

As we prepared this issue of ARIZONA ATTORNEY, the national legal community lost a leader when John P. Frank died on September 7. In honor and memory of John Frank, José Cárdenas of Lewis and Roca graciously agreed to pen a few words.



John Frank speaks at the State Bar Convention, June 2002, at which he received one of the Bar's inaugural Career Achievement Awards.

# John P. Frank

## A Life of Socially Useful Work

BY JOSÉ A. CÁRDENAS

Everything there is to know about John Frank's magnificent legal career can be found in the three words he used to describe his professional accomplishments: "socially useful work."

John's work began with service in the Roosevelt administration in the departments of Justice and Interior and on the Civil Aeronautics Board. He interrupted that service to take a clerkship with Justice Hugo Black—the beginning of a long-term association with the famous jurist that John described as "one of the most important of my life."

Justice Black helped him develop the inimitable writing style that made John Frank one of the most eloquent, and successful, appellate attorneys in the country. More important was Justice Black's emphasis on fairness to the "little guy" as a basic principle.

John captured that quality in one of his essays on Black: "When he thought that the law, with all its technical cumbersomeness, was doing injustice to an individual human being, he was likely to burst out with, 'You can't *do* people that way.'" Some of John's most socially useful work was the result of just such outbursts.

From 1946 to 1954, John taught law at Indiana University and at Yale Law School. It was during these years that John enlisted in what he referred to as the "segregation wars." At Indiana he and the dean of the law school, with Thurgood Marshall's help, brought several civil rights actions to try to end segregation.

At Yale, John and other prominent professors filed "what may have been the first brief in the Supreme Court asking for a total end to segregation," according to John. The case was *Sweat v. Painter*, and while the Court did not go that far, it did hold segregated Texas law schools unconstitutional. The case paved the way for *Brown v. Board of Education*, a case in which John, at Thurgood Marshall's request, played a major role.

John's lifelong respiratory problems drove him to Phoenix and to Lewis and Roca, which he joined as a partner in 1954. He continued his involvement in the major Supreme Court cases of the day, among them, *Miranda v. Arizona*, *Baird v. State Bar of Arizona* (which invalidated loyalty oaths) and *Bates v. O'Steen*, the lawyer advertising case, which John lost 5-to-4.

He was always a force for improving the profession he so loved. The examples are many. His 1969 book, *AMERICAN LAW: THE CASE FOR RADICAL REFORM*, his more than 30 years as a member of the American Law Institute, and his major role in the revision of the rules of civil procedure are but a few.

John never limited his pro bono to the sexy high-profile cases or the national leadership roles. The poor and the needy came to him often. If John could not help them, he did his best to make sure someone else did. In more recent years, John was a regular participant in the Maricopa County Volunteer Lawyers Program.

He also played the pivotal role in ending gender discrimination in Arizona law firms. Before 1969, there were no women lawyers, with the exception of family members, in even modest-sized Arizona firms. This included Lewis and Roca.

John put an end to that policy, and his

mentoring of women was one of the highlights of a lifetime of socially useful work. In addition to Chief Judge Mary Schroeder of the Ninth Circuit Court of Appeals, other now-prominent women attorneys, including Pat Norris, Susan Freeman and Janet Napolitano, flourished under his tutelage. Wherever he saw talent and potential, John nourished it, encouraging secretaries and paralegals to go to law school.

John often explained why he did all the things he did and why others should also. Addressing ASU students in 1996, John said, "The ethics of our profession call upon us to do what we can for the improvement of the law and the system, as well as for public service in general."

For John, however, using the law to do public good was not simply an ethical obligation. It was a joy. Two years ago, on the occasion of the celebration of his 60th year as a member of the Bar, John Frank explained why he would gather his friends and colleagues to celebrate the milestone:

It is because I want to use number 60 to encourage young lawyers to share the spirit of joy and satisfaction I have taken from being a part of this profession. No June 17 [the day] ever goes by without a moment of gratification of being a member of the Bar, a part of an enormous band of brothers—and I am delighted now to say of sisters—performing socially useful work in our society.

To quote John—from an essay on Justice Black's death—one last time:

"The law has lost a kindly giant." ▀

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