

Pioneers In Law

John Frank's Mark of Excellence

by Lisa Sperry



He has been named several times by *The National Law Journal* as one of the “100 most influential lawyers in America.” He has published almost a dozen books on legal history and constitutional law and was involved in two of the most significant cases of this century. He served as one of two legal historians performing the historical work for Thurgood Marshall during *Brown v. Board of Education*, and later served as counsel during the *Miranda* case.

Title: Senior Partner

Firm: Lewis and Roca L.L.P.

Age: 82 years young

Education: B.A. 1938 from the University of Wisconsin-Madison; M.A. 1940 from the University of Wisconsin-Madison; LL.B. 1940 University of Wisconsin-Madison; J.S.D. in 1947 from Yale Law School; and honorary doctorates from Lawrence University and Arizona State University

John Frank’s legendary career has spanned nearly 60 years, earning him his place in the sun as Lewis and Roca’s senior partner. With success inarguably won, many attorneys might be tempted to sit back and enjoy the rays. Not John Frank: His commitment to the practice of law hasn’t wavered over the years and continues to outshine all other pursuits. He still works on Saturdays, just recently spoke before a Senate Judiciary Committee on Class Actions and is even contemplating writing a 12th book.

Since 1947, Frank has mastered nearly every aspect of the law, including teaching, writing and practicing. His commitment to the profession has been rewarded by scores of professional awards and hundreds of successful cases. And even though it seems to anyone who knows him that he was born to practice law, Frank himself needed a little persuasion to enter the field.

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Born and raised in Wisconsin, John Frank was encouraged to take the path that would lead him to the United States Supreme Court, the U.S. Department of Justice and beyond by his father. "Well, the story goes if you squeeze at the bottom you'll come out at the top," Frank says with a laugh. "My father was a lawyer before me, and I guess he just kept squeezing from the bottom and out I came a lawyer."

Frank attended the University of Wisconsin at Madison where he earned a B.A. and a M.A. in history. In 1940 he earned a LL.B. During the October 1942 term, Frank served as Law Clerk to United States Supreme Court Justice Hugo L. Black. He then went on to become an Assistant Professor of Law at Indiana University and an Associate Professor of Law at Yale University. While teaching, he taught constitutional law and legal history and procedure, which have been his passions ever since. In addition to teaching, Frank was associated with the Antitrust Division of the United States Department of Justice. In 1947, he earned his J.S.D. from Yale University.

Despite impressive academic achievements and professor stints at well-known universities, Frank has never rested comfortably on his laurels. "In my teaching years, the understanding was that if my students wished to address me as John that was very satisfactory; if they were more comfortable calling me Professor they were welcome to do that too; but if they addressed me as Doctor they would flunk the course," says Frank.

While an Associate Professor at Yale, Frank suffered from serious breathing problems, a condition he had battled most of his life. His former mentor and friend, U.S. Supreme Court Justice Black, suggested Frank relocate to Arizona, where the climate is dry and clear. In 1954, Frank joined Lewis and Roca, L.L.P. in Phoenix, where he has practiced law ever since.

Currently, he is a partner in the firm's Special Litigation Group and

has been involved in more than 500 appeals, including cases at the Arizona Court of Appeals, the Arizona Supreme Court, the Ninth Circuit Court of Appeals, other federal circuits and the United States Supreme Court. He continues to be active in state trial courts and federal district courts, where he has represented the motion picture industry in antitrust litigation, has recently represented a newspaper on antitrust and contract issues and is currently representing an air tanker contractor in federal district court litigation on an issue of whether certain planes were properly acquired.

“In this office, I work especially on appeals and for a lack of a better phrase ‘technical litigation,’ which has been a courthouse life,” says Frank. “I also have been involved in all major procedural developments in the U.S. for the past 40 years, including chairing the procedural state committee as well as being on the federal committee for 10 years. I’m very involved with current developments with discovery experts and parties and class actions, most of which is about as interesting to some as a wet washrag but it intrigues me.”

While procedural developments continue to intrigue Frank, pro bono work is a passion that remains close to his heart. Five years ago, Frank celebrated his 40th anniversary with Lewis and Roca. The firm honored his selfless commitment to public service with the creation of the John P. Frank Pro Bono award, which is given annually to the lawyer who performs exemplary pro bono services.

Besides recognition for his public service, Frank also has been bestowed with numerous professional awards. In recent years, he has received the American Inns of Court Professionalism Award for the Ninth Judicial Circuit; the “Lincoln the Lawyer” award, which is given annually to the attorney who “best exemplifies the ideals of Abraham Lincoln”; the “Good Guy” award given by the Phoenix Chapter of the National Women’s Political Caucus, which annually rec-

ognizes men who have demonstrated a commitment to women's equality; the University of Wisconsin Law School's Distinguished Service Award; and the Arizona Bar Foundation's Walter E. Craig Distinguished Service Award for outstanding contributions to the field of law.

Frank's influence in law through the years has been felt not only on a state-wide level but a national one as well. For 30 years, he has been a pioneer for women's rights to equal access in the practice of law. When Frank began practicing law at Lewis and Roca in 1954, there were no female partners in any law firm in Phoenix. Frank helped to change this rule by going to bat against two of his partners to convince them to hire Mary Schroeder. She was the first woman to be hired by a large law firm and within two years made partner. Schroeder is now a judge on the Ninth U.S. Circuit Court of Appeals.

"One of the biggest challenges I have faced has been fighting the discrimination of women in the practice of law in Arizona," admits Frank. "I think discrimination of any kind is unfortunate and should be resisted. That's why one of the achievements I am most proud of is breaking the barrier at Lewis and Roca with the hiring of Mary Schroeder. Our firm broke the discrimination line and got women into the practice. After that it was all downhill."

Frank proudly points out the red volumes of opinions written by Judge Schroeder lining his bookshelves and he also notes the pictures of the first female Arizona Attorney General, Janet Napolitano, who was a beneficiary of Frank's mentoring as well.

"As a mentor, John went out of his way to see that I received major responsibilities even as a beginning lawyer," says Janet Napolitano. "As a result, I had more exposure to more types of litigation than almost any lawyer my age that I know. He also made sure that I was getting involved in community activities, and as a then-newcomer to Arizona, that was very important."

Judge Schroeder also notes how Frank helped to jump-start her career. "As a mentor, he is meticulous. He helps open the right doors in the right way. If his proteges lack experience in certain areas, he helps them get it. As a colleague, his sense of humor is invaluable. He has been a father confessor to generations of lawyers because he is so sensitive to people's feelings."

Having practiced law for more than half a century, many attorneys would wonder how Frank is able to find the passion for mentoring, practicing and writing. "I have experienced every aspect of the law: I have taught law, I've written about law, I have practiced law and I've enjoyed every part of it," says Frank. "I find my profession endlessly intriguing or I wouldn't be here today. I still find every face of the profession interesting."

How can young or even experienced attorneys keep their passion for the law alive? "I'd love to be able to give an easy answer for that," admits Frank, "but my only advice would be to stay with it. It's going to take a good many years to get from where you are to where you want to be. And the only way to do that is to commit to the time."

And time is one commodity John Frank is more than happy to give. When asked if he'll still be practicing at Lewis and Roca into the new millennium, he replies with a laugh, "I hope so, unless they fire me before then."

Not very likely, according to the high praise of Teri Ghaemmaghami, Director of Lawyer Recruiting for Lewis and Roca. "The world would be a much better place if there were more attorneys like John Frank."

Judge Schroeder heartily agrees. "John thinks of the law as a learned profession that he can use to help his clients and help society. He always thinks of ways to advance his clients' cause without resorting to denigrating the lawyer on the other side. That is why he is known as a lawyer's lawyer and that is what Arizona attorneys' should learn from him." 