

ABA Commission on Women in the Profession

Women Trailblazers in the Law

ORAL HISTORY

of

CAROL DINKINS

Interviewer: Nancy Atlas

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**SECOND ORAL HISTORY INTERVIEW
OF
CAROL DINKINS BY JUDGE NANCY ATLAS**

**Houston, Texas
September 2, 2005**

Atlas: Yesterday, we left off pretty much at the end of your first year of law school, and so I thought that we should pick up with what happened that caused you to switch law schools. And tell us a little bit about the thinking process on all of that.

Dinkins: All right, sure. When I started law school at UT, I knew that I would only go there one year because my then-husband was in his last year of law school. So I expected that he would take a position with a law firm that was within driving distance of a law school, and we never considered going outside of Texas. So he went to work for Butler, Binion here in Houston. And I started at the UH law school, and it was when the building was just being completed. They had been in the basement of the main library, and so the workmen were still there because I started halfway through the summer with a couple of courses. And I enjoyed the change because the law school was so small compared to what I was used to in Austin.

Atlas: Okay. You had said something yesterday about the idea of making Law Review, that you worked very hard to qualify, right?, for it or to become eligible.

Dinkins: Yes.

Atlas: Did you succeed on that? And how did that work?

Dinkins: I'm a little fuzzy at this point as to just how I managed that. I had sufficiently good grades to be eligible to write for Law Review, and I just kept pestering the people at UH Law Review. The Law Review at that point in time was only, I think, in its sixth year, and so they didn't have a huge number of people I think who wanted to write for the Law Review or who had the recognition as to how important that was. Or who had the time because a lot of students at UH at that point in time worked while they were in law school. But I worked with the editorial board and with the faculty advisor for the law review. My recollection is that I was able to get an assignment for a case note without a great deal of difficulty, and then I wrote a comment as well on bankruptcy in the Fifth Circuit, which I enjoyed immensely. And Mickey Sheinfeld went over it at great length for me to make sure that I hadn't said anything that was wildly ridiculous. And so I was able to then be elected as an associate editor of the law review.

Atlas: So your grades from UT basically served to make you eligible with a little coaxing at UH?

Dinkins: Yes.

Atlas: What did you do in your summers between your first and second years of law school? Did you work at a law firm or just move and take the baby?

Dinkins: No. We moved in the first part of the summer and got settled in here in Houston and one of my, well my very dearest friend from elementary school was living in

Houston. She had two small daughters, so she kept Anne for me when I went to class. Then she knew a wonderful woman in Bellaire who took children into her home and just a few of them. So I just had an absolutely wonderful situation for taking care of Anne.

Atlas: Now, second and third years of law school, tell us a little bit about that. What stands out in your mind about the activities you were involved in and how you decided your work career?

Dinkins: I was, of course, quite busy because I had to take a heavier course load because I had not taken contracts or legal bib in Austin. I took a slightly lighter load because I had an infant, and I thought – I took pretty heavy course loads the last two years, and I did go to school in the summers as well. And as I said, worked for the law review. One thing that stands out in my mind is the comment that I wrote and that was published was a survey of bankruptcy law in the Fifth Circuit. At that time, we did all of the research on note cards, and I had hundreds of note cards and had all of them organized in the order of my outline. I had them in an accordion folder in the back seat, and we went to the drive-in movie to see *Midnight Cowboy*, and Anne got in the back seat and dumped all the cards out and shuffled them up.

Atlas: Oh!

Dinkins: It took me a long time to recover from that. But we lived in an apartment the first year we were here, which was my second year in law school. Then we bought our first home which we lived in for ten years, and so I moved right before I started

my third year in law school. Then I got pregnant, as I had planned, toward the end of my first semester of my third year in law school. And I took a very heavy load. I think it was like 18 or 20 hours, it was very heavy. Then I was on the editorial board, and Mickey offered me a job clerking at the firm. So I did that for about two months.

Atlas: So that was Sheinfeld, Maley & Kay?

Dinkins: That's right. And they were wonderful to me. And law review and clerking for Mickey were the two best things I did in law school.

Atlas: Speaking of law review, what would you recommend to students? Do you think it's worth it? Obviously, you liked it, but do you think it's worth it? And if so, why?

Dinkins: Oh Nancy, I recommend it in the strongest possible terms. I had seen it because Ted was on law review in Austin, so I – the people that I knew in law school were the top people because they were Ted's colleagues from being on law review. And I think that was immensely valuable to me. Having had that background really pushed me to make sure that I got on law review in Houston. And the reason that I think it's so valuable is twofold. First of all, you do not get the training, no matter how good your professors are, and no matter how hard you work. I don't believe you get training in high school, college or law school that is anything like the caliber of the training you get in writing when you write for law review. And one reason it is so valuable is because you get good editors to edit your work and because they really make you think about how you have written,

what you have written, and more importantly, what you've said. And whether there's any substance to it, and whether it's logical, and whether it's presented in a compelling fashion. So the writing for law review to me was an immensely valuable education. And then secondly, when I went on the editorial board, and I edited papers of other students, that was another great learning experience. Had I not had the receiving end and the editing end of editing, I don't think I would have gotten nearly as much out of law school as I did, and that's why even now, when I read memoranda that are written by a lawyer in another law firm, you know, associates that I work with in other firms or one in my own, and it's not the quality that I'm accustomed to, I say, "was this person on law review?"

Atlas: Right. I think a lot of us do look for that skill and credentials because of the things you said. Do you value the law review experience so much that you require for associates that you recommend hiring? Or will you forgive that, the lack of that credential? There's a middle ground that I would also invite you to consider, which is working on a separate journal from law review.

Dinkins: Yes, I was just going to say, if they didn't do law review, I look at whether they did another journal. And if they didn't do another journal, then I would take a hard look at their writing samples because if I don't have people here who can write in a top-notch fashion, they cannot perform at the level that we deliver service to our clients.

Atlas: What about moot court? Moot court in many schools involves rigorous writing advocacy pieces and then editing. Do you think that that serves as a comparable experience or not?

Dinkins: I don't know of anyone that I've worked with closely who substituted that background for writing for a journal. And it could be that I just haven't paid attention to it. And if they had done that, and I hadn't noticed, then that means that it was as good as the law review experience. But I have to take a hard look at how well people write.

Atlas: That's what I thought you would say.

Dinkins: Well, yes, you would. Of course.

Atlas: As a judge, I will say that writing clearly and relatively quickly is of critical importance to me in the selection of my clerks and compatibility. Let's talk a little bit about the shift from law school to the working world.

Dinkins: You had asked me as part of a previous question about how I moved into the job market.

Atlas: Yes.

Dinkins: And I would like to tell you about that because it is very much tied to my being a woman. And yesterday we talked about did I get, did I perceive special treatment of women in law school, and I -

Atlas: Either favorable or unfavorable.

Dinkins: Yes. And so now I will tell you a story about a highly favorable experience. When I was starting my last semester in law school in the spring of my third year, I interviewed with Professor Eli Ereli, and he had just gotten funding through the Texas Legislature to create at the law school the Texas Law Institute of Coastal and Marine Resources. And he also had Sea Grant funding from Texas A&M and National Science Foundation funding, which I think – looking back on it and knowing now what I know about grants – that’s quite a remarkable achievement. But he was a remarkable person. He is really. He is Israeli. He had a very thick accent, so it was hard to understand him, but a brilliant man. And the reason that I got the interview with him to be an associate of the Institute was because he approached Sidney Buchanan, the professor who was the advisor to the law review, and asked Sid if there were any women on law review because he needed someone who wrote well and he thought that a woman – mind you, this was in 1971 – but he thought that he would have better prospects with a woman because she might have family obligations and not be so intent on getting with one of the big law firms. Which was, of course, exactly what I needed because he offered me the job the day after I found out I was pregnant with Amy. And at the same pay as I would have gotten had I come to Vinson & Elkins.

Atlas: Had you already interviewed with Vinson & Elkins?

Dinkins: Yes, and I should tell you that story as well, Nancy. I didn’t know to interview for a clerkship. I should have because of Ted, but I just didn’t. And of course, I was just starting UH my second year.

Atlas: At that time, interviews occurred at the beginning of second year, didn't they?

Dinkins: Yes, I think so, for clerkships. So I interviewed in my third year with Vinson & Elkins and Fulbright, and this was of course in 1970. My name is spelled like Carol Vance. Carol Vance with the district attorney and, of course, very well known, but he's six and a half feet tall and he's a "he," not a me. I walked into the interview room, and the partner who was doing the interview I think was a bit startled that I wasn't a man. We didn't have a very robust conversation, but after awhile, since we were struggling, I thought well, we're not getting anywhere. So I asked him if there were any women at Vinson & Elkins, and he said we have one. The woman who was editor-in-chief of the law review the year that I was writing for the law review was the first woman lawyer at V&E. He said, "we have a woman lawyer – we have one." And I said, "I believe Fulbright has a woman lawyer also." And he pondered that a moment, and he said, "You know, I believe they have two."

Atlas: In fact, I think that was Carolyn King at Fulbright.

Dinkins: Yes. Yes, and she had a quite a struggle. But, you know, the chief judge of the Fifth Circuit is a good place to end up for all that.

Atlas: Yeah, and as a footnote for the purposes of the tape, well, she did not make partner there in part because she was a woman and in fact in public, they later eagerly invited her back. And of course she had gone on to other things, including partnership at another firm and then became the judge in the Fifth Circuit and Chief Judge, so she's – and they're good friends and everyone -

Dinkins: I know, and I thought it was quite wonderful at the Brent luncheon that Fulbright was such a supporter and so active in being there to congratulate her. But it was, that's the time that we were in, Nancy.

Atlas: Yes.

Dinkins: And the most brilliant woman in Ted's class, and mind you, he was only two years ahead of me, could not get a job in Texas. She was a Chancellor at the University of Texas. A Chancellor, one of the top handful of lawyers coming out of that law school and could not get a job in Texas in 1969 or 8. She went out to California and, of course, was very successful.

Atlas: She's just a few years after Sandra Day O'Connor graduated from Stanford but also had that same ____.

Dinkins: Yes, it's past that, but that was California, and this is Texas. So we were trailing behind them. But anyway, Marjorie Caldwell was the first woman here at V&E, and, you know, I just, I didn't – I wasn't discouraged because I wasn't invited to the firm for an interview because it's just – it was just so clear that it was going to take a while for the firms to adjust to the fact that the new wave of lawyers were going to be female and in skirts. So, and when Eli offered me that job with the Law Institute, I said this is perfect because I love property law, I love the coast, I love the water, and I really want to learn a brand new area of law so that it won't be so easy for a law firm not to take a hard look at me. And I knew I had the credentials. So I finished my third year and graduated, you know, again with a baby prominently sticking out of my commencement robe. My family was there,

including my paternal grandparents, which was really neat. And it was so funny because you could hear Anne in the audience when I walked across the stage -

Atlas: - calling Mommy or something?

Dinkins: Exactly.

Atlas: So, in essence, this Institute became a first graduate law opportunity.

Dinkins: That's exactly right. That's exactly right because, what I did, was I taught a couple of classes of legal bib, you know, research and writing.

Atlas: And legal bib means what?

Dinkins: Bibliography.

Atlas: Oh!

Dinkins: That's what we called it at UT. And then I had a clinical program in conjunction with the D.A.'s office because they were trying to get started with environmental and pollution prosecutions. And I ran that clinical program, and I put together conferences. And I worked on the Texas Coastal Zone Management Program. I was in a meeting in the Governor's office when I was brand new out of law school. And I put together programs. In fact, my keynote speaker for one that I put on just a year after I graduated law school was the then-Assistant Attorney General for what is now the Environment and Natural Resources Division, then was the Land and Natural Resources Division. And that was a post I didn't even know existed, of course, before that point in the world. But I also lined up people

like Corwin Johnson, who had been my property professor at UT, and Sid Buchanan and another professor to write law review articles in the area of coastal and marine law, which were wonderful articles. We supported their work with our grant money. Then, I published a very lengthy article on Texas seashore boundary law in Volume 8 of the Houston Law Review. No, it was in Volume 10, I'm sorry. I got an email from David Brown here in the firm, just last week, and he had gotten emails from the new general counsel for the Houston Port Authority about my law review article and thanking him for sending him a reprint of it. I told David, I said, "I'm glad to see that there is still some use to it." And he wrote back and he said "Carol, it is the leading work in the area. It's almost the only work in the area, and it's remarkable that you published such a scholarly article at such a young age," which was thrilling.

Atlas: Really?

Dinkins: Yeah. Because that was over 30 years ago.

Atlas: That's amazing. That's truly amazing. Well, you had said yesterday that there was no environmental law, when I asked you whether you were specializing or thinking about it in your first year of law school. And what's become clear is that you were on the cutting edge of developing that law through your work with the Institute. You were learning, but you were also studying and teaching.

Dinkins: I hadn't thought about that, that I was helping to develop it.

Atlas: Well, it sounds like it only because you're asking people to write articles which have to do with, I assume, Texas property law and coastal law, water law.

Dinkins: That's exactly right.

Atlas: Integrated, or somehow under the – under at least the umbrella of these new federal statutes, so that sounds like what you were doing. But I don't want to put words in your mouth. You tell me. How did this traditional law in Texas state law somehow integrate with the federal, and it sounds like you helped that along through your Institute and your work. But am I assuming too much?

Dinkins: That's an interesting observation, and I don't think that you are assuming too much. That was what we were trying to do, but I hadn't ever put it quite so plainly in my own mind.

Atlas: _____ from my position.

Dinkins: I think it comes from your knowledge and experience. But that was what we were trying to do because we got Corky Johnson, for example, to synthesize and pull together all kinds of material and thinking about water rights and freshwater inflows to the bays and estuaries. And remember, we were the coastal and marine lines to – in the health of the bays. And you see this today in the *Wall Street Journal* when they talk about that awful destruction of the wetlands and the Mississippi River Delta. So Corky was looking at how can we protect the freshwater inflows to protect the bays? And that was cutting edge thinking even to know at the time that it was something to worry about. It was a brand new issue.

The Coastal Zone Management Act did not exist then. That was not published, I mean not passed, until 1972. The Ports and Waterways Act didn't exist. The National Estuarine Protection and Marine Sanctuaries Act didn't exist. All of those things passed in about 1972. The Clean Water Act was completely overhauled in 1972. Public Law 92500, amending a statute dating a good bit back, but bearing no resemblance to the earlier one. The Clean Air Act had just passed. The Endangered Species Act was a little bit ahead of it. It was passed when I started law school. But not very much else at that point. And in Texas, when the Coastal Zone Management Act passed, Texas immediately started working to qualify for the grant money to write its own program. And you see this thread of me tracking what's the Coastal Zone Management Act in my career. But I grew up 50 miles from the coast. We spent our summer vacations on the coast. I caught my first fish in saltwater, at least that I can remember. And I still live within 50 miles of the coast and have a weekend home in Galveston. But the Institute, the reason that I was in the Governor's office at such an early age was because the Governor's office formed a group of state agencies to apply for the funding necessary to write a Texas coastal zone management program. I was helping with the work that was going into developing all of that. There were two other associates, and the man -

Atlas: This was at the Institute?

Dinkins: At the Institute. One other associate, and the man was given the title of principal associate. But he left after a year, and then I became the principal and indeed the only associate.

Atlas: Oh I see. When you say you met with the Governor or met in the Governor's office, this is in connection with your work with the Institute because the state was trying to qualify for federal money, _____?

Dinkins: Yes.

Atlas: Okay. At some point, but not maybe right this minute, I am going to want to ask you how you wound up getting some of these gubernatorial appointments.

Dinkins: Yes.

Atlas: And I'm already beginning to see some of the answers.

Dinkins: Yes, you see a trend.

Atlas: And connections. But let's try to keep this chronological for the ease of readers' understanding. You worked at the Institute for what, two years or a year, or something?

Dinkins: Two years.

Atlas: You obviously loved it and had made an impact. What made you decide to leave that job?

Dinkins: I was bored. That's one reason. But there is another reason that I again think is probably tied to the fact that I was a woman in a man's profession at that point in time. I had, by then, in the spring of '73, I had a child who was four and a half and a child who was one and a half. I had gotten past having to go to the office to rest up from being up all night with the croup and the colic and that sort of thing. I

kept looking at the schedule of classes at the law school and finding my name by more and more courses to teach until I was down to teach something like eight hours, which is, you know, a full load for a law school professor. And no one had approached me about being on the faculty rather than the adjunct faculty. I did not fail to notice that distinction. I was out there, you know, one day when Jackie McCreary – remember I mentioned Jackie yesterday? Jackie saw me in the hallway. It took her longer to finish, again because she followed Frank around when he was in basic training in the military after he graduated law school. And Jackie said that Frank had told her that they really needed to hire somebody in the public finance section at Vinson & Elkins, that they were shorthanded. Jackie said, “Well, I’ll ask Carol if she knows anybody.” And Frank said, “Why don’t you ask Carol if she might be interested?” And so Jackie looked me up, and I said, “As a matter of fact, I am ready to make a move.” So they set up an interview, and I came down here and interviewed, and I met with a lot of people in the public finance section. Interviewed with A. Frank Smith, Jr., then the managing partner – and a wonderful man, and Louis White, who had been managing partner and who was, you know, just a prince among men. And the next day, they called and offered me the job, and it was quite a contrast to just a couple of years earlier. So it was very gratifying, but I, for some reason, wasn’t concerned about it. I just, I thought if that was going to be a good match, I was going to get the job. And I had a contract with the law school, and I didn’t try to get out of it. I just said, “I have a contract through the end of August, and so I would like to begin here at the beginning of September.” And they said that’s fine. When I interviewed with

A. Frank Smith, he said "What would you like to do?" And I said, "What I really want to do is what I'm doing now, which is working the area of coastal and marine law." He thought that over, and he said "Well, Carol, we don't have a practice in that area." I said, "That's okay, Mr. Smith. I believe you will get one." And he said, "Well, would you be willing to do other things until that happens?" And I said absolutely because I believed that there are many things that I would be qualified to do. And so I finished my time at UH, finished my law review article and got that published, and the other things that I was working on. I got them all wrapped up, so that I wouldn't leave them with unfinished things. And I came to work the day after Labor Day in 1973, along with three men, only one of whom is now here. When I came to work and reported to A. Frank Smith's office, he said, "Oh Carol, we're so glad you're here because since you accepted our job offer, we've had three of our firm's big clients need help on coastal issues." He said, "We just told them they would have to wait until September, but that we have an expert coming now." A second year law student, I mean a second year lawyer. And then on the following Monday, I got on a plane and flew to Austin to meet with state agencies about one of those client's problems, with nobody with me. You know, a second year lawyer, my first week with the firm, and they sent me up there. So one of the things I immediately liked about Vinson & Elkins is the fact that they give you a lot of responsibility very early.

Atlas: Especially when no one else knows anything about the area of law.

Dinkins: Well, that's right.

Atlas: It shows they were willing to trust you.

Dinkins: They did trust me. It was remarkable to think about it now, and if I – but, there were times when I would look at what I was doing. I would think, I think I'm way outside of where I ought to be at my stage of my career. So I would go hunt up Don Howell or Bob Randolph, and I would say, you've got to come with me because I just, you know, I'm too young and inexperienced to be doing this without some backup. They would say, "Well, we don't know anything about this area of the law or very little." Of course, they knew about it. But they would be right behind me when I asked for that kind of backup, and we had some funny things that we would do together because of that.

Atlas: Did the firm give you logistical support, that is, other lawyers to help you on projects when you needed it, or litigation support, or whatever – or did you really pretty much have to work on your own –

[tape cuts off, then picks up again]

... supervising others?

Dinkins: Well, in the early days, in those first two years, I could get whatever help I needed from other associates or from partners, but the – again, I was in the public finance section, and there were only two other environmental lawyers. One was Hugh Wilfong, and the other was Norm Radford. Hugh did a lot of water work, and Norm did a lot of air work. As I told everybody, I did everything else – literally, which meant that I did endangered species, historic preservation and

archaeological work, and wetlands, and other coastal matters. So my practice was not a practice that I think anybody else in the country had.

Atlas: Oh really?

Dinkins: Literally, because we were in Texas where the industrial development and the urban development, the coastal development, was very intense. So there were a lot of opportunities for things to be regulated and for things that were regulated to be authorized by government permits or other activities.

Atlas: Was the state trying to regulate, and you were pushing _____ on behalf of the clients? Or was the state trying to develop regulations, and you were part of the team on behalf of private business to formulate sensible regulations as they were being drafted?

Dinkins: It was both of those things. And in my early years, I did lobbying before the Texas Legislature because the Legislature was considering enacting laws on the things that I was working on, such as the Surface Mining And Reclamation Act. That was something that I lobbied on. And then for our client, helped draft the forms for them to apply for the permits that we needed under the law. Mind you, I'm an associate in this time period that I'm talking about. And Walter Nagley from San Antonio came here to hire me to draft a redfish bill, and it was to regulate fin fishing on the Texas coast because the redfish were being depleted. Hugh Wilfong had made partner by that time and was a member of the Ramada Club, so I asked Hugh if he would take Walter and me to lunch because I, you know, knew that I needed to entertain him nicely. So we did, and we're sitting

there. Hugh is eating redfish for lunch because that was one of their specialties, and we were talking about the redfish bill that we're drafting. I mention something about fin fish because that's how we were describing it because we wanted to get speckled trout and other things as well, and Hugh puts his fork down and he glares at me, and he says, "Are you trying to keep them from serving me redfish at the Ramada Club?" And I said, "Yes, Hugh, but that fish is okay for today."

Atlas: Right. That was already taken care of. Well, why would your clients want to help regulate the ability to catch certain types of fish or other types of fish?

Dinkins: He was a great sports fisherman, and he – and many, many people in Texas were deeply committed to protecting the sport fisheries. It was the commercial fishing that was really making it very scary as to what could happen to the stock of fish in the bays.

Atlas: Well, understandably. Those are real fears.

Dinkins: I mean it was really coming to pass. So, you know, that's what his interest was. It wasn't a business or a commercial interest. It was his personal, personal passion.

Atlas: Did you sense during that time of the development of these regulations and statutes that there was a tension between the commercial interests that were already here and up and running and those that were trying to save the fish or protect the environment?

Dinkins: Oh, of course there was a tension. These were very high profile matters, and I represented commercial shell dredging interests that were dredging oyster reefs in San Antonio Bay. We got at loggerheads with the Parks & Wildlife Department and ended up in litigation with them. You asked me if I had trouble getting support. One of the things that was so unique about what I did was that the clients had to come to me because there was nobody else anywhere that did what I did, and they had problems in these, you know, in these areas. And so, for that case, I recruited Richard Keeton, a partner. I was an associate. Then I had another case for an extremely wealthy man whose name you would instantly recognize, over – concerning wetlands issues. And I got Keeton involved in that, and I took Keeton to meetings with the Corps of Engineers and the state agencies. And I got a letter from the District Engineer of the Corps of Engineers – a copy of a letter – when he was responding to a Congressional inquiry from the chair of the Appropriations Committee in the House in the U.S. Congress. It was a copy of a letter in which the District Engineer had assured the member that he was on top of the matter and that, indeed, just the preceding week, he had meet with Carol Dinkins and members of her staff. And when you call Keeton today, he will probably tell you that story because it just tickled him to death. He said, “Oh good. I’m being as unobtrusive and as incognito as I had wanted to be, but they think I’m your staff.”

Atlas: I see. Well, in the – there is something that was issue of conflict evolved from – we had to balance those because we did debtor and creditor work, Mickey Sheinfeld’s firm. And I’m wondering whether there were incidents in the early

years, or even later, that came to pass where a client, a commercial client, of the firm was unhappy with positions that you wound up taking on behalf of, for the interests of environmental protection interests. And did you have to balance those things? Or did you find that you negotiated behind the scenes to avoid those conflicts, and your positions were moderate enough that these conflicts didn't arise?

Dinkins: It's really the latter. I think I've always had a pretty strong sensitivity about what might be a conflict, particularly an issue conflict. Because this is my area. This is what I do, and I understand the issues. And I was always very keen on not doing something that would have an adverse impact on any client. I didn't do that much work that was what you would call on behalf of environmental interests, so it was not hard to reconcile. And it's still that way for me even though I'm far more active in the environmental conservation community now than I was back then. It's just that I know which entities and which issues are compatible, and I don't want to get in a place where I'm going to have a conflict with a client.

Atlas: Right.

Dinkins: Also, clients of a firm like this, Nancy, are people who care about the world they live in. So we don't represent people that are out to rape and pillage. They understand the need to comply with the law. When they run afoul of it, it's not because they were people of bad intentions and bad will.

Atlas: And I think it might be fair to say that many of the commercial interests realize their employees and they need to live in the world for the long haul. They want to

protect it, I think. Did you ever consider retiring from the practice of law because of the complexities of your family obligations?

Dinkins: Oh, no. No. No. My daughters were blessed with good health, and I am blessed with an incredible amount of energy. Up until my cancer last year, I've always had excellent health. And except for the cancer, my health was excellent last year. So I have always been able to do a lot of things and practice law at a very intense level, and my children grew up with a measure of independence that their friends did not have because their mothers mostly did not work outside the home. And none of them had a mother with anything like a career of the nature of mine, and when they were small – and remember that they were three, had just turned three, and I'm sorry, two and five – when I came to work at the firm. And I kept coloring books and horses and Indians and cowboys, in the bottom drawer of my desk. They came down with me on Saturdays when I needed to work on Saturdays. So they were very accustomed to being in my office. And when Amy got to be about five, and she was sitting at my secretary's desk, drawing or coloring or something, she looked up and she said, "Mommy, when I grow up, I want to have a room of my own like you have." Because she could see that my secretary was in a bay with three other secretaries, but that I had my own office with my name on the door, which she also mentioned – that she wanted her name on the door and a room of her own. So, you know, they figured these things out pretty early. And when Anne was in junior high school, she was in the 8th grade, I took off a day to go to – to get my annual checkup and to run a bunch of errands to get the kids ready to go back into, well, they were already in school. I picked

Anne up from school because I had to take her to a doctor's appointment or something, and she said, "Mom, what did you do today?" And I told her, and she thought about that. She said, "That sounds really boring. Didn't you get bored?" I said, "Yes, Anne. I was so bored." I said, "That's how come I have to be a lawyer and work." She said, "Yes, that's right, Mommy. You should not stay at home."

Atlas: Well, I think a lot of times, children who are used to their active or A-Type mothers working are very happy with that balance. I know my children thought it was very healthy for me to go into work. They loved me being involved in their lives, but they liked having me have another focus because that meant that I only worry about the big things, not every little thing.

Dinkins: That's very well put, and my daughters could really see the difference in the level of intrusiveness that I brought to bear in their lives versus that of their friends' mothers. We've always been very close, which is a great blessing. But they thought it was good that I wasn't micromanaging their lives because they know me well enough to know that if I had devoted all of the attention to them that I devoted to my clients, that it would have driven them crazy.

Atlas: Right. And that's understandable. I think you're not the only successful woman that has discovered that or whose children are aware of that. Do you think that childcare choices you made were good ones, and how did you balance delegation of your family obligations?

Dinkins: It changed over time to some extent. When Amy was born, I had a fulltime maid or housekeeper.

Atlas: Because by then, you were working I guess at the Institute, and you could afford?

Dinkins: Yes.

Atlas: And your husband was working at a law firm?

Dinkins: Yes. And she was just wonderful. She worked for us for two years. It was an older African-American woman named Beatrice, and she was just a prize. Then she got to, it became too hard for her to work because of her age, so I had another maid for about a year then discovered that she was stealing from me. And I – I'm not even sure I had her for a year, so I fired her. And then I hired a woman who was a practical nurse, and she was - she lived with us during the week and then went home to her family on the weekends. She was a middle-aged woman. And then, neither of those were perfect situations, but you know, we managed. But those two childcare experiences were not as good as I would have hoped. There weren't such a thing as governesses then.

Atlas: Nannies?

Dinkins: Yes, nannies. And I had the children in nursery school, you know, part of the week, in the mornings. So they had interaction with other children. I worked hard to make sure that I would carpool in the morning before I went to work, and that other mothers would bring them home at lunch time. So I did a lot of balancing. And I tell young women now that they shouldn't try to do everything, that when I was an associate here at the firm, all I did was practice law and deal with my children and husband. I organized a Brownie troop because the only one in the

neighborhood was full. And I desperately wanted Amy to be in a Brownie troop, and so I got mothers of other girls who had not been able to get in the troop to get together at my house one evening. I was having some client crisis, and the phone rang about four times while I was running this meeting of mothers to organize a troop and divide up our responsibilities. Finally, one of them looked at me and said, "You really don't have time to do this, do you?" I said, "No, but if I don't do it, it's not going to be done." You know, so I think that kept any of them from grousing about their assignments.

Atlas: Were they not working outside the home, most of them?

Dinkins: No, they were not. They were not. And I had to sign up as the Troop Leader with the Girl Scout Council because somebody had to be designated.

Atlas: Sure.

Dinkins: And so I was the one who had to keep up with the finances and the mail and all of that, but we had a Brownie troop.

Atlas: Did it last a few years?

Dinkins: Yes, I think we managed it for a couple of years.

Atlas: Good.

Dinkins: Then I taught Sunday School, again because Anne got bored in Sunday School. I went to class with her, and I saw why. I said, well, rather than complain about

this, I better volunteer to be a Sunday School teacher. So I did, and I did that for five or six years.

Atlas: About what age group was Anne?

Dinkins: I think Anne was about, probably about 7. I think she was 7 when I started that. And Amy would have been four, and I did it probably until Amy was 12.

Atlas: You were in the throes of your associate years here.

Dinkins: I was still an associate, yeah. Oh, yeah.

Atlas: Unbelievable. But during the week when your kids were 4, 5, 6, 7, up to 10. Did you have help at home as well, nanny or somebody to do the carpooling in the afternoon?

Dinkins: Oh yes. Yes. Well, see, -

Atlas: Activities, not necessarily to and from school.

Dinkins: Yes. When they were 8 and 11 was when I went into the government and started commuting. So looking before that point in time -

Atlas: Right.

Dinkins: - for afternoon activities, I would just arrange with other mothers so that the carpooling that needed to be done, I would do it when I left the office in the afternoon. Or I would do it on the front end of the day. But they were small

enough that they were not in many activities. Hardly any, you know, at those early years. So it was workable.

Atlas: So the kids came home from school, and you must have had some help there?

Dinkins: Oh, yes.

Atlas: What about your husband? How did you balance the childcare responsibilities with him, or the other domestic responsibilities?

Dinkins: No, well, I hired somebody to do the domestic responsibilities and the childcare. He wasn't really involved in it, and there was a point in time in the late 70s when he was out in California every other week because he was appointed the ad litem for the unknown heirs of Howard Hughes. And so he was very tied up in litigation and depositions, and there was a lot of activity. So he was gone every other week.

Atlas: For the whole week?

Dinkins: For the whole week. Yes. I mean, he was in trial for, it seemed like a year. And I would drop him off in the morning and pick him up in the afternoon at the courthouse. And I picked him up one afternoon because we carpoled together, and he got in the car. He said Judge Gregory held me in contempt today because I was late. Well, the school bus had been late picking the girls up that morning, and I was just appalled. After awhile, he started chuckling. The judge had done it, you know, for a moment of levity in the courtroom because he understood why Ted was late. But I just panicked.

Atlas: Well, you know, it's interesting because you two carpoled together and had pretty heavy responsibilities. Somehow you were able to manage the hours so that you were getting home at a reasonable time.

Dinkins: We did. It worked better then perhaps than it does now. I don't know, but I kept pretty, very regular hours.

Atlas: When you were in town, I guess?

Dinkins: When I was in town. And I traveled, but not every single week. But I did travel a lot. And I remember when I interviewed here in '73, I asked one of the associates if he, if the associates traveled a lot. And he never answered my question. Then I got here and started traveling, and I never forgot that he hadn't answered my question. I decided he didn't understand that there are no lies in recruiting. At least you're not held accountable for them.

Atlas: Oh, that's right. Well, tell us a little bit about how you made the transition or how you came to be recognized to get some appointments, either civic or professional side. You did get numerous appointments, and my research indicates that the first appointment that I could find on your resume of significance was in 1979 when you served as chair of the Governor's Task Force on Coastal Zone Management and in '79, you were appointed a member of the Environmental Protection Committee by the Interstate Oil Compact Commission. Now, from your resume, I don't know which was first, but can you just sort of enlighten us? You then went on federal appointments, but I would like to focus at the moment on your first major.

Dinkins: I have had, so far, I've chaired three gubernatorial task forces and one presidential task force. And I say "so far" because of being in the process for a nomination to chair a presidential board, not a task force, but a board. And the first task force that I chaired, Nancy, you will note from the dates, I chaired it when I was an associate.

Atlas: Yes.

Dinkins: The firm was very supportive of me. A. Frank Smith was still managing partner then, and what happened was, we were still in the throes of developing a coastal zone management program in Texas. I was hired by clients such as Perry Bass and George Mitchell to monitor the public hearings and to provide input on their interests into the state coastal zone management program that was in development. There were a series of public hearings that were chaired by Bob Armstrong when he was the Texas Land Commissioner, and the program was being developed under the auspices or through the staff of the General Land Office. The program was highly criticized. The public hearing went on and on and on. There weren't – didn't seem to be anybody that was happy with the program. I kept asking them to put my card to speak at the end of the meeting, and so I got up and I spoke extemporaneously. I had done competitive extemporaneous speaking in high school, and fortunately, had just a little bit of experience with it.

Atlas: Was that what you were calling the debate?

Dinkins: No, that was separate. That was separate. It was at speech meets that I did extemporaneous speech. So I got up and said that I had concluded from being

there all day, listening to all of the testimony and statements that what the coastal zone management program needed was to review *Alice in Wonderland* and say what it meant instead of meaning what it said. I gave about three examples, and then I sat down. In the last days of his administration, Governor Briscoe declined to submit that draft program for federal approval, which was a terrible blow to the people who had worked on it so hard. But he just, he refused to submit it, so the first Republican governor since Reconstruction took office, Bill Clements. One of his special assistants, Mit Spears, who was 27 years old, received a copy of the transcript of that hearing, and he read the whole thing. He got to the very end, and he read my statement and decided that I was the only one who said anything that made any sense to him. And he called me up, and he said, "Can you come up and talk to me about what you think of the coastal zone management program?" I said, "Sure, I would be glad to do that." So I drove to Austin, went to his little office. We sat down and talked about it and found out that he had grown up in Alice, Texas, where my mother grew up and about 30, uh, 25 miles from where I grew up. So he developed a proposal for the Governor through his Chief Of Staff that they would appoint a task force to revise the program and to renegotiate the program with the Federal Office of Coastal Zone Management to get preliminary approval to qualify the state for funding, then to develop a program to implement. And he called and asked me if they recommended that I chair it, would I do so. I had not been active in politics, except that when I was a freshman at the University of Texas, I handed out campaign materials for Barry Goldwater. And I was a member of Young Republicans at UT, one of the few that there were in

1964. But I - my parents were among the only Republicans in San Patricio County. They held their precinct meetings in our kitchen, and our kitchen was not large. It was a very small group of people. But they got things worked out in the governor's office and then asked me to come up to Austin to meet with Governor Clements, so that he could size me up and determine if he wanted to have me chair his task force. And I had a very important meeting in Galveston with the Corps of Engineers on one of my client's permits. So I finished that meeting, and I drove from Galveston to Austin because I couldn't get flights that were convenient. And I had a 5:00 o'clock meeting with Governor Clements, and I went into his office. He was signing a bunch of letters or something, and you know, asked me to sit down in the chair beside his desk. So I sat there. After a while, he finished that. Then he looked up, and we started talking. After a while, he said, "You're not very old." He said, "How old are you?" I said, "Well, Governor, I'm old enough. I'm 31," or whatever it was. He nodded, and he leaned back in the chair and he said, "Well, that's good. My son is only a year or maybe two years older than that, and he's running Sedco now that I'm governor." It was just delightful. Then, people could ask questions that now we would consider offensive or politically incorrect.

Atlas: Well, so he obviously gave you the appointment?

Dinkins: He did, and I had people on my task force like Harvey Weil from Corpus Christi, who, you know, is just - he's deceased now. But just one of the most outstanding lawyers in all of Texas. The finest gentleman and consummate fisherman. But all of the people on my task force were people of far greater stature and experience

than I, but they were perfectly happy to have me chair the task force. So when you asked earlier if the firm gave me support. By that point in time, I had three paralegals working for me, and two of them were ABD – all but dissertation – doctoral students.

Atlas: In environmental?

Dinkins: In environmental, yes, because I had been working on permitting a deep water port in Galveston that would have required dredging the channel to 50 miles out into the Gulf. It was a massive project, just a huge project. I had a lot of things like that that I was working on as an associate, and where I was the lead lawyer for all of the environmental stuff. Again, because nobody did that kind of work. And, that – you know, I got into a place where I had gotten the permits and we were starting to have other kinds of review and getting into litigation, so I recruited Tippy Newton, who was a partner, to handle the litigation for me. And I did the coastal zone management work pro bono for the state, and the firm funded all of our administrative support, funded the copying, funded my trips to Washington once a week to negotiate with OCZM, the Office of Coastal Zone Management. What I would do is on Tuesday morning, I'd get up and drive out to the airport and catch the 7:00 a.m. Eastern or Delta flight to Dulles, and I would arrive about 11:30 in the morning up there and take a taxi to OCZM, and they would be waiting for me. I would sit down, and I'd say, okay now, here's where we are with what we're developing. And I would lay it out for them, and I would say, "And we should be able to do that." They'd say, "Why do you think you can do that?" I'd say because "The regulations say so." "Where does it say that in the

regulations?” And I would open and show them, and they would say, “Well, we’re not the ones who wrote the regulations. Don’t worry about that. We’ll figure out another way to do it. We don’t want to do it that way.” And the negotiations were very congenial, they were – they really wanted us to get preliminary approval.

Atlas: Oh they did? They were not being obstructionists, but rather they were going to help you?

Dinkins: No, they were working with me. They wanted a negotiation, and there would be three or four of them and me, all by myself.

Atlas: None of the other task force members felt the need to go up there, or the desire?

Dinkins: They never expressed any interest in going with me. I would come back and convene a meeting, you know, every – periodically, and I would tell them where we were. We were drafting, my paralegal and I, were the ones drafting the program.

Atlas: You know, that was going to be one of my questions. Being chair of anything gives you a lot of discretion and authority.

Dinkins: It does.

Atlas: And one of them is structuring agendas. Another is drafting proposals.

Dinkins: Yes.

Atlas: You don't have to draft as chair, but you can pick the drafter. So I wondered if you felt that your being chair was some, was a plus or a minus? I was concerned about your relations with the other members, but also the advantages that you may have had and whether the other members played as a team, or you had that obstructionist problems with them?

Dinkins: They played as a team, and it was a very diverse group of people.

Atlas: Diverse in what way?

Dinkins: Oh, there were environmentalists who were prickly. There were commercial and sport fishing interests. There were developer interests. There were oil and gas interests, navigation interests.

Atlas: This was a well, a well constructed committee?

Dinkins: Yes. I worked with the governor's aide on who to pick for the committee. And by that point in time, because I had worked on coastal issues since 1971, I pretty much knew the players. Even though I was nervous about whether we could work together with a couple of the people, I felt like we had to have them for the credibility to sell the program once we got it rewritten. And bless their hearts, everybody worked together. And it was not contentious, and we managed it. I don't – looking back on it – have any idea how we did it. I mean I don't, it's hard to believe at this point that I knew enough at that point to do that, but I'm – somehow, it worked.

Atlas: The press reports are unclear about whether you literally rewrote the thing, the prior plan, or whether you tweaked it. From the comments you're making, it sounds like it's a major, major rewrite. Do you want to comment on that?

Dinkins: We rewrote it. Yes.

Atlas: I mean, it was completely redone?

Dinkins: Yes. Because there were – it was multivolume when the consultants who were working for the General Land Office finished writing what they wanted to submit on behalf of the state. And when we rewrote it, it was a half-inch think document, but it was one that I had negotiated every point with the feds, and I knew in advance that they would accept that as a program that would qualify for the next step of funding. And I also knew before I put it to a vote of the committee that they would approve it, and that they had agreed to support it with the governor. And so, I went to meet with Governor Clements a couple of times while we worked on it to give him a briefing on where we were, and what we were doing. So he was not unmindful of it. It was very, very contentious. When the thing fell apart it was before he took office in '78. And so we got it all worked out.

Atlas: Well, the implication is that it was shorter because maybe it was more general -

Dinkins: Well -

Atlas: - and therefore, maybe more ambiguous?

Dinkins: Yes. It didn't – well, it didn't – it also didn't seek to regulate things that were not already regulated, and that -

Atlas: It was simplified?

Dinkins: Yes, it was simplified. And it was – but, let me be clear that it had to build on and draw on what had been done previously.

Atlas: Oh sure.

Dinkins: I mean that was \$5 million of work that had been done over a five-year period. Yes, it was a lot. And we poured over it, and we combed all the other states' coastal zone management programs so that we could figure out what had been approved elsewhere that I thought would be saleable in Texas, where we didn't have to come up with new legislation or new regulatory programs, but rather where we could weave together things that existed, make them function better, give them more prominence. And I, to make sure that we did have regulatory processes, I worked through the provisions of the Clean Water Act, Sections 402 and 404, to really build on how the state would have a role in what was done on the coast in the way of development and permitting.

Atlas: So do you think the – what do you think the reaction was to the new plan from various constituencies?

Dinkins: I think they were relieved that we had been able to put together something that the feds would accept and that the Governor was willing to submit to them.

Atlas: What was the feds' agenda that you perceived was the pressure? And what was the Governor's agenda? Big picture. I mean, obviously, they're competing interests, but I'm not sure it is clear which interests were being represented by the feds versus the state or otherwise.

Dinkins: The feds' interests, in my view, was very basic. And that was that it was not a good thing for their program to have one of the largest and most active coastal states in the country not participate in the Federal Coastal Zone Management Program. I think that was their agenda. They really wanted Texas to be part of the Coastal Zone Management Program. From the state's standpoint, the Governor's interest, I believe, was that he did not want to impose another lawyer of regulation on the business and commercial interests in the state. And that he felt that the state could manage its own business without doing that. And the state benefited from having an approved coastal zone management program because certain grant money, such as for coastal erosion protection projects, are contingent upon the state having an approved coastal zone management program. So there were carrots and some sticks, but the sticks were not of great concern to Texas. And the carrots were not so great that the state was willing to sacrifice because again, after I went into the government and wasn't involved in the program, and they took the preliminary approval program that I negotiated to work it into a permanent program, when they got ready to submit it for approval, the Governor refused to submit it for approval. And he was lobbied intensely by business interests in the state.

Atlas: To not approve, so they would not have more regulations?

Dinkins: Yes.

Atlas: Did the program actually get approved?

Dinkins: Yes, it finally got approved, but it was a long, long time after I worked on it. And it was because the carrots of federal funding for coastal projects had finally become significant enough to local interests on the coast that they really pressed the state to come up with an approved coastal zone management program.

Atlas: Did you have a part in getting it finally approved in between your federal stints, or were you completely out of this by the time you went up to Washington?

Dinkins: After I went to Washington,

Atlas: Cause you went to Washington twice?

Dinkins: Yes, and at one point when I was back at the firm, there was a big meeting in the Governor's office, and there were a number of interests who were urging the Governor not to submit the program. And the Governor asked if I would come back and sit in that meeting and give him my view. And at that point, I told him that I thought that it was not an open and shut question, that I didn't think that the benefits to the state were overwhelming, that on balance, if it were me, I would submit it for approval, but that I didn't think he was making a mistake if he did not submit it for approval. And ultimately, he didn't.

Atlas: It sounded like you were somewhat of a consensus builder in addition to being a substantive expert. And maybe that when you had to leave, the momentum failed

in terms of continued consensus building. If you had stayed in Texas, do you think it would have made a difference in terms of getting the final plan through faster? If you had stayed chairman? Or do you think that there were sufficient interests beyond your control that took over that no one could have overcome?

Dinkins: I think it was just a very difficult issue, and I've never thought that my continuing involvement would have made the difference in whether the program had succeeded or not. I think it was not an easy thing to bring to Texas in the '70s and early '80s.

Atlas: Because of the independence, the fierce independence that Texas had?

Dinkins: Yes. Yes. And it just wasn't the time and place for it, is what I think.

Atlas: But you laid the groundwork, but you also made it pay off?

Dinkins: Yes, I think so. I'm very proud of having done that work, and it was invigorating for me. It was, I think, a growth opportunity for me in a lot of ways – incalculable ways. And the way that I did it, because remember I had a full time law practice and I had two children at home in school. I would get up at 4:00 in the morning, and I would work from 4:00 until I got the girls up for breakfast at 6:30. Then I would fix them breakfast and have breakfast with them and get them ready for school and on the school bus. In between all of that, get myself ready and leave for the office as soon as they left. So when I worked on that program was in the early morning hours in a very, very focused way. But when we submitted it knowing that the Governor would proffer it and that the feds would approve it, I

felt really good about it. He had us to lunch at the Mansion, the whole task force, and it was quite delightful. It was a nice lagniappe, and I thought a very gracious thing for him to do.

Atlas: Right. I wanted to ask you about the membership on the Environmental Protection Committee of the Interstate Oil Compact Commission. I think when we finish that, it might be a good breaking point.

Dinkins: Sure I think that is a natural place to break. That was an appointment that came along after I had done the Coastal Zone Management Task Force and finished that work, and we disbanded it. The dates may look the same, but I think one of them was probably at the beginning of the year, and the other was at the very end of the year. I only went to one meeting before my federal appointment and my resignation from that. And it was just hilarious. It was in Louisville or Lexington, Kentucky. I don't remember which one. And it was a large meeting at a very large hotel. It was sort of like a motel. And I, again, there weren't – there just weren't women unless somebody brought his wife. So I checked in, you know, these big strong hordes of men checking in. And when I finally got up to the desk to check in for my room, the desk clerk said, oh we only have one room left, and it's the honeymoon suite. And he said but we won't charge you any extra for it. And I said, okay, fine. I was in a hurry to get to my room because I needed to call about client business before I went to the evening function that day. I got there in the afternoon, late. I got up to the honeymoon suite. The bed is round. All of the hangings are red velvet. There are mirrors on the ceiling. I had never been in a place like this. I thought it looked like a bordello must look, not that I had been in

one – still haven't. But they're very dim lights, and Nancy, you should try to sit on the edge of a round bed and talk on the phone. I kept falling off the bed, and I was so glad when I finished my calls and could leave that suite. When I went through the lobby to catch the bus for the evening function, there were a lot of meeting attendees milling around in the lobby. The desk clerk looked up, saw me across the lobby, and hollered out, "Hey, Carol. How did you like the mirror on the ceiling?" I was mortified but just said, "It's fine" and kept on going.