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Q&A

# You Can Believe What Terry West Says

Personal injury attorney Terry West finds the missing link

INTERVIEW BY AMY KATES  
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**Q: The press loves to bill you as a “self-made man.” What’s your take?**

**A:** I never give it much thought. I look back, and I see people who said they’re the first person in their family to graduate college. You don’t see that much anymore, but I saw it. That certainly wasn’t true for me. My mother had a master’s degree in the late ‘40s, when that was unheard of.

I had guidance from her. My dad had virtually no education other than five or six years in grade school, but he had an innate intelligence that was interesting and inspiring.

For me, there wasn’t a doubt in my mind that I was going to college. I had that family support that keeps me from thinking about being “self-made.” If you come up with virtually no guidance and you still find the right way, that’s “self-made.”

“I was handling a case with an out-of-state lawyer, and he said, ‘I talked to [another lawyer] about you. ... I said, ‘I hope he didn’t tell you anything bad.’ He said, ‘He only told me I could believe what you said.’ I almost get a lump in my throat when I think about that.”

**Q: What was it like growing up in small-town Oklahoma?**

**A:** You know, someone sent me this morning some sort of ... I don’t know who has the time to put all these things together, but it’s a video clip that highlights Ritchie Valens, The Big Bopper, Buddy Holly and those guys, to the song “American Pie.” It had all the corresponding old pictures of Bob Dylan and the Beatles, and kids riding bicycles and throwing newspapers, and all the old nostalgic stuff, and I was sitting there thinking, “Wow, I really did grow up in a placid, dull time.” There couldn’t have been a more all-American, utopian way to grow up, in a town of maybe 300 people. It was a railroad town called Francis. There were no drugs around, not even in the big cities in those days. There were no wars being fought and I thought life was wonderful; that there would never be a downside to it. When I grew up and got out of town, I realized it was a whole different world.

**Q: How did the law come into play for you?**

**A:** Originally, I went into journalism because I couldn’t do math.

**Q: That’s usually my line.**

**A:** [Laughs.] I found myself in the newspaper business and then went into the public relations business for an oil company, which seemed to be a step up. It was also a step away from journalism. Although I was putting out magazines, I was still a company hack. I looked up after a couple of years and I was 23 or 24, and I projected myself 20 years down the line, and I didn’t like what I saw. I wasn’t ever going to be the boss of anything. I feared I was going to get stuck where it would be difficult to leave. I started wondering, “What can I do to give myself a chance to be the boss?”

Law school seemed to offer a broad range of possibilities. I didn’t necessarily plan on being a street-front lawyer. I quit the PR business while I was in law school and went to Aetna as an insurance adjuster, which quietly pushed me in the direction of personal injury.

The second, maybe primary reason I wanted to do personal injury, was because I don’t do too well charging folks. There I was, taking their grocery money to do their legal work. Which obviously is the way the system works, but I didn’t do well at it. My sons

practice with me at the firm, and they might actually be worse at taking money than I am. I found if I did personal injury stuff on contingency fee, and they got a lot of money and I got a little money, we’re both happy.

**Q: What’s the toughest lesson you learned as a young attorney?**

**A:** I wouldn’t say it was a lesson, but it was a moment. Usually, I was dealing with older, more experienced insurance company defense lawyers in cases. They were a bunch of really good lawyers. They had some fairly solid rules they lived by, and you needed to be a person that they could believe. They had to trust what you told them, because in those days, there were more things that were done simply on your word. I remember I was handling a case with an out-of-state lawyer and we didn’t know each other and he said, “I talked to Burt Johnson about you.” I said, “Oh?” Burt was a significantly older defense lawyer in Oklahoma City. I said, “I hope he didn’t tell you anything bad.” He said, “He only told me that I could believe what you said.”

I almost get a lump in my throat when I think about that, because that was my goal. I was going to do what I said I was going to do. If you do that, life is so damn much simpler.

**Q: Was Mr. Johnson your mentor?**

**A:** I didn’t have an individual mentor. I had so many of those lawyers on the other side. It was an interesting thing: They were trying desperately to keep me from getting any money for my clients, and I was trying desperately to take money away from their clients, which is as adversarial as it gets. But it was “may the best case win,” not the best man.

This one lawyer I mentioned, though, Burt Johnson, is the source of one of my funnier moments. I tried a case against a lawyer, and in voir dire, after I was through and he was doing the defense portion, I noticed he had memorized all of the 18 jurors’ names. He would go, lower left, and he would say, “Mrs. Johnson” and he’d go upper right and say, “Mr. Smith” or, “now Mrs. Abernathy, what do you think about this?” I’m sitting there thinking, “Damn, that’s good.”

I think, “Well, I just got to do this.” Which is a little harder as the plaintiff’s

lawyer because you're first up, and I had to memorize the 18 names while the judge is giving them five minutes of instructions. So I got to working on that trick. The next case I tried was against Burt Johnson.

I got up and I had all 18 of these names cold. I'm thinking that I'm killing them. They're eating out of my hand, and we haven't even told them about this lawsuit yet!

So I sit down and am quietly gloating and Burt stands up and goes to the podium and says, "Folks, wasn't that something? But you know, we're not here to see bright young lawyers test their memory. We're here about a very serious lawsuit." And he just proceeded in 45 seconds to make me look like a heel. That was the last time I did that trick.

**Q: Your practice seems pretty varied—your boutique firm has faced off against DaimlerChrysler, yet you also handled a case for the state's high school football playoffs.**

**A:** It's nice to have a mix. Our local high school team had a really good chance to win the state championship. In the next-to-last playoff game, on the last play of the game, the quarterback was ejected for a minor altercation. I think he actually did kick a defensive player who had done something to him, much like you see all the time. The referees flagged him and ejected him literally the last play of the game, which meant he was ejected from the following state tournament game, which eliminated our chances.

The coach and everyone was upset, and they came to me. We filed an injunction in district court and the local judge recused and sent an out-of-town judge, who decreed that it was unthinkable to kick out the quarterback the day before the championship. We prevailed, but the crazy state athletic association appealed to the Supreme Court for an emergency hearing. We do this all over a week. They postponed the final game. It was strange how much interest that generated. CNN reporters came to my office. A friend of mine in a little town in Mexico saw me on television.

The Supreme Court reversed at the last minute and ruled that the league was a voluntary organization. So if you joined it, you had to belong. You had to go by their rules. Well, my argument was, "Well, no it's not volunteer. If you don't belong, you can't

play in the tournaments. It's dictatorial, you have no choice." I'm close friends with many of the Supreme Court justices. I still argue with them when I see them: "How in the hell did you all come up with that?"

That matter was interesting, and different from the things we normally do. We get involved in a lot of mass torts and class actions. It's not the lawyering I grew up doing, when you've got one client and one defendant and you fight that case. These mass torts tend to become careers almost. The mass torts and class action are not nearly the fun that the old-fashioned cases were.

**Q: Do you still get the old-fashioned work?**

**A:** We do. The sheer number of cases are the old-fashioned stuff that I love, though the predominant workload is tied up in various classes, and those all end up being appealed.

**Q: Is there a case that's most important to you?**

**A:** We had a case that rested solely on a three-quarter-inch chain. We called them "log chains." They were oil field chains that were used to chain everything. You did everything with chains in the oil field. This chain broke at one of its links and caused a heavy object to hit my man in the back and it paralyzed him. Nice guy, and he really has proven one of the things I've learned in my life: a good plaintiff makes you look like a good lawyer.

**Q: How do you mean?**

**A:** Juries want to help people that they like. If you have a guy who's not a likable guy, you have to really do a good job of selling the jury on why they should help a guy they don't like. Most of us aren't good enough to do that.

This guy was likable. We tried this case against American Chain and Cable, which of course was what I always found myself doing. It's one little lawyer and one little client in a podunk town in Oklahoma against American Chain and Cable.

When I got the case, we had the two pieces of chain that were remaining, but we didn't have the literal "missing link," the chain that had broken. My client's two sons went looking for it. I said, "Guys, you're going to have to go back to where this occurred and find the missing link. You'll just have to

set out in grids and get down on your hands and knees for 50 yards in any direction." They found it. It was instrumental.

We went and got a young metallurgist professor down at the University of Oklahoma in the engineering school who later became a very well-known expert. The chain company brought a German fellow that sounded like a Nazi general.

The other side told me that ultimately, the reason they hadn't settled the case was they didn't believe that I had brought the exact right link, that I had just made one. That totally aggravated me because one, I didn't even dream of doing that—I wasn't smart enough to have thought of it—and two, I wasn't crooked enough to do it. We got a \$750,000 verdict, which at that time was the largest injury verdict in a products case in Oklahoma. That's what people said, anyway.

It also taught me another lesson that was helpful: check the ego. After the trial, I got an invitation from one of the lady jurors to her Christmas party. Of course, I, having almost a boundless ego, thought, "Well, I'll regale them with tales of my skill and success in the courtroom" and this sort of thing. So I show up to the party, and the little old lady juror hostess greets me. She said, "I've just been wanting to tell you this." I said, "OK, fine. What do you want to tell me?" She said, "You know, the jury wasn't out very long. Most of the jurors wanted to give you \$1 million but I said, 'No. If we give him a million, they will appeal and have a hard time getting this money. Let's cut it and just give him \$750,000.'"

I'm sitting there and I wish I had a video of my face. I wanted to strangle her! They give me \$1 million, my name goes up in lights. It would have been, I'm sure, the first \$1 million verdict in Oklahoma in the '70s.

I made a rather hasty exit from the party. The whole damn holiday season was not the same. 

*This interview was edited and condensed.*

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