



Tom Thompson stands on a Globe street he helped rebuild and preserve.

# LAWYERING AT STREET LEVEL

Tom Thompson's Highest Service

**Tom Thompson is a great storyteller. He's also a poet, a songwriter, the former operator of a landfill and of a microbrewery, a building rehabilitation expert—and a lawyer. For 24 years, he also represented Gila and Graham counties (District 3) on the Board of Governors of the State Bar of Arizona.**





Why would someone drive 80 miles each way, once a month, for 24 years, to sit in a meeting for eight or nine hours debating rule changes, continuing legal education and the other minutia of running a diverse bar of 15,000 lawyers? How does someone start on this path? And why does someone finally call it quits?

## A 24-YEAR RUN

Tom Thompson first ran for the Board of Governors in 1980. For many years, Gila and Graham counties had rotated representation on the Board for District 3. In 1980, it was Gila County's turn to place a lawyer on the Board. But a Graham County attorney decided to upset this balance by seeking a term. Frank Tippet, the longtime Gila County designee, didn't want to run again, but he didn't like the notion of Graham County usurping Gila County's rightful place. He recruited Tom to uphold Gila County's honor. Tom ran and won. Two years later, when Graham County wanted to return to the old way of doing things, Tom said "No." For the next 22 years, Tom ably represented both counties.

Tom won't define his legacy from this extended service. He does have memories of several key issues that faced the Board during his two-and-a-half-decade representation. His recollection of the debate on lawyer advertising is among the most vivid.

In the late 1980s, lawyers were testing the limits on how they could advertise. The Board of Governors was charged with the task of providing comment to the Supreme Court on proposed changes to the ethical rules to permit advertising with certain restrictions. These are the rules that eventually were embodied as ER 7.3.

Tom was opposed to lawyer advertising. The issues came to a head in a meeting held, appropriately, in Gila County. Tom Zlaket, then a Board member, sided with Thompson. Thompson recalls that Zlaket's speech opposing the idea of lawyer advertising was the most incredibly eloquent one that Thompson heard in his 24 years on the Board. It was then Tom Thompson's turn to speak.

His words that day give insight into his life as a lawyer outside the big city.

He told the Board that he went home every day for lunch. He turned on his television to watch *Andy Griffith* of Mayberry. The commercial break featured a guy in a leather jacket, sitting on his Harley-Davidson while he recruited "biker clients" who had been injured. The beefy spokesman claimed that he understood bikers and thus could represent them. This was the type of advertising that Tom believed was a real detriment to our profession.

The letters Tom received after the debate expressed support for his position—and envy for his ability to go home for lunch every day. Tom agrees that this is just one of the benefits of life in a community where home and the courthouse are each five minutes away from the office.

### Sally Simmons

is a partner with Lewis and Roca in Tucson. She served on the Bar's Board of Governors from 1987–1995, and as its President in 1993–1994.



## THE RELUCTANT LAWYER

Tom says that his family never thought that he would be a lawyer. He claims that he was at the bottom of the class when he graduated from South Mountain High School, and that he had taken so many classes at Phoenix College that he didn't realize that he'd graduated until he checked. When Tom transferred to Arizona State University, his father told him that he ought to be a lawyer because he was always in trouble. This gradually became a declaration that he was taking pre-law classes.

Thompson figured he was safe from law school because he needed good grades to be admitted and he didn't have them. He said that the day he got the results from his LSAT tests, he went to bed sick because the results were good enough for him to be admitted, after all.

When he first started practice, Tom says he took "everything that came in the door." He did workers' compensation law, accepted appointment as a criminal defense lawyer and took in domestic relations cases.

Tom was lured to Globe after a year of practice in Phoenix. A friend from law school, Jerry DeRose, called to ask Tom to join him on a lunchtime basketball team. He also mentioned that there was an opening at a local firm, Morris & Malott.

Jerry asked Tom whether he'd rather be a little fish in a big pond or a big fish in a little pond. Tom told Jerry that he didn't even want to be a fish. Nevertheless, Tom came to Globe, loved it and began working at Morris & Malott in 1973.

In 1975, he went out on his own. His present firm is Thompson, Montgomery and DeRose. Diana Montgomery has practiced with Tom for a number of years; Jerry DeRose, the original impetus to bring Tom to Globe, has returned to practice with him after a stint as Gila County Attorney.

## LEARNING THROUGH WINS AND LOSSES

Jerry DeRose became Tom's partner when Tom asked him to help with a medical malpractice case. The two cheerfully tell the story of that case, the one they were sure they would win. They were young and poor as they drove an old station wagon and a beat-up truck to Phoenix for the trial. They stayed at Tom's parents' house to save money. They were confident as the trial progressed and even the judge told the defense attorney that he was going to lose. The closing arguments went well. Tom and Jerry went out for a celebratory dinner after the closing, only to be called back for the verdict while they were ordering. The verdict gave their client nothing.

Dejectedly, they met their families for the drive back to Globe. When Jerry's station wagon wouldn't start, they piled Jerry's wife and baby into the cab of the truck with Tom's wife. Jerry, Tom and Tom's son then climbed into the bed of the pickup truck, sitting on bags of dog food for the long trek home in 104° heat. As they stopped at a stoplight, the defense attorney in his Mercedes pulled up next to them. Tom and Jerry say they did the only thing they could do: They burst out laughing.

In 1989, the result was different. The two took on a case of a miner who had been badly burned by acid while at work. The two sued the New Jersey firm that had designed the equipment on which the miner had been working. The firm insisted that the fault lay with the modifications that the mines had made to the equipment. There were no offers to settle, and the defense attorney doodled to show his boredom while Jerry made his closing argument. When the jury returned the verdict to the clerk, the clerk had to whisper to the judge for instructions before reading it. Tom and Jerry's client received \$2.5 million, with the jury finding that the New Jersey company was 100 percent at fault.

As Tom says, they've had an opportunity that a lot of lawyers never have: to lose the big one but also to win a big one.



## A UNIQUE PRACTICE

Tom's practice consists primarily of representation of residents and past residents of Gila County who were injured by the nuclear testing done in Nevada during the 1950s and 1960s. Gila County is one of several downwind communities in which the fallout from the testing has been linked to high levels of cancer. The federal government has acknowledged the harm done to those who lived in the Globe–Miami area during those years, and it has established a fund for cancer victims and their heirs.

Thompson successfully has shepherded several hundred claims through the federal government's process. He notes that in some instances, the money paid to the victims or their families has meant help for college for grandchildren or medical help for themselves.

## LEGACY OF SERVICE

Peter Cahill is now a judge on the Gila County Superior Court, and he was Tom's partner for many years. Before becoming a partner, though, he was Tom's client as Cahill was negotiating over his job at the Gila–Pinal Legal Aid Society. Judge Cahill has many stories about their careers together and credits Tom with getting him appointed to the board of the Arizona Bar Foundation (now the Arizona Foundation for Legal Services & Education). When the Foundation was moving past its infancy stage, and IOLTA money was becoming available to help with legal services, the board needed new members. It was Tom who insisted that the Foundation board include someone with experience in legal services for the poor, because that would be one focus of the Foundation's work. Because Cahill had served for several years as a lawyer for Gila–Pinal Legal Aid, Tom successfully championed his appointment. Judge Cahill went on to become the President of the Arizona Bar Foundation board.

When asked to describe Tom's legacy after 24 years of service, Judge Cahill says that there is no one thing that Tom will leave behind. Tom didn't go on the Board of Governors with a policy or program on his agenda; rather, Tom went to do good and to ably represent those who elected him. Judge Cahill believes that this good representation is what Tom leaves behind.

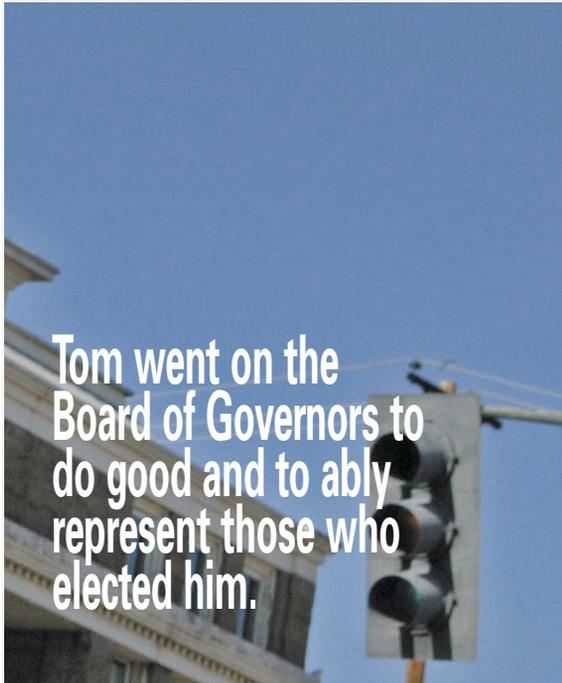
Judge Cahill also says that Tom's being on the Board didn't adversely affect their practice, and that one of the reasons that Tom continued to run was the encouragement of their office manager, JoNell Bradley-Thompson, who has worked with Tom since 1977.

JoNell has her own tales to tell of her career with Tom. One of the most recent memorable events occurred over the Fourth of July weekend this year.

On that holiday, JoNell's family joined Tom's family and several others for a barbecue in Tom's backyard, where the view of the fireworks was going to be spectacular. Adding to the festivities was a World War II cannon. JoNell had been given the honor of setting the cannon off when the fireworks show was complete. Care was taken to be sure that surrounding vehicles and neighboring houses were protected and that onlookers were kept safe. At the appointed time, JoNell responded to the order "fire in the hole" and lit the fuse. The cannon shot was pure and safe—and accompanied by the sound of broken glass. All the windows in Tom's house were blown out.

Working with Tom, says JoNell, is never boring. Of special importance is his treatment of his employees. JoNell says that in the 27 years they have worked together, he never has blamed any mistake he's made on any of the employees and, at times, he has taken responsibility for their mistakes.

"He has the ability to see the best in people," says JoNell, "to seek the best in people and empower them to be their own personal best." She also notes that "in a profession that often has to defend its motives, Tom stands as an example of a person of integrity, dedicated to his own personal standards and to his profession."



Tom went on the Board of Governors to do good and to ably represent those who elected him.

## BOARD ISSUES

One characteristic of Tom's career on the Board of Governors was fiscal conservancy. During one meeting early on in his tenure, the Board was discussing the purchase of office equipment. The assumption was that only the best would do, and the Bar was willing to pay top price. Tom spent his time during the debate reading the newspaper. When it was his turn to speak, he opened up the want ads and pointed to one item in which the equipment was listed for sale at a much lower price. There's no recording of the price actually paid, but Tom's point was made.

While on the Board of Governors, Tom fought against Mandatory Continuing Legal Education and against the requirement of the Professionalism Course. He didn't think that either program would necessarily create better lawyers. He also was concerned about the costs of MCLE and fought hard to make it accessible to the counties outside of Maricopa and Pima.

Tom says that one of the challenges of being a member of the Board of Governors is remembering whom you represent. Though the Board has an obligation to protect the public, Tom always has seen his constituency as the lawyers of his district. His goal has been to make the profession better. He says he has never regretted a decision he made while on the Board, although there were some that he wished he didn't have to make. Nevertheless, he takes pride in the fact that he never abstained from a vote. As he saw it, his duty was to make a decision, and he did so.

When asked who stands out from all the people with whom he served on the Board of Governors, Tom is quick to cite two special people.

The first is Roxie Bacon. Tom says that Roxie never took credit for anything she accomplished, and she always had a sense of humor and the ability to laugh at herself. The other is Tom Zlaket. It is Zlaket's eloquence that stands out in Tom Thompson's mind. Thompson says that when the two would debate an issue while both were on the Board of Governors, Tom Thompson would speak from his heart but you couldn't understand him. In contrast, Zlaket usually was the first speaker. He would know all the arguments on both sides of the issue and would deftly show why his opponents were wrong even before they got the chance to speak. Thompson says that he and Zlaket were often on the opposite sides of issues, but he always loved listening to Zlaket speak anyway.

## VARIED INTERESTS

Tom no longer runs a landfill as he did for 12 years, and he no longer runs a day care center, another business venture. He does rehabilitate old buildings. In 1996, he bought one of the old buildings in Miami, Arizona, a copper mining town six miles from Globe that has been struggling as the mines decline. He told the workman he hired that he wanted the building to be the best in Gila County. It has been transformed into beautiful living quarters, with three balconies and French doors. The street on which that first building is located now boasts several antique stores, all in buildings restored by Tom.

Over the years, he has acquired 25 buildings and still owns three, including the historic Globe Café. This building was condemned by the city before Tom's acquisition but now will be made usable. Tom says he does this because people should do things that help other people.

This philosophy of helping others is part of the reason Tom Thompson served on the Board of Governors of the State Bar of Arizona for 24 years. He is glad to have Bryan Chambers as his successor, because Tom believes it is important that lawyers get involved.

Even without going to Board of Governor meetings at least once a month, Tom will find plenty to do. He may still drive to the Phoenix area often, as he recently became engaged to Cynthia Bach, who lives there. Fittingly, they met at the State Bar Convention in 2003 when Cynthia was helping with the silent auction to benefit St. Vincent de Paul. Tom's son Scott also lives in the Valley, and will be getting married soon, as well. Tom's daughter Crystal is a costume designer who lives in New York. Tom is happy to show you pictures of the designs she made for such shows as *Nick at Nite*.

Tom has served his profession and Gila and Graham counties well since 1980. He will continue to serve the people of his community; it simply will be in different ways 

