

THE LOWER LEVEL

of the Renaissance One Tower in Phoenix is many stories beneath the offices of Lewis and Roca and Quarles & Brady, the old stomping grounds of Ed Novak. Yet it is there, at the foot of the escalator, where you can find an exemplar of a philosophy that Novak strives to live—a philosophy of courtesy and respect that he hopes will serve him well as he becomes the newest President of the State Bar of Arizona.

In his years working on that lower level, Gee Mims has met many lawyers. Known more widely as “Friendly G,” Mims is more than a shoe-shine-stand proprietor. He is a raconteur and a judge of character. Though he cares for many of his customers, he knows others who are no better than the Ballys, Blahniks or Birkenstocks they walk in. But ask about Novak, and Mims tells a different tale.

“What I like about Ed, not only is he very sharp and good looking, but he’s very real. He tries to be a sincere example. What you see is what you get. Ed is not a phony person.”

To the powerful who have experienced Novak’s courtesy, it may be some surprise to discover that he treats everyone the same way. Upstairs or down, he tenders goodwill and respect.

“What Ed says,” expounds Mims, “you could take to the bank. Most people talk; Ed puts it into action. He’s the real deal. If you just do it, then you don’t have to say a cotton-pickin’ word. Ed is a very humble man.”

In the world at the top of that



Word on the Street

NEW BAR PRESIDENT ED NOVAK

escalator, where legal professionals wield their own brand of Shinola, Novak's reputation is similarly burnished. Through effort and example, he has come to be seen as a straight-shooter.

Peter Sexton, an Assistant U.S. Attorney for the District of Arizona, calls Novak "a very effective defense lawyer. I trust what he tells me."

Judge Sherry Stephens knew Novak when she was a prosecutor, and she agrees.

"I loved having cases opposite him. When he told you something, you knew it was the truth. If he told you he would do something, you knew he would follow through."

At its heart, Novak's philosophy seems comprised of equal parts honest discourse and an almost populist empathy for hard work and respect for those who do it.

Those were values instilled in him when he was raised in the Chicago suburb of Berwyn, values that have informed his later choices. It was on that path from Illinois that he more than once experienced a disconnect from those around him, a sense of peering in even as he participated. Thus, even today's consummate legal insider often appears an observer, a man apart.

Perhaps that disconnect grew to be strongest in Vietnam.

If there was anything that tested Novak's values and dropped him wholesale into a surreal environment, it was 1969, the year he was drafted by the U.S. Army. Sixteen

days after graduating from Knox College in Illinois, he was in Fort Dix, New Jersey.

Here is how Novak speaks about Vietnam: haltingly. He will discuss it when asked, but he speaks and then pauses, then plunges ahead with an anecdote, then grows silent again. He is a man who typically weighs each word carefully. But on the topic of war, his weighing is done as on a precision instrument. Probably not much different, one would guess, from the way other combat veterans speak of the experience.

It was in basic training, Novak says, that he first encountered the surreal nature of being in an organization that controls your entire reality. Early into his training, the lunar module landed on the moon.

"Without explanation," says Novak, "we're all suddenly marched into this giant field house with TVs all around. We sit down and with no explanation we're watching Neil Armstrong land on the moon. I've got to tell you: Most of us were trying to sleep. We understood the significance of it, but we also understood that this was an opportunity to close your eyes."

And other events baffled and defied definition.

"We heard about Woodstock, but it has no meaning when you're in basic training: 'What do you mean they're out smoking dope and listening to music? I'm polishing shoes.'"

Though his mother counseled that he could move to Canada and live with an uncle—a path Novak rejected—he did inquire of the

draft board about different alternatives.

"I talked to them about the Peace Corps. 'No.' A master's program in Liberia in teaching for two years? 'No.' Law school? 'Absolutely not.'"

"Essentially, it was, 'We need the bodies, and you're the body.'"

Novak's body was put to work as a combat engineer. Acting as "the infantry for the construction engineers," they did everything from demolition, to exploding unexploded ordnance, to building bridges, to providing security during construction.

If the engineers were building things that the Viet Cong and the North Vietnamese Army wanted—like roads—they left them alone. But if they were building a special forces camp or another military installation, "They took it out on us."

And then there was "tunnel eradication." Novak pauses nervously and longer than usual before he says, "That's a fun job. God decided I was not going to be a tall individual, but what God failed to tell me was that short guys go down tunnels."

"You're armed with a flashlight and a .45; I don't know about you, but I can't hit anything with a .45. And the flashlight only pointed out where you were."

Above or below ground, Novak came to a revelation.

"The Vietnamese weren't giving up. They knew they were in this battle until they won, and they knew we were in this battle until we rotated back to the United States and got to go home. It made all the

difference in the world.”

Novak speaks frankly and at length about his service, about his return home and finishing out his Army career. It is only then, when his stories are safely back on American soil, that he relates an incident at a Japanese refueling stop on the way to Vietnam, where the new soldiers mingled with those boarding planes to return home.

“I didn’t know what PTSD was,” says Novak, his voice dropping, “but I think I saw it on those faces. We had an expression—the thousand-yard stare—and I didn’t see one guy in that hangar that didn’t have a thousand-yard stare. If I wasn’t scared before then, I was real scared at that point.”

On their next leg to an airfield outside Saigon, under rocket attack, they made “the hardest landing I’ve ever had.” Even more disturbing, the new soldiers saw out their windows U.S. G.I.s shaking their fists in the air and shouting at the plane. When the doors opened, they could finally hear: “GET. OFF. MY. AIRPLANE.” The weary and bedraggled soldiers were desperate to put Southeast Asia behind them.

Almost as an afterthought, Novak recalls how he dealt with his time there.

“I think I survived mentally because I didn’t make any close friends. I didn’t want to make any close friends; they might not be around tomorrow. I protected myself by—the expression was “numbing out.”

“When I got home, I spent my 30-day leave at my parents’ house and stayed in my room.” He pauses again. “I don’t think I went out.”

Finally, Novak muses on the bigger picture.

“I didn’t understand why we were involved in that war. I knew what the government was saying, but it just didn’t sound all that logical.”

“Ed doesn’t clamor for the camera, but he’s not afraid of it if they stick a microphone in his face. He’s a cool cucumber.”

Now 60, the experienced lawyer looks back almost 40 years: “Now we would say I believed in the rule of law. But I believed in a democratic government, and I knew I could vote for people who opposed the war, but that it was not my role as a voter in a democratic government to say anything more than ‘I’m not going to vote for you.’ When the government says, ‘We need you to serve,’ you serve. Period.”

How did those experiences shape him?

“It really does drive who I am. I don’t get mad about things; I don’t let things bother me. My expression is, ‘If nobody’s shooting at me, it’s not an emergency.’ My military experience left me with the knowledge that I can work myself through an emergency.”

Novak is known as an attorney who prepares extensively—belt and suspenders, you could say—but who also is adept at addressing the random acts that pepper a law case. Similar to his Army service?

“You prepare for everything you can possibly prepare for,” says Novak, “and then you understand that preparation is different from control. You can be fully prepared, but you cannot have complete control. Those are competing impulses.”

Does that understanding serve lawyers and bar presidents well? Rick Romley thinks so.

A former Maricopa County Attorney and a Vietnam veteran himself, Romley says that Novak “has a unique ability to see big pictures.”

“Ed is the right person at the right time. He will bring some unique skill sets for challenging times for the State Bar. Ed is an anchor for a ship in a very rocky sea right now. He’ll be able to stabilize a lot of the difficult problems that exist out there in the legal profession.”

“This is when your leaders emerge. The Bar will be stronger after Ed finishes his term.”

“Disconnect” may not be too strong a word to describe Novak when he returned to the States and entered law school at DePaul. His older status and distinct experience led him to be more “among” his fellow students than “with” them.

At school, he was the “old man,” 25 or 26 years old. And though his fellow male students were much younger, the female students were about his age.

Novak says that the women were on the “militant” side. In his first Property class, some women protested use of the text because it was chauvinistic. That was new to the Berwyn boy trained in the Army. He had no

experience seeing people buck authority like that.

“What was going on while I was gone?” he thought. “What happened?”

But the more Novak reflected, the more he thought, “This is good. I was glad to see the women were standing up for themselves.”

When the male students disagreed, he pointed out this is what the law is all about.

“If you don’t want to challenge things, if you don’t want to test the status quo, you really need to find another profession. This is what standing up for other people’s rights is all about.”

And so the 1970s went. Novak’s education progressed, and he recalls, “I felt like I got to be an observer in the early part of the significant change in law school enrollment from completely male dominated to half men half women, and accomplishments being made in the curriculum because women had a say in their education, and that say needed to be heard.”

How a person becomes who they are is one of the great mysteries. But Novak’s inclusive thinking did not begin in Property I. It began with his choice of college, and it continues to his activities on the Board of Governors.

A small liberal-arts school on the western Illinois prairie, Knox College was established in 1837 by abolitionists, and women and people of all races were welcome at the school. Trustees included those actively involved in the Underground Railroad, on which Galesburg, Ill., was a “stop.”

That progressive spirit is no mere historic artifact. Its own official history includes the fact that, in 1970, “protesting the war in Vietnam, students occupy Old Main.” In 2005—the same year Sen. Barack Obama delivered its commencement

address—Knox eliminated standardized test scores as an admissions requirement.

Novak recalls that he and others “deactivated” from his fraternity over an issue of discrimination. His Knox chapter sought to pledge an African-American student, but the national organization rejected the pledge, invoking a “compatibility clause.” The chapter protested that this conflicted with the Knox anti-discrimination policy, and members resigned from the fraternity. In fact, when word got out, members going as far back as the class of 1906 deactivated.

Novak says, “So the fraternity had a small piece in adding to the college’s history: It solidified the administration’s position in regard to discrimination in fraternities and sororities. It made everyone much more conscious of how invidious discrimination can be.”

In March of this year, he saw himself in another battle against discrimination, when the Bar’s board considered opposing a statewide ballot initiative that would preclude the consideration of race in certain instances. For Novak, the decision was highly charged, and very personal.

At the board meeting, he asked to be recognized last. He spoke quietly about the bigoted views of his own father and others he had known. Board members sat transfixed as he described that his father’s views had not altered over a lifetime, even as he now lay dying in an Illinois care center. As he spoke, Novak suspected he had visited his dad for the last time. This private man reflected publicly on his own family and why he developed the views he held.

The board voted to oppose the initiative. Novak’s father passed away 17 days later.

His presentation was undeniably moving. But Novak also exhibits a strong strategic sense.

He acknowledges, “You need to develop a strategy to get things done. You cannot simply wake up one morning with an idea and run down to the meeting, where there are 26 members and 37 different views on every subject, and expect to get that approved.”

“There is a fair amount of management—of issues and of expectations. I’m not embarrassed by that fact.”

A college professor admires Novak and sees in him the accomplished strategist.

“I think Ed is intuitively very political, and I mean that in a positive way,” says Robert Siebert, a Knox Professor of Political Science and International Relations. “He can define his objectives clearly, he knows how to go after them, and he has the kind of persona and organizational skills that will transfer nicely” into his job as president.

That strategic and agile thinking must come at least in part from his practice in white-collar criminal defense. He has to think on his feet, or else he’ll be knocked back on his heels.

A small sampling of Novak’s case subjects includes: baseball steroids, aircraft landing systems, airbags, online pornography and computer forensics, steel mills and orthopedic surgery.

The case variety pleases Novak: “It satisfies my curious mind.”

In Bar work, he’s headed up the Professionalism Task Force and served on the Ethical Rules Review Group. If you try to tell lawyers what is ethical, or that they no longer can be “zealous,” you’d better have a strategy.

In all those roles, Novak has become adept at crisis management. He gives advice that all leaders should heed: “It’s so easy

to think the right thing and say the wrong thing.”

Judge Warren Granville, who met Novak when the judge was a prosecutor, agrees.

“Ed doesn’t clamor for the camera, but he’s not afraid of it if they stick a microphone in his face. He’s a cool cucumber.” He adds, “He’s everything that’s good about the profession.”

Judge Sherry Stephens says, “He doesn’t speak from the hip. He always thinks about what his position should be. And if he doesn’t know, he’ll tell you.”

Novak may need all his skills in the next year, as he shepherds his association goals to completion.

He’d like to locate a more permanent funding mechanism for legal aid, and he says the Bar may propose a rule with respect to *cy pres* funds—money left over after class action settlements—and other money escheated to the state. He also wants to help lawyers with disabilities find jobs. Finally, he’d like the Bar to examine how to provide members malpractice insurance coverage at good rates.

Novak says, “Any lawyer not insured leaves potential consumers unprotected.”

Friends and colleagues look forward to Novak’s term.

Jordan Green, now at Perkins Coie, hired Ed when he first moved to Phoenix in 1979, and says, “Ed is a good listener, a guy who tries to find a way to accommodate the wishes and desires of competing factions. He’ll do a terrific job.”

Others agree that his term will be characterized by courtesy.

Phoenix lawyer Treasure Van Dreumel says, “Ed Novak personifies the ability to recognize and resolve our differences with discussion and reason in a dignified and always professional

manner. I think he is exactly what we need right now.”

Andy Sherwood, a partner at Quarles & Brady, adds, “Ed has conducted himself with the greatest degree of professionalism in some of the most difficult and high-profile cases in Arizona. I am proud to be part of a bar where he will be the president.”

As befits Novak’s approach, nonlawyers also speak well of him.

Mary Kelly is his longtime investigator at Joseph, Daniel & Meyer, Inc. in Phoenix. Without hesitation, she calls him “my hero.”

“Ed Novak is so bright, and so careful and so incredibly ethical. People trust him; he’s regular and honest. If he gives you his word, it’s his word.”

She says that, like her, bar members will “marvel at his fairness, his temperament.”

Maybe so, but Novak’s enduring pride is at home. His wife Heather is a former teacher, and they have twin daughters, Claire and Riley, who are 5 and a half years old.

“The greatest leveling device for me is my girls. I think that’s true of every parent: You’re a real big shot until you go home and talk to your kids, and then you find out just how unimportant you are, or how easily dismissed you are.”

“I think my girls are great, but they can ignore me with the best of them. And I like that.”

Novak also has two sons, aged 36 and 30, from his first marriage. “My family is the most important aspect of my life, bar nothing else.”

The careful Novak answers quickly when asked what he would be if he weren’t a lawyer.

“The only thing that I can think of is the burden we all carry, and that’s to be a better parent.” 