having that human voice."

The histories include anecdotes that range from the heart-wrenching, such as one attorney's work on a case in which a toddler was accidentally poisoned after plumbers hooked up the wrong pipes in his trailer home, to the humorous, such as a judge's recounting of when members of a local civic group sold oranges to prisoners at the state penitentiary as a fundraiser. The inmates promptly turned the fresh fruit into homemade alcohol.

"It's like talking to your grandpa -- if you ask him, he'll tell you these great stories, but otherwise you'll never know," Kristensen said.