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WHO'S NUMBER ONE?

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SEARCHING FOR THE MOST SENIOR ARIZONA ATTORNEY

BY RICHARD BELLAH

Candidates who pass the July 2013 bar exam will receive Arizona license numbers in the 30,000s. The author, whose bar number is 006296, wondered who were the most senior Arizona attorneys. He located and interviewed the four most senior living licensed Arizona attorneys. Here's some of what he learned.

Oddly enough, the very first Arizona license to practice law was numbered 102; no one is exactly sure why. But that number went to the late Ralph Bilby way back in 1917, and he held it until his death in 1987.

The four most senior living Arizona attorneys—each well into their 90s—seem a

satisfied bunch. They are very bright and could, if they desired, competently represent clients today; in fact, one still does. They remember in detail their law school experiences, the bar exam and early career days. They remember their colleagues fondly, and they acknowledge how different the practice is today. More than one of them mentioned that when they were

young lawyers, everyone in the legal profession knew each other. There was an atmosphere of community and camaraderie. And there was no such thing as a “billable hour.”

Without further ado, drumroll, please.

Number Four on the list of most senior living licensed attorneys is **Henry Zipf, Bar Number 404.**



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Now 96 and retired, Henry Zipf lives in Tubac with his wife Ruth. Henry is an Arizona

native, born and raised in Tucson. He says, “My grandfather was a rancher and came to Tucson in 1874.”

Zipf graduated from college and then served in the Air Force during World War II. He returned to Tucson in 1947, finished law school, and “sweated out that bar exam,” which entailed two solid days of essay questions. He earned his law degree and was licensed in Arizona in September 1947. He opened his practice in the thriving metropolis of Benson, “‘cause they didn’t have any lawyers down there.” Later, he moved to Tucson, went into practice with two colleagues, and, like most lawyers of his generation, “I did just about everything—divorces, land deals, everything.”

Eventually, Zipf moved back to Tucson and served several years in the legal office of the Davis–Monthan Air Force Base. After a few years, he wanted to return to private practice, but the Air Force would not release him from his commitment. He knew if he got elected to public office, the

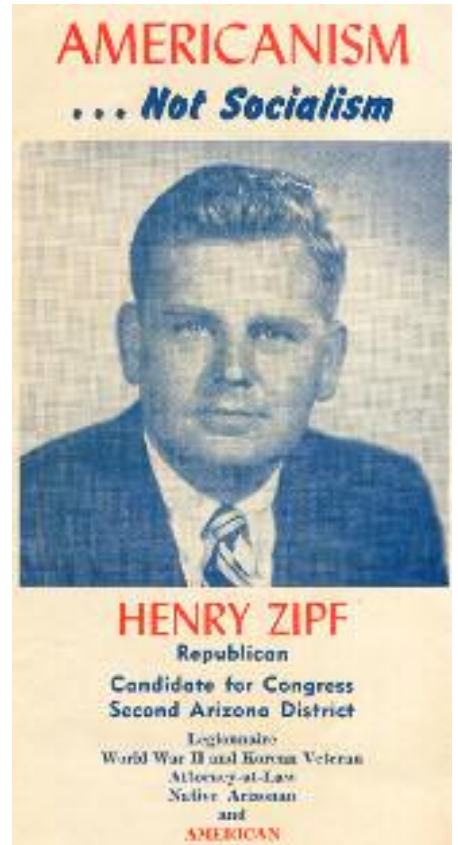
Air Force would have to let him go under military rules. “So I ran for the Senate but came in third.” Soon after, Zipf got a phone call from Senator Barry Goldwater asking if he would come to Washington, D.C., and be his administrative assistant. He accepted, and Barry persuaded the Air Force to release him.

A few years later, Zipf returned to Arizona and ran for office against Stuart Udall. “I got clobbered but I had a lot of fun,” he recalls. Zipf returned to private practice in Tucson and, for the most part, enjoyed it. He was involved in many types of cases and real estate development. He was instrumental in planning and developing Oro Valley.

“Back then it was a wonderful community,” he says. “We lawyers all liked each other, knocked around with each other. If you had to file something and time was running out, I’d call you; we’d go to court and hash out the case, then go to lunch together. The old guys,” including Ralph Bilby, “would help you out.”

Zipf said that lawyers were very practical people then. “You went to work and said ‘Let’s get rid of this.’ You’d work together. Today, lawyers spend an awful lot of time just filing papers.”

When asked what he’d tell new lawyers



1954 Congressional Campaign poster.

today, Zipf rails against the billable hour system.

“It’s all changed. I didn’t want to go into any law office and count the hours I spent.” His advice is “go to one of these little towns and start in. There’s a lot of business. I can’t see sitting in a law office and counting up every hour in a day.”

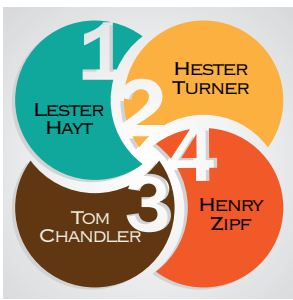
Third on our list is **Tom Chandler, Bar Number 365.**

Tom Chandler, holder of the third-lowest Arizona Bar number of still-living attorneys, remembers Arizona’s first licensed attorney, Ralph Bilby, as a longtime friend, colleague and opponent.

“He defended a railroad case that I had, as well as a real estate matter, an antitrust case, and



Henry Zipf meeting President Eisenhower.



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a personal injury claim. Ralph was a premiere trial lawyer” who continued to work in his

law office even in his later years.

Asked to recount memorable significant cases, Chandler responds that all of his client cases were significant. Whether it was a big-dollar case or small, he gave each case 100 percent effort. One case he thought unique involved the largest bond default in the country, with total exposure of \$4 billion. It involved so many attorneys that a hotel conference room was used to hold court.

Law practice wasn’t Chandler’s first ambition. “I really wanted to be a professional baseball player but got my right arm and shoulder injured, so I couldn’t throw the ball from first base to home.” In 1942, Chandler earned his undergrad degree from the University of Arizona and started working for the Army Corps of Engineers. He started law school at the U of A in 1943 and graduated three years later, first in his class. He remembers the 1946 bar exam well.

“It was two days, no time off for lunch—well, you could take time off, but no time was budgeted. The first day went

like a charm; I got through early and decided to celebrate.”

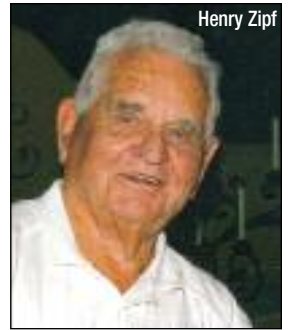
He went to a baseball game that lasted 19 innings, didn’t get much sleep, and struggled with day two of the exam. Nonetheless, he and 14 others passed the bar; they were licensed on September 30, 1946.

Chandler was a trial lawyer. He agrees that trying cases is stressful work and points out that his most difficult cases involved the death penalty, which he strongly advocated against. “If you want the acid test as a trial lawyer, get yourself a first-degree murder case where they’re seeking the death penalty,” he says.

Chandler’s advice to new lawyers reflects his belief that the law is a helping profession.

“If you want to be rich, go into business. If your aim in practicing law is to make money, then you’re on the wrong road; do something else. You’ve got to make a living, yes, but don’t get caught up in this rush and reverence to the bottom

“Go to one of these little towns and start in. There’s a lot of business.”



line.”

Chandler believes that lawyers are “supposed to be doing something good for mankind.” He urges lawyers to take on more pro bono cases.

“See if you can’t say, ‘I moved some rocks out of the road for a lot of people.’”

In 1999, the U of A College of Law created the Thomas Chandler Public Service Award, which awards scholarships to students pursuing careers in public service. Recently, Chandler was awarded the Tucson Founders’ Award for his many years of community service. And his daughter, Terry Chandler, a 1980 graduate from the U of A Law School, recently retired from the Pima County Superior Court bench.

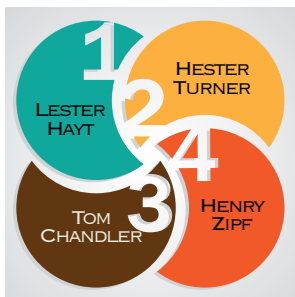
Number Two on the list of most senior attorneys is **Hester Turner, Bar Number 350.**

Hester Turner leads an active life in the heart of New York City, where her children, grandchildren and great-grandchildren reside, and where, she says, “I can stick my hand out and get a cab” to plays, operas, ballets and lectures. Shortly after interviewing for this article, she traveled to Rome for a two-week vacation.

Turner went to law school at the University of Arizona the same time as Tom Chandler and remembers him well. “He was very dignified, good-looking, clean cut—and obviously should have been class president.” (Chandler laughs when he describes his race for that office and his failure to get even one single vote. “I had a down-to-earth discussion with my campaign manager and told him, ‘You son of a bitch, *you* should have at least voted for me!’”)

Hester Turner decided to go to law school because a less than competent lawyer had helped her aunt with a probate matter, and Hester thought, “I can do better.” Her husband was in the Air Force then, stationed in Tucson, and she was a young mother. She said it was “very diffi-





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cult to be a woman in law school, for lots of reasons. The general feeling was that women didn't belong there." Turner described feeling like an outsider when she decided to attend a "smoker," an all-male gathering for law students and professors.

"The men told me they 'didn't tell the stories we usually do'" because a woman was there. And if a professor had to decide between giving an A or a B, or a B and a C, "the woman would always get the lower grade because we didn't belong in law school." Turner said that if a professor was discussing a rape case, he would make it a point to call on the women students.

Despite challenges, in 1945 Turner graduated and took the Arizona bar exam. She was the only woman taking it that year, and she was pregnant. She passed it and shortly after moved with her husband, who had been transferred to Portland, Oregon. Despite her credentials, she couldn't get a job practicing law and was told she could work "in the back office" because "women don't belong in the front office."

In Oregon, Hester Turner joined a women lawyers' organization, the Order of the Rose. She took and passed the Oregon bar exam and practiced law on her own, primarily doing domestic relations work, wills and adoptions.

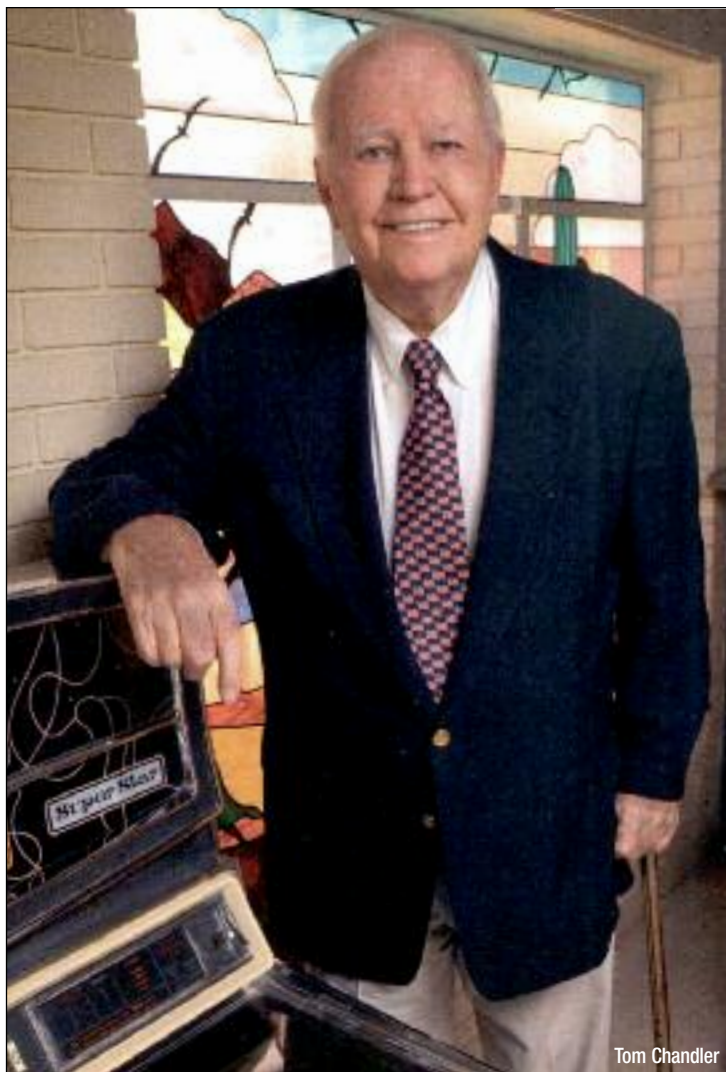
"I practiced law the old-fashioned way," as did most of her contemporaries. There was no billable hour system. "Old-fashioned lawyers stayed in the same office for years and offered services on a 'pay what

you can' flat rate," she says.

The practice of law "is a different field today," she says. "It's very crowded. There's the idea that it's exciting," as portrayed on TV, "but in reality, there's a lot of drudgery; not all people provide good representation or have the right attitudes and abilities." Turner believes that women may be better suited than men for the practice of law. "It's still a profession if you make it so," she says.

Besides her Juris Doctorate, Turner has a Ph.D. in Education, plus three honorary doctorates. She served as Dean of Students at Lewis & Clark University and was National Executive Director of the Campfire Girls.

In 2012, Turner was awarded a Lifetime Achievement Award from the U of A College of Law; only 20 alumni have received this award in the 97-year history of the college.



"See if you can't say, 'I moved some rocks out of the road for a lot of people.'"

Who is Number One? Lester Hayt is Arizona's most senior living bar member. His **Bar Number is 278.**

Lester Hayt is the oldest living member of the Arizona bar, and he still—at 96—represents a client in a trust matter. A Phoenix native, Hayt was admitted to practice in 1940 along with four of his University of Arizona classmates. One of Hayt's jobs at the University of Arizona was running the campus dining hall, and Tom Chandler was one of his "underlings." "He used to boss me around," chuckles Chandler.

Hayt says he decided to study law and take the bar exam because a friend of his, Ed

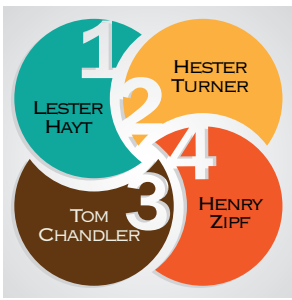
Beauchamp, told him they "could get right in" without doing anything special.

"I never had a great ambition to be a lawyer, but the door was open and so I did it." He and four friends worked their way through law school, studied for the January bar exam; amazingly, four of them passed.

When Hayt started practicing, he "took all comers" and "leaned on a friend to show me the machinery." He became a "pretty successful criminal lawyer" and then expanded into general practice. "In those days, I didn't get paid much," he says. "When I started I knew pretty well every lawyer in town. There were only four superior court judges then. We were a more intimate community."

Hayt developed his criminal practice by going to the Superior Court and asking to be appointed a public defender on a case-by-case basis. During that time, the practice was for interested lawyers to line up and a

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judge would point at one and assign a case. The maximum fee per case was \$100. Hayt was

appointed to a first-degree murder and assault case. It was a two-day trial and required a lot of prep work. The judge would only pay him \$75 for his time.

Later, a friend in Sun City invited Hayt to join him in an estate planning practice. "I enjoyed court work," says Hayt. "If you don't go to court and try cases, you're not a lawyer; you're an attorney at law or a counselor, not a 'real' lawyer." Hayt says that one year, he persuaded the State Bar to create a pictorial directory of lawyers, and it was published for about 15 years. "I don't know why they stopped doing it."

Asked what he liked best about the practice of law, Hayt chuckles and says, "Cashing checks." He notes that he did his best to win every case for every client, and he earned many referrals as a result.

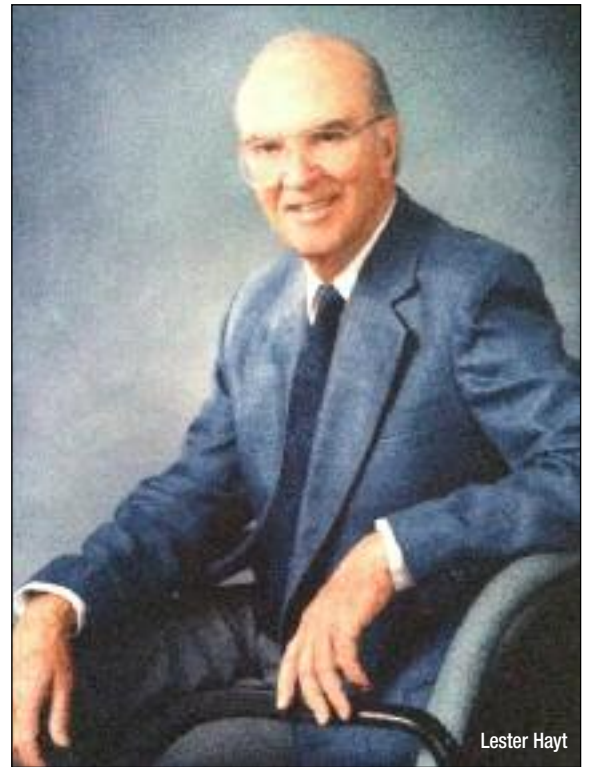
As for what advice he'd give new lawyers, Hayt says, "I'd tell them, 'Keep your nose clean, obey the rules, try your

"Keep your nose clean, obey the rules, try your very best to win."


very best to win, to succeed, for whatever clients you have. And if you have bad cases, don't take them if it looks like a loser."

Hayt would require each new lawyer to learn how to play chess and poker. Chess, so that the lawyer can learn to analyze the other side's moves and respond. Poker, so that the lawyer can learn how to read the other side when they are trying to hide the strength or weakness of their case.

In the 1940s, Lester spent time overseas in the Army and later as a civilian JAG reviewing courts-martial. In addition to English, he speaks French, German and Spanish.



Lester Hayt

The most senior active lawyer licensed in Arizona sums up his feeling about the profession he's served for more than 70 years: "I guess we are all practicing. Some day, we'll learn how to do it." 

Hester Turner delivering brief remarks as she was recognized with a Lifetime Achievement Award from the faculty of the University of Arizona James E. Rogers College of Law, October 5, 2012.

"It's still a profession if you make it so."

