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BY ATHIA HARDT

beyond mere words

John Stookey's Actions and Impacts



John Stookey regularly exercises on his bike.

a

dozen years ago, John Stookey was a busy, successful and admired criminal defense attorney at Osborn Maledon, P.A., a man who mixed a high-profile client load with a strong personal interest in government and politics. He held a Ph.D. in political science as well as a law degree from Stanford Law School. He had come to the law after a career as a

political science professor at Arizona State University.

Stookey's commitment to the justice system led him to represent those whom society often shunned (think Valerie Pape, Luis Mata, Graham Henry). His interest in political science called him to pursue changes to improve the legal system. And these dual interests were augmented by a love for teaching that made him an award-winning poli-sci professor and a popular law professor. It may not be unusual for an attorney to be interested in politics or law, but it is unique to be a distinguished scholar and practitioner in

both, and Stookey was.

And then, 12 years ago, sometime during the night, he suffered a massive stroke that changed everything. His wife, Stacey Stanton, remembers Aug. 15, 2004, with clarity. Stookey, who had complained of a headache the day before, stayed up late watching TV. Sleepy, Stacey crawled into bed with their young daughter, Ali. Sometimes when Stookey stayed up so late, he slept in a guest room rather than risk waking his family.

When she tried to wake him the next morning, she thought her husband was sleeping unusually soundly.



"But it became clear that something else was going on," she says now. "When he finally awakened, he was disoriented and his speech was garbled."

She called 911 and, in minutes, help arrived. Later, in the hospital, Stookey regained moments of clarity, could count to 10, and recite the alphabet, but the early optimism Stacey Stanton felt changed quickly. By the end of the day, Stookey was intubated, could not sit up by himself, was unable to walk or feed himself, and could not communicate. And the condition was not fleeting. A year and a half and a lot of therapy later, he was making progress, when he suffered a grand mal seizure. Again, Stookey began therapy, this time with daily doses of three anti-seizure medications.

His support along the way has included his wife, who married him in a ceremony at the

law firm in 1996 (some people say it was the best use that the firm's winding staircase ever had); his daughter, Ali, now 16; a long list of medical professionals; and a close group of law partners and friends.

"From the beginning, the firm has been fantastic," his wife says. "They've provided emotional support, visits, assisted with making sure we had help with resourcing insurance and disability coverage in that uncertain first year."

Many of the firm's lawyers and staff attended meetings with Stookey's speech therapist, held at the firm. His longtime

secretary, Patty Palmer, still uses some of the techniques the speech therapist shared with them, and she says she usually can determine what Stookey wants to convey.

Stookey's friends say that, despite communications limitations caused by the stroke, he retains a unique ability to pull together people of diverse backgrounds, inspiring the admiration and devotion of his colleagues.

His friends on the defense side of the courtroom and his adversaries in the prosecution agree that Stookey long ago established himself as someone who argued passionately for his clients but also was approachable and amiable. They say that may be due in part to the fact that he began his career as a political science professor who understood that it takes two sides for that system to work.

Though communication takes much more effort than it did before the stroke—family and friends have become familiar with terms like aphasia and apraxia—Stookey continues to come into his law office at Osborn Maledon regularly. He breakfasts frequently at a nearby restaurant, meeting one or more of his friends. And this is no ordinary group of friends. Among them are state and federal judges, one of them a former state prosecutor, and a distinguished group of defense attorneys.

While conversation is more challenging today, it is clear that Stookey maintains the same hunger for information that he had 12

years ago. More than that, he has continued to be a symbol of professionalism and civility in the law. In fact, there is talk among his friends about developing a continuing legal education class on this subject, dedicated to him.

Sometimes the kind of devotion he had for his clients—some of whom faced life-and-death circumstances—can lead a criminal defense attorney to vilify the opposition. But Stookey's colleagues say that he has always been able to maintain professional friendships with both defense attorneys and prosecutors.

Arizona Court of Appeals Judge Kent Cattani worked with Stookey on the Arizona Capital Case Commission for two years in the early 2000s, when Cattani was the assistant attorney general in charge of capital appeals. Established by then-Attorney General Janet Napolitano, the Commission recommended changes to improve the capital litigation system after an extensive analysis of the state of the death penalty in Arizona. The two worked closely together on a committee that prepared analytic reports for the Commission. And they have remained friends since then.

Recalling their work together, Cattani says, "What could have been a very contentious process ended up being a highly collaborative, rewarding project, in large part because of John's open-minded, reasonable approach."



Bride Stacey Stanton descends the Osborn Maledon staircase as her husband-to-be and nephew wait.



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When the work of the Commission ended, Stookey reached out to Cattani and other prosecutors to work together in addressing other criminal justice issues.

"John epitomizes professionalism and integrity, and his influence will be felt for years to come," says Cattani.

United States District Court Judge Murray Snow was previously Stookey's law partner and a colleague whom Stookey called "my every day friend." Judge Snow says if there were those who viewed Stookey's amiability as a sign of weakness or not caring enough, they were badly mistaken. He remembers the attorney's reaction after he traveled to Florence to watch a client, Luis Mata, executed after all his appeals were lost.

"Luis Mata's execution had a personal impact," Judge Snow remembers. "The practice of law and particularly criminal law was personal. He appreciated the academic part, but he also always has cared about what the reality of it means."

Tom Henze, a defense attorney, adds, "Civility, respect for each other as professionals—John embodies that."

"John always has been able to get along with others in highly contentious situations," says Larry Hammond, his friend and mentor at Osborn Maledon.

"He treats everyone with respect," agrees Dale Baich, an assistant federal defender. "He didn't look at prosecutors as evil people. There was a perception that he didn't have an agenda, and he was approachable."

"Has anyone ever met a lawyer who didn't like John?" asks defense attorney Jordan Green. "The stroke has not interfered with the joy he gets from other people, the joy he gets from the law."

U.S. Circuit Judge Andrew Hurwitz, also previously Stookey's law partner, recalls his role in *Ring v. Arizona*, a case decided by the U.S. Supreme Court in the summer of 2002. Stookey had worked on the brief and was delighted to sit at counsel table while Hurwitz argued the case in the Supreme Court—against Attorney General Napolitano. After the Supreme Court held

in Ring's favor, Hurwitz and Stookey were drafted by the Arizona Supreme Court to brief and argue how the case affected some 32 death row inmates whose appeals had not yet been completed. Each of the inmates was represented by one or two attorneys, each of whom understandably wanted the briefing and argument to reflect their particular views. Hurwitz and Stookey had been ordered to come up with common ground after collaborating with the group.

Judge Hurwitz remembers how difficult it was to arrive at that consensus. Many of the lawyers "were so vested in their positions that we stopped talking," and the brief

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used. There is a lot of laughter. Although Stookey occasionally reaches a point where he says, "I can't say it," he often refers back to the paper to help articulate his thoughts.

"Oh, tell me," he'll say with a smile when you mention a topic that interests him. "Oh, boy!" he exclaims when he is delighted with the conversation. For instance, he and his wife recently had a spirited disagreement about the Bill Cosby case.

"He's cheerful even though you might not expect him to be," says Dan Kaplan, a federal defender. Adds the former Osborn Maledon attorney who had worked closely with Stookey and who was mentored by him, "He's interested in the same things he was before."

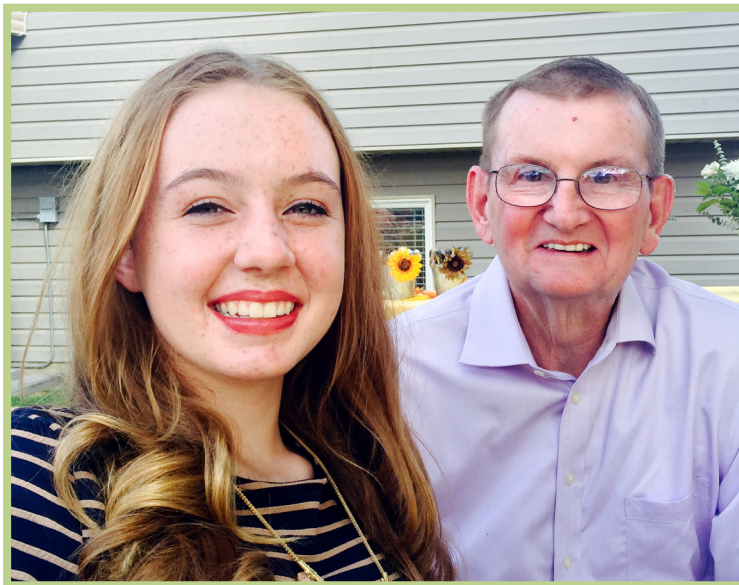
"He says, 'I love you, man,'" just the way he always has," defense attorney Tom Henze says.

Stookey also enjoys being in a courtroom, sometimes to observe a trial,

or perhaps a "We the People" class for a group of students. Whereas he formerly was a speaker at such classes, he now enjoys watching others speak and teach the students.

His colleagues regret that Stookey can no longer speak at such events or serve as the enthusiastic teacher to young attorneys who just want to "run something by him." They wonder whether the improvements in the capital system that he championed might have advanced more if he were able to lead the fight.

"He's the example of the difference one man can make," says Hammond. **AZ**



John with his daughter Ali.

writing became impossible. He dispatched Stookey to deal with what Hurwitz jokingly called "the Taliban" and says that Stookey "worked his magic," smoothing over personal and doctrinal differences. All the lawyers joined in the brief, and the Arizona Supreme Court granted new death penalty trials to all but one of the defendants.

These days, if you run into Stookey with one or more of his colleagues at their favorite coffee shop, you'll notice that the conversation is two-way and involves some pointing at a sheet of paper displaying words and phrases that Stanton has identified over the last 12 years as frequently