

Q&A With Jeffrey O’Keefe, Sr.
Owner and CEO of Bradford-O’Keefe Funeral Homes
Co-Plaintiff in O’Keefe v. Loewen
October 8, 2023

Tell me a few words about your early days: where you were in the birth order; the O’Keefe family during your younger years, which college you attended, etc.

I entered the family line up as number 10 of an eventual baker’s dozen of 13 children—seven girls and six boys. We went to church as a family, ate lunch at our grandmother’s house on Sundays, and went to school during the week. Our parents were heavily engaged in raising our growing family with all the ordinary activities of sports, music and recreation, in addition to building the business and being active socially and civically. I graduated from Notre Dame High School and the University of Southern Mississippi.



What motivated you to go into business?

My motivation for going into business was primarily inspired by my older brother who worked and earned income for savings. I began with the typical paper route, made root beer for an A&W fast food outlet, worked as an usher at the movie theater, worked as a bellman at a Gulf Coast resort. Then I began working at our family funeral home located in Biloxi during high school years. I attended college for business at Univeristy of Southern Mississippi, lived in the night quarters of a local funeral home and made removals at night.

Did you always know that you wanted to join the family business?

As I was growing up, my parents had started and rapidly grew a life insurance company that specialized in funeral insurance. Of course, the funeral home business was then in its fourth generation of succession. The life insurance company was easily 10 times greater in assets than the funeral business, but a number of family were already employed in those ranks.

I was drawn to the smaller operation of the funeral home for a number of reasons. I had observed that some of our long-standing funeral directors were well-respected within our community for helping families in their times of need. Additionally, while my parents had grown the life

company substantially, the funeral home operation was the root business of our family's heritage. Lastly, it was simply the call to be of service.

What was your first involvement in the dispute?

There had been ongoing competition between the O'Keefes and a local competitor along the Gulf Coast, with both firms intermixing territories. The Loewen Group entered the US and began buying firms which caused increased competition among the big three consolidators, SCI, Stewart Enterprises and Loewen. Loewen acquired our local competitor Riemann in approximately 1988. There ensued an advertising campaign to make the public aware of this sale, as typically the preference of the consolidator is to keep this type of acquisition quiet. I would suppose this campaign could be considered my first direct involvement.

In the early days of the dispute, there was a huge amount of jockeying with the Reimans and the Loewen Group. Tell me a about that.

Our competitor had become a "regional partner" of Loewen where, as I understand it, a wholly owned subsidiary would be formed in which the regional partner had some sliver of equity. Then they would be engaged to acquire more properties enhancing their own positions. The cash flow multiples being offered in those bidding wars among consolidators was almost impossible to ignore. After Loewen bought Wright & Ferguson funeral home [in Jackson, Mississippi], the competitor's leader walked in and announced that they would no longer sell policies for Dad's insurance company, but only for their own. This was the original breach of Dad's contractual agreement, which had not only been in place for years but had been renewed and ratified over the years.

Funeral directors were well-respected within our community for helping families in their times of need.

What was your first impression of your attorney in the Loewen case, Willie Gary?

He was a ball of energy, a very hard worker, and highly successful within his own rights. Of course, I came to learn a great deal about Willie in a short amount of time. The early moves he was making on this case validated the suggestions that he was a "street fighter". He was making some grassroots inroads, right out of the chute.

Willie has a big personality. Were you concerned how he would work with your Dad and the rest of the legal team?

Willie's big personality did not really seem to be an issue to me. At the time, I don't believe I really had an appreciation for all of the earlier successes Willie had earned. Dad had worked with professionals of every imaginable stature during his career, and I saw this no differently. One thing that did make an impression on me was his charismatic nature.

One morning closer to the time for closing arguments, I woke up very early and was walking from my hotel room in Jackson. I passed Willie's room. His door was cracked open and the light was on and gospel music was blaring, so I eased the door open. I saw Willie standing in front of a full-length mirror, practicing his closing argument while shadow boxing, making short, warm-up jabs before the knock-out swing.

What are your most vivid memories of the various negotiations in the case? How many offers to settle did your father make?

I did not personally make the second settlement meeting after the verdict where the structured settlement was reached. I made the first settlement meeting down in New Orleans with our legal team and Loewen attorneys. Of course, Ray Loewen was absent. We all gathered around the table and their lead attorney asked, “Well, Mr. Gary, how would you imagine Mr. Loewen could settle this huge amount?” Willie replied: “Just put it on your credit card!” I think I saw smoke come out of their lead attorney’s ears. Needless to say, no settlement was reached that particular day.

Going into trial, did you think your side would win?

I certainly felt like the facts were on our side. However, my belief is that any time you get in front of a jury, anything can happen. I felt like the arrogance of Ray Loewen’s refusals to settle were a result of his having had many other legal battles that he prevailed in and that obviously was a concern to me.

It was a long case, what would you say were the key turning points?

I really did not feel there was any one turning point. I felt like the jury was hearing our evidence, and by the time I got to the witness stand, the body vibes I was getting from the jurors were that they were on our side.

In walking by Willie’s hotel room one morning, I saw him shadow boxing to gospel music while he rehearsed his closing arguments.

A lot has been written about the how the Loewen team—and Ray Loewen in particular—miscalculated before and during the trial. How do you think they miscalculated?

I think a huge miscalculation was Ray Loewen not even showing up for trial until he was summoned. I believe that, in and of itself, did not play well with the jurors. They miscalculated how our legal team might pull together a scenario that would upset a jury to the degree that they were incensed.

Do you remember where you were and your reaction when news of the \$500 million verdict was announced?

I was sitting right in the courtroom for “both” verdicts. The movie did not portray the original verdict where the jury came back with a combined determination of actual and punitive damages of \$260 million. They did not realize those matters were to be handled separately. In their minds, they had made a judgment of \$100 million for actual damages and \$160 million for punitive damages. Judge Graves called both legal teams back into his chambers to discuss the matter. He suggested the jury was confused and asked what both sides wanted to do about it.

We suggested if Loewen waived any and every right to appeal that verdict, we would accept their ruling. If not, we would accept the verdict of \$100 million for actual damages, and we would go back in there and argue punitive damages separately. Judge Graves communicated this to their team, and they suggested that they simply could not waive all rights to appeal. Judge Graves thundered in a commanding voice: “Are you telling me, that you want to go back in there with

that jury? Get my robe!”

So the actual damages were established, the original punitive damage was thrown out, and a new argument for punitive damages was put on. Willie addressed the jury first, and thanked them for being patient and hearing the facts as they were presented. Then he suggested, “Ladies and gentlemen, you cannot just slap these people on the hand. You’ve got to hit ‘em where it hurts! In the wallet! I’m asking you to consider \$1 billion dollars in punitive damages!”

The jury reported after the trial that they took a vote and came up one vote short from awarding \$1 billion in damages. I think they would have put Ray in jail if they could have. The jury foreman, a Canadian, had suggested to the other jurors that if they levied that large of a verdict, it no doubt would get thrown out on appeal. He wanted to see Dad actually get paid so his companies could be restored and send a message about the business tactics uncovered in the trial. He suggested that if they awarded \$400 million in punitive damages the two companies could meet and settle for somewhere south of that. They listened to his reason.

The film portrays how a strong friendship developed between your Dad and Willie Gary. Was that in keeping with what you witnessed?

I would say it was a friendship forged in a common goal for justice. It was forged in mutual respect for each other’s inherent inner determination.

This case went all the way to the NAFTA tribunal and became a case study in international law and corporate finance. Did you have a sense at the time that it would be such a big deal?

I knew without doubt that this verdict was a landmark levy. I didn’t foresee it being a case study in universities across the nation. At the time, I did not have a real appreciation for the NAFTA laws and the NAFTA tribunal. I would wager that very few Americans even know what it is and how it functions today. It’s daunting to imagine that a three-person tribunal’s decision can supersede the entire legal system of the United States. What power they hold.

The jury was incensed ... I believe they would have put Ray Loewen in jail if they could have.

Recent studies have shown that scores of industries are now more consolidated than ever. Big companies like Amazon and Walmart set prices. Did this case change your perspective regarding how such companies change the American economy?

This case did not change my perspective. I am convinced that consolidation continues at a tremendous rate in many, many industries. Funeral service is no different. I do believe this case may have furthered tort reform. Many people simply don’t understand the depth of what a jury considers, and feel that verdicts of this magnitude simply should not be levied.

The film has a number of themes and messages. Which are the most important?

That Jerry O’Keefe believed in equality of race. That was true in life and true in the movie. In spite of the movie falsely suggesting his longtime attorney may have been a racist. That was not true.

Are there misleading aspects of the film that involve you or Bradford-O’Keefe funeral homes?

The movie ignores that I was a plaintiff and the owner of Bradford-O'Keefe prior to the legal conflict, but that's life. The movie portrays the business having to sell properties because it was in financial desperation, when that wasn't the case. The decision to offer three of our properties off the Coast [for sale] was because Loewen would only consider a settlement agreement if funeral home acquisitions were part of the equation. We offered those in that settlement agreement, but that was breached.

Which ones represented the falsehoods about your Dad?

The movie and its promotions has portrayed my father as having been a bankrupt funeral director who sued on a handshake deal. That probably tops the absurdity of the fictionalizations.

If you could recast one or two things about the overall theme of the movie, what would they be?

The biggest thing would have been a proper portrayal of my Dad in relation to Willie Gary. The reality is you have two individuals who, in their own rights, were essentially self-made successful men who happened to come together for the purposes of righting a wrong.

Did this change your view of your father -- his willingness to take a bold stance, to fight?

No, he was courageous throughout his lifetime, always willing to fight for what he believed in. And I wish that everyone who watches the movie would get that more accurate sense of him. In my view the screenwriter, Doug Wright, did not base the script on The New Yorker article by Jonathan Harr. He took a completely different approach, showcasing Willie Gary and demeaning my father to sharpen the contrast. I give the producers and director some credit for making a few revisions on that score. But I wish there had been so many more.

Dad was always courageous, always willing to fight for what he believed in. He was willing to go "man to man". I wish the movie were more accurate on that.

While at the filming in New Orleans, I was asked by someone what would my Dad would think about the movie. I said he would probably have wanted to whip the writer's ass for the

script and first cut of the movie. I worked with my father for many, many years. If someone tried to put one over on him or take advantage, he would often offer to work it out "man to man". In every instance, cooler heads prevailed. The movie has received solid early reviews from the critics, so I recognize the value of the creative licenses the film took. But a version of the movie closer to the actual story would have been much more favorable to Dad.

Is there anything we have not covered—funny or poignant things you saw or heard?

There are so many funny and interesting anecdotes. I have been trying to pull them together for a book or other type of publication. This movie may be the catalyst for me to see that through.

We are almost 30 years downstream of the case, and it has had many impacts in terms of the O'Keefe Foundation and other philanthropic activity. Are you happy to see its impact on the Coast community?

My father's generosity was well beyond the Coast community. There were many local initiatives

that benefited our community, such as meal delivery to home bound elders, support of children with disabilities, substantial support of Catholic Charities, support of minority and or indigent people.

Final thoughts?

Hopefully, the movie, entertaining as it might be, will inspire those who see it to gain an understanding of who they're dealing with when selecting a funeral service provider, should that choice make a difference to them.