

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-5  
AGENDA DATE: Thu 12/02/2004  
PAGE: 1 of 1**

**SUBJECT:** C14H-04-0012 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Judge Graves House, 2 Green Lanes (Shoal Creek Watershed) from Family Residence, (SF-3) district zoning to Family Residence – Historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence – Historic (SF-3-H) combining district zoning. Zoning and Platting Commission Recommendation: To grant Family Residence – Historic (SF-3-H) combining district zoning. Applicant: Terry and Judy Bray, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Alice Glasco

**ZONING CHANGE REVIEW SHEET**

**CASE NUMBER:** C14H-04-0012

**HLC DATE:** July 26, 2004

**ZAP DATE:** November 2, 2004

**AREA:** 0.913 acre (Lot 2, Josephine L. Fisher Reservation)

**APPLICANT:** Terry and Judith Bray

**AGENT:** NA

**HISTORIC NAME:** Judge Graves House

**WATERSHED:** Shoal Creek

**ADDRESS OF PROPOSED ZONING CHANGE:** 2 Green Lanes

**ZONING FROM:** SF-3

**ZONING TO:** SF-3-H

**SUMMARY STAFF RECOMMENDATION:** Staff recommends the proposed zoning change from family residence (SF-3) district, to family residence - historic (SF-3-H) combining district zoning.

**HISTORIC LANDMARK COMMISSION ACTION:** Recommended a zoning change from family residence (SF-3) district, to family residence - Historic (SF-3-H) combining district zoning. Vote: 7-0 (Fowler and Limbacher absent).

**ZONING AND PLATTING COMMISSION ACTION:** Recommended a zoning change from family residence (SF-3) district, to family residence - Historic (SF-3-H) combining district zoning. Vote: 8-0-1 (Baker abstaining).

**DEPARTMENT COMMENTS:**

The house was not within the bounds of the Comprehensive Cultural Resources Survey (1984), but is listed as contributing to the Old West Austin National Register Historic District.

**CITY COUNCIL DATE:** December 2, 2004

**ACTION:**

**ORDINANCE READINGS:** 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Steve Sadowsky

**PHONE:** 974-6454

**NEIGHBORHOOD ORGANIZATION:**

Pemberton Heights Neighborhood Association

**BASIS FOR RECOMMENDATION:**

The house, designed by prominent local architect Hugo Kushno, is an excellent example of the Colonial Revival style in Austin. The house was built ca. 1936 for Judge Ireland Graves, a prominent local attorney, judge, and civic leader.

Staff evaluated the property for historic landmark designation and determined that the house meets Historic Landmark Designation Criteria 1, 3, 4, 6, 7, and 11.

***(1) Character, interest, or value as part of the development, heritage or cultural characteristics of the City of Austin, State of Texas, or the United States.***

The Graves House is an excellent example of the type of development in Pemberton Heights, a 1920s suburb noted for its exclusively residential character and adherence to the principals of the City Beautiful Movement in its irregular-shaped lots and natural setting for houses. Located on a narrow lane off Wooldridge Drive, the Graves House embodies the ideals of a secluded residential setting.

***(3) Embodiment of distinguishing characteristics of an architectural type or specimen.***

The Graves House is a classic example of the Colonial Revival style, popular for residential buildings from the 1870s through the 1950s. Between World War I and World War II, Colonial Revival was the most widespread historic revival house style in the United States, attractive because of its symmetry, simplicity, and historical and patriotic associations. The distinguishing characteristics of the style are a central hall, symmetrical façade, side-gabled roof, and simple, Classical details.

The Graves House is a two-story side-gabled house with a central portico and balustrade. The 1:1 windows are symmetrically placed in the façade, all hallmarks of the Colonial Revival style in the 1920s.

***(4) Identification as the work of an architect or master builder whose individual work has influenced the development of the city.***

The house was designed by noted Austin architect Hugo Kuehne (1884-1963), whose work includes the Georgian Revival house owned by former Austin mayor Penn Wooldridge and his wife Nellie, at 3124 Wheeler Street, several houses in Aldridge Place, another City Beautiful-inspired suburb off Guadalupe Street, his own house at the corner of 32<sup>nd</sup> and Duval Streets, and the Austin Public Library (now the Austin History Center). Many of Kuehne's works have been designated City Historic Landmarks as well as having been individually listed in the National Register of Historic Places. Kuehne also established the architecture library at the University of Texas.

**(6) Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on architectural, historical or cultural motif.**

The Graves House contributes to the Old West Austin National Register Historic District.

**(7) Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural style.**

The Colonial Revival Graves House represents the tastes and standard of living of Austin's upper middle class in the 1930s. Popular for their traditional design and historical associations, Colonial Revival houses appealed to the upper middle class, who were attracted by the sense of stability conveyed by the style.

**(11) Identification with a person or persons who significantly contributed to the culture and development of the city, state or United States.**

**Judge Ireland Graves** (1885-1969), born in Seguin, Texas, 1875-1947), was a founding member of the Austin law firm of Graves, Dougherty, Hearon and Moody. He was the grandson of John Ireland, former governor and Associate Justice of the Supreme Court of Texas. He attended school in Georgetown, graduated from Southwestern University in 1905, and obtained his law degree from the University of Texas in 1908. He entered a local private practice until 1916, when he was appointed district court judge for Travis and Williamson Counties. He returned to private practice in 1921, and taught at the University of Texas Law School. In 1922, he was one of the three incorporators of the Texas Law Review, and served on its board of editors until 1966. In 1941, Judge Graves argued the case of Railroad Commission of Texas v. Pullman Company before the United States Supreme Court, which established the Pullman Doctrine whereby federal courts must defer to state courts on certain matters. He founded the Austin firm of Graves, Dougherty, Hearon and Moody with his son-in-law, Chrys Dougherty, in 1946, and remained active in legal affairs until his retirement in the mid-1960s.

Graves was also active in civic activities in Austin. He served as president of the Chamber of Commerce, was a member of the Austin National Bank Board of Directors, and president of the Statesman Publishing Company, which published the Austin Statesman. He was on the first Board of Directors of the Austin Community Chest, predecessor of the United Way, and served on the first board of directors of the Headliners Club. He was instrumental in instituting the city manager form of government in Austin and promoted civic reforms such as the required licensing of automobile drivers.

**ANNUAL TAX ABATEMENT:** \$14,079 (total - all taxing authorities) - owner-occupied rate. City property tax exemption: \$3,707.

**APPRAISED VALUE:** \$996,074

**PRESENT USE:** Residence

**CONSTRUCTION/DESCRIPTION:** Two-story rectangular-plan side-gabled house with central entry with an independent portico with balustrade above; 1:1 fenestration.

**CONDITION:** Excellent

**PRESENT OWNERS**

Terry and Judith Bray  
2 Green Lanes  
Austin, Texas 78703

**DATE BUILT:** ca. 1936

**ALTERATIONS/ADDITIONS:** Garage enlarged, kitchen deck added (1974); front porch columns replaced with columns from Judge Graves' old fraternity house; porch railing added in conformance with original Kuehne design (1985); back sun porch enclosed (1993); kitchen deck enclosed (2003)..

**ORIGINAL OWNER(S):** Ireland Graves (1936)

**OTHER HISTORICAL DESIGNATIONS:**


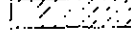

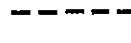
NATIONAL REGISTER: No

RECORDED TEXAS LANDMARK: No

NATIONAL LANDMARK: No

LOCAL SURVEYS: Yes. The house is listed in the Old West Austin National Register Historic District nomination.



 1" = 200'	SUBJECT TRACT		HISTORIC ZONING		CITY GRID REFERENCE NUMBER
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14H-04-0012	DATE: 04-07	
	CASE MGR: S. SADOWSKY		ADDRESS: 2 GREEN LANES	INTLS: SM	
			SUBJECT AREA (acres): N/A		



# A. APPLICATION FOR HISTORIC ZONING

## PROJECT INFORMATION:

Tr. 238386

DEPARTMENTAL USE ONLY

APPROVALS: \_\_\_\_\_

DATE: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_

PROJECT ADDRESS: \_\_\_\_\_

PROJECT PHONE: \_\_\_\_\_

PROJECT FAX: \_\_\_\_\_

PROJECT E-MAIL: \_\_\_\_\_

PROJECT WEBSITE: \_\_\_\_\_

PROJECT MAP: \_\_\_\_\_

PROJECT PHOTO: \_\_\_\_\_

PROJECT VIDEO: \_\_\_\_\_

PROJECT AUDIO: \_\_\_\_\_

PROJECT OTHER: \_\_\_\_\_

## BASIC PROJECT DATA:

JUDITH WALLACE AND  
WM. TERRY BRAY

1. OWNER'S NAME: \_\_\_\_\_

2. PROJECT NAME: GRAVES-BRAY House

3. PROJECT STREET ADDRESS (or Range): NO. 2 GREEN LANES

ZIP 78703 COUNTY: TRAVIS

IF PROJECT ADDRESS CANNOT BE DEFINED ABOVE:  
LOCATED \_\_\_\_\_ FRONTAGE FEET ALONG THE N. S. E. W. (CIRCLE ONE) SIDE OF  
APPROXIMATELY \_\_\_\_\_ (ROAD NAME PROPERTY FRONTS ONTO), WHICH IS  
INTERSECTION WITH \_\_\_\_\_ DISTANCE FROM ITS  
CROSS STREET.

## AREA TO BE REZONED:

4. ACRES 1.009 (OR) SQ. FT. \_\_\_\_\_

5. ZONING AND LAND USE INFORMATION:

EXISTING ZONING	EXISTING USE	TRACT# (IF MORE THAN 1)	ACRES / SQ. FT.	PROPOSED USE	PROPOSED ZONING
SF 3	single family		1.009	single family	SF-3-H
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

## RELATED CURRENT CASES:

6. ACTIVE ZONING CASE?	(YES / NO)	FILE NUMBER:	_____
7. RESTRICTIVE COVENANT?	(YES / NO)	FILE NUMBER:	_____
8. SUBDIVISION?	(YES / NO)	FILE NUMBER:	_____
9. SITE PLAN?	(YES / NO)	FILE NUMBER:	_____



PROPERTY DESCRIPTION (SUBDIVISION REFERENCE OR METES AND BOUNDS):

10a. SUBDIVISION REFERENCE: Name: N/A Block(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Outlot(s) \_\_\_\_\_  
Plat Book: \_\_\_\_\_ Page \_\_\_\_\_  
Number: \_\_\_\_\_  
10b. METES AND BOUNDS (Attach two copies of certified field notes if subdivision reference is not available or zoning includes partial lots)

DEED REFERENCE CONVEYING PROPERTY TO PRESENT OWNER AND TAX PARCEL I.D.:

11. VOLUME: 4427 PAGE: 1588 TAX PARCEL I.D. NO. 01-1501-08090000

OTHER PROVISIONS:

12. IS PROPERTY IN A ZONING COMBINING DISTRICT / OVERLAY ZONE? YES / ☒ NO  
TYPE OF COMBINING DIST/OVERLAY ZONE (NCCD, NP, etc) \_\_\_\_\_  
13. LOCATED IN A LOCAL OR NATIONAL REGISTER HISTORIC DISTRICT? ☒ YES ☐ NO Old West Austin  
14. IS A TIA REQUIRED? YES / ☒ NO (NOT REQUIRED IF BASE ZONING IS NOT CHANGING) NATIONAL Register  
TRIPS PER DAY: \_\_\_\_\_  
TRAFFIC SERIAL ZONE(S): \_\_\_\_\_ HISTORICAL DISTRICT

OWNERSHIP TYPE:

15. ☐ SOLE ☒ COMMUNITY PROPERTY ☐ PARTNERSHIP ☐ CORPORATION ☐ TRUST  
If ownership is other than sole or community property, list individuals/partners/principals below or attach separate sheet.

OWNER INFORMATION:

16. OWNER CONTACT INFORMATION  
SIGNATURE: Judith Wallace and Wm. Terry Bray NAME: JUDITH WALLACE AND  
FIRM NAME: Wm. Terry Bray TELEPHONE NUMBER: 4784119  
STREET ADDRESS: No. 2 GREEN LANES  
CITY: AUSTIN STATE: TX ZIP CODE: 78703  
EMAIL ADDRESS: \_\_\_\_\_

AGENT INFORMATION (IF APPLICABLE):

17. AGENT CONTACT INFORMATION  
SIGNATURE: \_\_\_\_\_ NAME: \_\_\_\_\_  
FIRM NAME: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_  
STREET ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_  
CONTACT PERSON: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_  
EMAIL ADDRESS: \_\_\_\_\_

DEPARTMENTAL USE ONLY: \_\_\_\_\_

## D. SUBMITTAL VERIFICATION AND INSPECTION AUTHORIZATION

### SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that proper City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the proper review of this application.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND  
INDICATE FIRM REPRESENTED, IF APPLICABLE.

Judith W. Bray 6/29/04  
Signature Date  
Judith W. BRAY  
WM. TERRY BRAY  
Name (Typed or Printed)

\_\_\_\_\_  
Firm (If applicable)

### INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND  
INDICATE FIRM REPRESENTED, IF APPLICABLE.

Judith W. Bray 6/29/04  
Signature Date  
Judith W. Bray  
WM. TERRY BRAY  
Name (Typed or Printed)

\_\_\_\_\_  
Firm (If applicable)

## E. ACKNOWLEDGMENT FORM

concerning  
Subdivision Plat Notes, Deed Restrictions,  
Restrictive Covenants  
and / or  
Zoning Conditional Overlays

I, JUDITH WALLACE BRAY & have checked for subdivision plat notes, deed  
restrictions, WM. TERRY BRAY  
(Print name of applicant)

restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain  
development restrictions i.e. height, access, screening etc. on this property, located at

No. 2 GREEN LANES

(Address or Legal Description)

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes,  
deed restrictions, restrictive covenants and/or zoning conditional overlays it will be my responsibility to resolve  
it. I also acknowledge that I understand the implications of use and/or development restrictions that are a  
result of a subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions,  
restrictive covenants and/or zoning conditional overlay information which may apply to this property.

Judith Wallace Bray

(Applicant's signature)

WM. TERRY BRAY

6/29/04

(Date)

## F. 1: Historical Documentation - Deed Chronology

Deed Research for (fill in address) No. 2 GREEN LANES

List Deeds chronologically, beginning with earliest transaction first and proceeding through present ownership. The first transaction listed should date at least back to when the original builder of any historic structures on the site first acquired the property (i.e., should pre-date the construction of any buildings/structures on the site). Please use the format delineated below.

For each transaction please include: name of Grantor/Grantee, date of transaction, legal description involved, price, and volume/page number of deed records. If there is a mechanic's lien please copy the entire document.

### Example:

#### Transaction

#### Vol./Page

John Doe to Mary Smith,  
Lots 1-3, Block B, Driving Park Addition  
March 13, 1882  
\$2500

Vol. 52, pp. 22-60

Mary Smith, estate, to Ingrid Jones  
Lots 1-2, Block B, Driving Park Addition  
January 12, 1903

Vol. 409, pp. 552-554

(Continue through the present)

Josephine L. Fisher to  
Ireland Graves

Vol. 606, Page 259

Mary Ireland Dougherty et al to  
Wm. Terry Bray + Judith  
Wallace Bray

Vol. 4427, Page 1588

## F. 2: Historical Documentation - Occupancy History

Occupancy Research for (fill in address) #2 Green Lanes

*Using City Directories available at the Austin History Center or other information available, please provide a chronology of all occupants of the property from its construction to the present. For commercial property, please provide residential information on business owner as well.*

Year	Occupant Name and Reference	Source
1872-1873	A.S. Roberts, Dry Goods and general groceries provisions, City Directories e s Congress b Hickory and Ash Streets  A.S. Roberts (Ada), Roberts Dry Goods, r. 610 W. 12 <sup>th</sup> Street, 2.	
1877-78	Jones, David W., Wholesale Furniture dealer and carpets, 806 Congress Avenue  Jones, David W. (Martha), Furniture Dealer, r. 312 W. 5 <sup>th</sup> Street, 4.	City Directories

(Continue through the present)

1934 Ireland and Mary Stedman Graves  
to 1972

1972 Wm. Terry and Judith Wallace Bray  
to present

### **Judge Ireland Graves - In Memoriam**

Judge Graves died on September 26, 1969, having been inactive since late 1965. Among many tributes to him perhaps the very best phrased was that prepared by Judge St. John Garwood and adopted by the Travis County Bar Association. In part it says,

"We of the Travis County Bar Association wish to record our own tribute to Judge Graves, who was for so long an outstanding and well beloved fellow member and our sometime President. The acid test of a lawyer's quality is perhaps less his undoubted prestige with clients and public than the not lightly accorded esteem of his colleagues of bar and bench. We, more reliably than most, can and do certify that Judge Graves enjoyed both this esteem and prestige in the fullest measure, even as he generously reciprocated to each of us the respect we paid him..

"Regrettably, if but naturally, the professional life of even the best practicing lawyer, compared to that of his peers in politics, literature and the appellate judiciary, is written in sand, - to be resurrected largely by reference to a few fortuitously publicized items of litigation, by somewhat colorless figures of the number of cases tried or argued, or, at best, in descriptive terms applicable generally to lawyers of his kind. Thus, for words at once highly descriptive of

Judge Graves' legal career and better chosen than our own words might be, we adopt those long ago uttered by another notable member of our Association, Judge Robert L. Batts, concerning one of his own peers [Hiram M. Garwood]:

'He has prepared great pleadings - petitions, bills in equity, answers - showing learning, powers of logical thought, clearness and purity of diction - all filed away now perhaps never to be resurrected. He has written great briefs, announcing in perfect language the applicable legal principles - arguments clear, logical, convincing. Perhaps his name appears with others with nothing to indicate the writer. ---- He made great arguments before great courts. They were logical, expressed in unexcelled English --- spiced sometimes with polished wit and not unkindly irony, forceful, impelling, elegant, eloquent. These are preserved, it may be, only in the fading memories of a judge who heard but will himself shortly be no more. He has had an important part in shaping public policy and formulating the laws with reference to the control and protection of corporations, with reference to transportation tariffs, ---public utility charges --- taxation and other contacts of public economy with political activities. He has helped to build up great business enterprises, to shape the destiny of a great city, mold the public policy of his State and Nation. His able work is hid in massive records probably never again to be opened - in books not again to be used - in great arguments which, having accomplished their purpose, are lost (except for their results) for all time.'

"Yet, as Judge Graves would readily agree, historical notoriety is far from life's best accomplishment - even when it happens worthily to occur. Sound thinker and fine character that he was, he found satisfaction enough in striving to be worthy of his high profession, in seeking justice between men, in treading without self-righteousness or hypocrisy the steep and narrow path of Christian rectitude, in being always gentle, kindly and generous with his fellow man. What open mind can honestly affirm that the example of such a life will not, through Nature's complex processes survive in fact to benefit future generations?"

### **Robert J. Hearon's Memories of Judge Graves**

In 1999 Robert J. Hearon, Jr. shared with the firm his recollections of Judge Graves:

"There're a lot of names that we all hear in law firms: Fulbright & Jaworski, Baker Botts, Vinson Elkins, Thompson Knight, and a lot of those names are from earlier generations, so people don't really associate with an individual. I think in some sense, Judge Graves' name falls in that category. Let me ask how many people here ever met Judge Graves? Well, there's an older contingent over here. But I think it's - I'm delighted to have the opportunity to talk just a little about him and who he was. And to add to that, I want to put a picture up here on the wall. This is Judge Graves. Let me introduce him to you. It's a little younger picture. To me, he had some similarity physically to Terry Bray. But I think I wouldn't really saddle him with that, and I - The physical resemblance is more Ed McHorse. You know the old saying that you can't be too thin or too rich? I think Judge Graves did very well in both those things.

"Let me give you a few vital statistics. He was born in 1885, died in 1969 at the age of 83. If he were living today, he would be, improbably, 114 years old, and it's been 30 years since he passed away. I knew him for a period of about 15 years, primarily in the 1953-54 era before I went off in the army, and then when I got back, from '57 until the mid to late '60s when he died. Judge Graves was born in Seguin, but he was raised in Georgetown. ~~And his grandfather and namesake, John Ireland, was a former justice of the Texas Supreme Court and a former governor of Texas in the 1885 post-reconstruction era,~~ when the Democrats were finally able to wrest control from the republican party. He was raised in Georgetown and went to TMI, Texas Military Institute, in San Antonio for four years. To put this a little bit in context, when Judge Graves went to TMI, future general Douglas MacArthur was a member of the senior class. After prep school, in Georgetown he went to Southwestern University, played baseball at Southwestern. He was always a big baseball fan. And somewhere in there, he picked up the nickname of Pat. Some of his older friends always referred to him as Pat. He graduated from Southwestern in 1905 and went to the University of Texas Law School from 1905 to 1908. And he wasn't just a book man; ~~he was also editor of the Cactus for a year at the University.~~ He got out of law school in 1908 and went to work for a law firm here in Austin named Cochran & White. And Robin, I think you had an old picture you used to have in your office of a bunch of antiquated men, some of them with mustaches and beards, sitting around an old rolltop desk. I think that may have been Cochran & White. Judge Graves used to say that Ike White was the best jury lawyer he ever saw. He went to work at Cochran & White, and in 1916, some eight years later, became judge of the 26<sup>th</sup> District Court. Now the 26<sup>th</sup> sat both in Austin and in Georgetown. So he went back to his home ground, but of course lived in Austin. And in those days, Georgetown as not just a conversation away. The way you got to Georgetown principally was to take the train. And he would commute back and forth as needed when he sat in Georgetown.

"He was re-elected and resigned, though, as a district judge in 1921. So he served in that capacity ~~for about five years.~~ And he was thereafter always known as Judge. People spoke about Judge Graves. His intimate friends would call him Judge.

"At that time, he came back to Austin, went back to the firm, which at that time had become White & Wilcox, and embarked on some very active years, as I understood it, in the '20s. In the first place, while he was practicing law he also taught at the University of Texas Law School. And among the many things he must have done there was to be one of the three incorporators of the Texas Law Review. The other two incorporators were Ira Hildebrand, the dean of the law school at the time, and Leon Green, who many of us will remember as a distinguished teacher and professor who subsequently taught both at Texas and all over the country. In any event, the three incorporators are Hildebrand, Green and Graves. And he served as treasurer of the Law Review for many, many years after that. I can remember somebody bringing in all the checks that he needed to sign. He also became very active in the Chamber of Commerce, was a vice president of that; served on the Austin school board; president of the Kiwanis Club. I think Whellan is trying to imitate some of that. He was on the board of the ~~Austin National Bank in 1924,~~ and he became very active in city politics. This is where kind of Whellan comes in. From '21 to '26 or so, there was a big controversy in Austin about the form of government. It had always been just a mayor and aldermen type, and Ireland Graves led the



~~reform group that created the present Austin city council and city manager type of government.~~  
In any event, those were very, very active, very public days for Judge Graves. In 1928, he had an opportunity to go into a partnership with Charles L. Black. Now Mr. Black was a very distinguished appellate lawyer. I don't have his picture, and it's probably just as well. He was a very formal person: three-piece suits, pince-nez glasses, would brook no interference or wasn't a very jocular person, but who Judge Graves referred to always as the strongest appellate advocate that he had ever known. Of course, he didn't include himself in that running, I'm sure. Black & Graves then became what I guess nowadays would be referred to as a boutique or specialized law firm, although in those times a big firm was maybe nine or ten lawyers. Black & Graves had their initial office right over here across the street in the Scarbrough Building. But of course when a new downtown building was built in 1929, the Norwood Tower, they moved their offices to that building, on the 10<sup>th</sup> floor. And Mr. Black had his office, Judge Graves had his, and they had a big library, a big work room where they would go and work on these cases. At that time, the appellate practice in Austin was a little different. You didn't have Southwest Airlines. You didn't have, Lord knows, computers or stuff like that. And when people had a case in Austin before the Texas Supreme Court, you really needed to get Austin counsel if it was a big case. Dan's father, Governor Moody, was a very active participant in that practice, Moody & Robertson. They were up on the 12<sup>th</sup> floor. And Governor Moody had a complete library. He had the total National Reporter system up there. So these firms, those lawyers in particular, were the pre-eminent appellate lawyers in the state. I'm kind of reminded of a story about John W. Davis who had a practice before the U.S. Supreme Court, and his claim to fame was that he lost 78 cases in a row. But that told you a little bit about the man and his practice because the idea was that if you had a case and you wanted to give it the best shot, and nobody would second guess you about your choice of lawyers later, you hired John W. Davis. And I don't think that Black & Graves ever lost that many cases, but it was the same kind of thing, don't you see. These were the Austin lawyers or among the group of Austin lawyers that you needed to have to make up the best presentation you could.

"The cases, if you'll look - happen to be looking in the Southwest Reporter during the '30s and '40s, time and again you'll see that the case was presented by Black & Graves or later by Black, Graves & Stayton. As I understand it, Mr. Black was not someone who was anxious particularly to expand the firm, and as we'll talk about later, Mrs. Graves was always concerned that Judge Graves was just simply working too hard. He didn't have enough help, he stayed at the office too long, and a young man by the name of Jack Stayton came along, and Judge Graves hired him and paid him out of his share of Black & Graves so that he could get some little help. During this period, there were - I guess the case of national prominence that Clarke must be referring to was handled by Judge Graves before the United States Supreme Court. The lawyers here, probably most every one, will be aware of what has become known as the Pullman Doctrine, the doctrine that federal courts will defer under certain circumstances to state courts in who ought to hear a case. The Pullman case, which created the Pullman Doctrine, was briefed and argued by Ireland Graves. And I think if you'll look through in the library, the set of U.S. Reports that we have, and I'm so thankful that Jan has resurrected those U.S. Reports from wherever they were. Actually hiding in the library somewhere you will see the notation in a lot of those cases in Judge Graves's handwriting, where he was noting that this case was considered

in some later case or whatever. You'll even find that in some of the old Southwest Reporters at the time, but particularly in the U.S. Reporters.

"Judge Graves was a very successful practitioner. He had a nice two-storey house out here on what became known as Judges Hill just west of West Avenue between 17<sup>th</sup> and 18<sup>th</sup> Street. They had a garage apartment out there that they would rent to law students. Now I can't – I remember seeing many times lawyers from Houston or Dallas running into Judge Graves and talking about the days when they rented that garage apartment and went to law school. I don't think it was purposeful, but that gave him a lot of friends all over the state.

*Mr. Graves  
Jackie  
Hickman  
1942-1944*

"Mrs. Graves, Mary Steadman Graves, was certainly a part of the picture. Her father was a railroad commissioner, a distinguished personage in Texas, and I don't want to make any direct analogy here to Hilda Rumpole. However, there is some similarity, some comparison, in that Mrs. Graves was terribly supportive of Judge Graves, but awfully protective. I can remember some years later talking to Dr. Edmond Heinsohn, who for many years was pastor of the University Methodist Church and who was a great admirer of Judge Graves, and who was complaining a little bit that Mrs. Graves just wouldn't let Judge Graves be chairman of the board of that church because he was just too busy and working too hard and needed to cut back. But during that period, that church out there was a major role in the city, both from a moral standpoint and from a legal, because J. D. Hickman, the chief justice of the Texas Supreme Court in earlier years, also taught the men's Sunday bible class across the street in the Varsity Theater. And the moral law was laid down by Judge Hickman on Sunday and the statutory and common law was applied by him during the week. And that's a whole 'nother story, but –

"During this period of the '30s and the '40s and the '50s – and I'm getting to the '40s and the '50s in a minute – there's no doubt that Ireland Graves had achieved enormous success and respect in the law practice, in the business community, and indeed as an owner of property in town and as an active and respected member of the community. He had a long relationship with Louis Shanks. Mr. Shanks was always very thankful to Judge Graves, because Judge Graves built him his first building down here on Lamar at 12<sup>th</sup>. That was owned by the Graves family and rented to Louis Shanks. I saw some file the other day about how maybe that's being sold. He built a shopping center right at the head of Lavaca, you know, where it runs into MLK (which, of course, we all know is 19<sup>th</sup> Street), with the photo people and whatever across the street at that T intersection. That was owned by Judge Graves. And Mrs. Graves was always promoting patronage to the florist shop next door, which she owned. One time Judge Graves took me down to where the Four Seasons Hotel is now. At that time, it was kind of a rundown area with a few older houses sitting around, and he said, "You know, you may think I'm misguided, but I bought those three lots along here because I think someday this is not going to be a bunch of gravel pits out here. It's going to be an attractive and valuable location." And of course, that's where the Four Seasons is, to give you some idea about his insights.

"The fee structure at that time in the law practice was entirely different, and much more to my liking. You didn't need timesheets. You concentrated your work on the case itself. You kind of got along – you really didn't send a bill until the case was over. Then you would call up the other side – or Judge Graves would – and talk to general counsel So-and-So, and they'd

review what had happened over the last year or 18 months in this case, and Judge Graves would suggest a fee. Hopefully, the general counsel would say that's not near enough, and they'd come to a conclusion, and they'd write a check. A very civilized way of doing business. None of this business about 'You've got until noon.'

"He shared his success with other lawyers in town, and I can't remember how many instances in which I've heard lawyers – Kay Miller, who represented the Austin National Bank, even though Judge Graves was chairman of the board, Kay Miller did all the known trust and real estate work for many years because Judge Graves sent it to him. John Miller, who you may see in the elevator, is Kay Miller's son. I used to be very jealous of that practice, but I think it's worked out all right. There were others. Jerome Snead I remember told Judge Graves one time how deeply grateful he was that Judge Graves sent him a little insurance company during the depression days in the '30s to represent because Judge Graves had other things that he was doing at the time. T.C. Harris, Fisher Tyler. One of the roughest lawyers in town, who – I won't say thankfully, but I'll just note has subsequently passed away – David Tisinger and Tisinger was a tough old guy, but you could not say anything bad about Judge Graves to him. In fact, Tisinger, when you would have done something that Tisinger didn't like, he would say, "Judge Graves never would have done it that way." That was his way of getting at you.

"He wasn't just in appellate practice. I remember him talking about one occasion when he was a special prosecutor in a criminal case. They used to have that, you know, the family wouldn't think that the D.A. was going to be bright enough to get the conviction, so they'd hire a private lawyer to come in and help prosecute. This was a terrible case, some doctor up in Georgetown had been murdered. And what offended Judge Graves about this – of course, murder was terrible – but that the defendant allegedly had called the doctor in the middle of the night and got him out of bed to make a house call. And that was just too uncivilized for him to imagine.

"We didn't have mediators then, we didn't have a mediation practice. Lawyers kind of did that in their spare time. And one area where Judge Graves was very active was with members of the Scarbrough family. At that time, the Scarbrough department store across the street was really the big thing in town. The original Scarbrough had died, and there were two sons, Lem and Will. They didn't get along. They had a hard time even talking to one another. And Judge Graves represented Will, and I think Governor Moody at that time was involved and represented the other branch of the family, and things would not have gone as well as they did if it weren't for those lawyers getting in there and straightening things out. I think it's a little quirk of circumstance that one of our good clients now is Lem Scarbrough, Jr., the other side of the family.

"So this is who that man was. This is what he was doing with his life, and of course, in 1953 when I came along, I was just a law student, getting ready to get out of law school. I stayed on to work on the Law Review. It was my last year. And in 1953, I happened to get an opportunity to clerk at Graves, Dougherty & Greenhill. Now that firm had been formed, Graves & Dougherty originally, in 1946 when Mary Ireland Graves, Judge and Mrs. Graves' only child, married one J. Chrys Dougherty. And you can see it in Judge Graves' personality as well as his

situation at the time, he didn't want to add a son-in-law, I don't think, or set out on his own with Mr. Black. So Black, Graves & Stayton became Black & Stayton, and right next door there was Graves & Dougherty. As another example, I think, of Judge Graves' temperament, I understand from Joe that after he had tentatively tried to apply for a job to Mr. Black and been rejected, he received a call one day from Judge Graves, and he welcomed that opportunity to come and work and to join in the firm of Graves, Dougherty & Greenhill. Joe at that time was First Assistant Attorney General to Price Daniel. And let's get this straight. He came from the Attorney General to us, Graves, Dougherty & Greenhill. As I understand it, there wasn't any real talk about pay, and Joe was a little hesitant to ask, but when the subject did come up, Judge Graves said, "Well, we want you to be a partner," and as far as he knew, to be partner means that you shared everything equally. So it was on those terms that Joe Greenhill joined Chrys, who was working with the Tidelands case as well as ginning out wills and introducing people to estate planning, something that was unknown in Austin at the time.

"When I came, I had an opportunity to clerk at \$2 an hour. That was a pretty good – you know, it beat working in a library for seventy-five cents. And during that summer, I had an opportunity to work with both Joe and with Judge Graves in a case styled Petrisi against McAninch. Well, another case that summer was a case before the Railroad Commission involving the Grayberry Field and some rules that needed to be adopted by the Commission about that and still wound up in a big lawsuit in Travis County District Court. So Judge Graves was hired to help with that case. The interesting thing about it is that the Fort Worth lawyer that was putting the thing together said that he understood that Bob Hope and Bing Crosby owned some interest in this field. So he put it together, his draft brief together, in the form of a play. He had people talking about it, and probably he thought that this would be a very interesting way for the Railroad Commission to understand what the case was about. Thankfully, he got Judge Graves involved he kinda thought with the law, and I had the opportunity to work with Judge Graves during that summer on some of that case. When I went back and completed by senior year, my opportunities were there, but they were a little clouded because I was then engaged in what I'm sure now would be referred to as draft dodging. I had a choice. You could go in and be drafted and serve two years or if you graduated from law school you would have an opportunity to go in as a lieutenant in Army JAG. And I have somewhat elitist tendencies, and I preferred the latter. But I didn't know just when I was going to get called, so I worked again until January of '55 there with Graves, Dougherty & Greenhill. Mrs. Graves at that time was adamant that Judge Graves was working entirely too hard, he was not getting enough help. Chrys was off doing his thing about estate planning. Joe had all kinds of work. That eventually led to hiring Tom Gee as well. And there were lots of concerns about that. Joe reminded me a few minutes ago about Judge and Mrs. Graves being somewhat ahead of their time in being interested in the therapeutic effects of seaweed and other types of naturopathic foods that one should eat. And so he was fond of introducing that concept as well.

"While I was gone to the Army there was a big controversy, as you might understand, about a fee. The firm had worked long and hard for a man from Corpus, named Burnett. Judge Graves, of course, probably never would have brought an action against a client, but Chrys and Joe frankly had worked too hard, too long, and needed the money. But what I want to tell about that is that of course, they won. But when that case went to trial, the line of lawyers who were

there to testify for Judge Graves was just pretty lengthy. It included not only all the lawyers you would expect, but it also included people like Ralph Yarbrough, who was something of a political opposite to the Price Daniel group, with which Joe was closely affiliated. I think that one case would demonstrate how well thought of Judge Graves was in the legal community. The very idea that somebody wouldn't pay him a fee was considered offensive.

"This was the somewhat more distinguished Judge Graves that I remember in particular – this picture is more distinguished; he's not. He's the same distinguished fellow. But this is Judge Graves in the 1960s, someone who presented himself very well indeed. When I came back from the army, I remember Col. Whitzer, the chief of our section, who apparently had received a letter from Mrs. Graves about the need for my early release. And it said that this was the only time that he knew of that the army had granted an undue hardship release for the benefit of a law firm. I don't think there was really all that need for it, but there was a continuing campaign going on from Mrs. Graves' side.

"At that time, I had a real opportunity – I won't go into too many war stories about cases that I had an opportunity to work on that were really Judge Graves' cases. People had come to him. We had a – I'll mention a couple of them – we had the forerunner of some type of what we'd now call environmental litigation, where Judge Graves and the firm were hired to try to stop the building of what is now known as the McGee-Bend Dam in east Texas because it was going to flood out all the timberland. And there had not been a proper study by Congress or by the Corps of Engineers as to whether this lake was really needed. It's kind of interesting how we're talking about tearing down some of those lakes and dams that were built in that era.

"But in terms of Judge Graves and his practice, I guess one case that impresses me is Gibson against Turner, and a case that he lost, finally, before the Texas Supreme Court. But it involved an oil and gas lease and a form oil and gas lease where there's a form provision in there that says we're filling out this lease on the assumption that you own 100% of the interest in this land, and if you don't this form provision says the one-eighth royalty that we're calling for here in the lease will be reduced to the fraction that you actually own. Somebody had struck that clause out of this lease. And Gibson had a tiny fractional interest and said, "Pay me my one-eighth royalty." And it just really chapped Judge Graves that the Supreme Court let that happen. But the briefing in that case is sort of what I want to use as an example, because the briefing was not just the appellant's brief, and the appellee's brief and the reply, but letters that were written over and over after the case had been argued. That was the practice then. And Judge Graves was a master at that. There'd be all these issues in the case, and he would write a letter that would say, well, this case really boils down to this subject. Somebody else would try to reply on the other side and say no, that isn't right. It all boils down to this one point. And he was able to do that in a way that was very convincing in distilling to where the critical issue in the case would boil down to a few words. And I wish now we did more of that or could do more than that or had the talent to continue to do that.

"Will Garwood came along when Judge St. John Garwood joined the firm as well. Will and I had the chance to try some cases that were really Judge Graves' that we otherwise would not have had. I talked to Will the other day about it, and we remember it with fondness,

appearing in I guess around, again, the early '60s, a brand new John Kennedy appointment to the federal bench named Reynaldo Garza, who was in Corpus Christi. And we were representing a case that we were probably conflicted out of, but it didn't seem to bother people at the time, that impacted the Dougherty family down there in the Rooke Field. But we went ahead and handled that, and we were right. In any event, Judge Graves had some illness problem that benefitted Will and me and Tom to a greater extent, I guess, because we had an opportunity to work on more and more things that he couldn't. And when we moved to this building – do you understand? This is the Austin National Bank Building. We had our offices on the second floor. This is the third floor. This used to be a cafeteria. And our offices were from 5<sup>th</sup> about halfway up to 6<sup>th</sup> Street on the second floor. Very proud of those offices. We couldn't afford a rug, and we had vinyl tile on the floor. And Judge Graves, I *think* at the prompting of Mrs. Graves; I can't be sure, because he was going to put down a carpet in his office, and while he was at it, he was just going to carpet the whole place, which he did, contending as he always did that he was vastly overpaid, that he wasn't doing enough work, and of course he needed to cut back, and this was some way to try to make it somewhat easier.

"Judge Graves had enormous social skills. He had a little black felt hat that he wore, and in the elevator he was able, when a lady stepped onto the elevator, he was able to get that black felt hat off quicker than you could move away. It was very difficult to walk through doors with Judge Graves. Have you ever had that experience with somebody? He would always work it out where he would be holding the door for *you*, and I decided one time that this simply was not going to happen, and the next door we went through I was going to handle it somehow where I was able to open the door, and I'd be the one that Judge Graves had ushered through the door. Kind of an Alphonse and Gaston thing. I lost. He had moves. He could figure out ways that went through a revolving door – I remember one time in the old American National Bank building, we went over there to meet somebody. They had an escalator. It was the only one in Austin at the time. The escalator took you up grandly to the banking floor, and there I was, going up the escalator and Judge Graves right behind me.

"He was generous to a fault. I told you about his sharing in profits, about the carpet, about the other lawyers. I remember back one day down at Randy's Barbecue back when Randy was still there, close to Christmas, Judge Graves would often wrap up a couple of briskets to take with him. And it turned out that he was delivering those to his former clerks of the Court of Appeals and the District Court. Not people who are there now, but people who he knew and remembered and wanted to remember for Christmas.

Nobody every questioned his integrity that I can recall except for one time. We were handling an estate for Max Bickler who I think used to be clerk of the Supreme Court, lived up here on 17<sup>th</sup> or 18<sup>th</sup> Street. Of course, Mr. Bickler had bought a bunch of real estate around town, and when he died there was an estate tax, a couple of hundred thousand dollars in estate tax. We were handling the estate, and I worked with Judge Graves on the returns. I remember the day when we both of us went out there to Mrs. Bickler's house and, you know, had her write the checks and sign the returns, and then we took them back downtown and saw that they were filed. The next day I had a call from a Bickler brother who said he could never imagine that Judge Graves would do anything like this, but that he was some upset and wanted to come down

and talk about how badly and poorly we had mistreated Mrs. Bickler. Well, I didn't have any idea what was going on, but he came down, and we talked, and what turned out is that Mrs. Bickler, bless her heart, in stubbing the checks, had made a mistake. And the check for the legal fee was stubbed as the estate tax amount, and vice versa. So the Bickler brother thought we had charged ~~\$200,000 in legal fees and \$5,000 in attorney's fees~~ *etc. He meant \$5,000 in estate tax.* We thankfully got that straightened out, and I say only because it's the only evidence of any type of challenge to his integrity.

"One time I was sent on a case to Judge Dooley in Amarillo. I was warned that Judge Dooley was pretty tough and you needed to know the practice in his court. I went up there on some type of motion to remand or something for the family of one of the bank officers here, and Judge Dooley nodded in my direction when the appearances were taken and heard the arguments and decided that probably he'd like some briefs, and he'd like some briefs in five days. And then he said, "I want to see you in chambers." So I went back somewhat timorously to chambers to try to figure out what on earth I had done, and Judge Dooley said, "How are Mary and Ireland? Give them my best wishes, and you are very lucky to have a chance to be working for him. And I gave you five days on that brief because I figured you could start working on it today, take it back to Austin, and I think it would be a good idea if you had Ireland look it over."

"Joe Greenhill had a way, and I think he must still, although it's probably his opinions now, of thinking about a case and issues on the case, chewing on his cigar, which he never lit, and beginning to stack cases from the Southwest Reporter one on top of another, and before long, you had the brief written on the table. Here were the cases on this point, and the cases on that. That always impressed me. Judge Graves would do it a little differently. He had on his wall bound volumes of all of the appellate briefs that he ever wrote. And when a new case came in, it would be those briefs that he would go to. He'd say we have that same issue in such-and-such a case in 1938. And there you would have the briefs and the arguments on it. I haven't saved a thing; I wish I had. When a new case came in at the Supreme Court, he'd call the clerk's office and talk to George Templin and say, "George, this is Ireland Graves. Can we borrow the record in No. So-and-So?" Mr. Templin would say, "We'll have it down this afternoon, Judge." And a gentleman named Clarence would then bring the records to the office from the Supreme Court clerk's office. Judge Graves would always give him a dollar. It bothered me, because I didn't think it took Clarence a half an hour to walk down here.

"On another occasion -- Judge Graves told me very confidentially one time that I was not to repeat this, but I think it's all right now -- that at that time, you had to file your application for writ of error in the clerk's office of the Court of Appeals, even though it was addressed to the Supreme Court. And Miss Jones, late in the day getting the application ready on the last day -- deadlines meant something in those days -- and she took it up to file it, and Judge Graves went home. The next day he got a call from the Supreme Court clerk's office saying, "Judge, we just don't want you to worry about it. Miss Jones mistakenly filed this in the Court of Appeals, but we knew it was in the building, and she brought it over this morning to the Supreme Court clerk's office, and we put yesterday's date stamp on it." It's nice to have that kind of support.

"He was a true renaissance person, though. He took a month off every summer, in vacation. He took a house in California or Hawaii, or wherever, and the whole family went out there, and of course he had Mrs. Graves to take care of him and issue directions such as he was never to fly in a private airplane that did not have two engines and two pilots. As you might expect, perhaps, Mrs. Graves passed away first, and she died while she was talking on the telephone to her longtime next door neighbor, Mrs. Walter Long, and I wouldn't be surprised if she was saying, "Ireland is working too hard, and I'd like to find any help for him."

"Now in talking about Judge Graves, I don't want there to be any misunderstanding. I am no Judge Graves. I knew Ireland Graves, and Bob Hearon is not Ireland Graves. But think how much worse I would be if I hadn't known him. I'd like to just close with this, that your firm has roots, and some of the strongest roots are those that you see in this picture.