

STANLEY G. FELDMAN—A TRIBUTE

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I first met Stanley Feldman on June 1, 1972, when he hired me as a summer law clerk at Miller, Pitt & Feldman for the then-generous salary of \$3 per hour. At that time, no large Tucson firm had ever hired a woman associate. Stanley became my advocate and mentor, offering me an associate's position when I graduated from law school in 1974. It was not until many years later that I learned from others in the firm that the hiring decision had been highly controversial, and that Stanley had to counter the prevailing attitude that "woman attorney" was an oxymoron.

Stanley championed the position of women in the law and in the law firm, hiring Nanette Warner in 1976 and Grace McIlvain in 1978. Nanette left the firm for the Pima County Superior Court bench in 1986; Grace has built a reputation as one of the state's premier employment law litigators. Both clerked for Stanley during law school. I still remember Nanette's job interview for her summer clerkship in 1975. Stanley dragged me out of my office to meet Nanette, telling me how intelligent she was. Intellect, rather than gender, was his primary job requirement.

The first week after I was sworn in to practice, I was sent to Phoenix to argue a special action before the Arizona Supreme Court. The second half of the week was spent in Mexico taking depositions for a case set for trial in two months. Nanette and Grace have similar memories of their initiation into the practice of law, and of second-chairing major cases with Stanley.

At a time when there were few women attorneys in the legal community, and when most of those took "back room" roles in probate or administrative law fields, Stanley encouraged the women attorneys in his firm to do the same work he did in the courtroom. There was no double standard, and a client who didn't want a "girl lawyer" working on his case was asked politely to find another law firm.

Stanley continued to mentor young lawyers on a "gender blind" basis after his appointment to the bench. While I am sure he has been equally encouraging to his male clerks, it is the women who have commented to me, appreciatively, on the value to them of the clerking experience and the professional support he has provided to them.

It is hard to believe that it has been over fifteen years since Stanley left private practice for appointment to the Arizona Supreme Court. In following his judicial

career, it is clear that he found ways to adapt many of the traits and habits those of us who worked with him had grown to know and appreciate.

For example, any major piece of written work (i.e., a letter, memorandum or brief) longer than two to three pages went through a minimum of five to six drafts (and this in the days before word processors!). Footnotes were not unknown, even in intra-office memoranda. Stanley was, and remains, a perfectionist in attempting to guarantee that all written work going out under his signature is clear and precise.

While in practice, he delegated responsibility to himself for the law firm's standardized form book, method of file organization, billing procedures (despite the fact that most of his own work was contingent fee), and general oversight of the status of all cases in the office.

When Stanley went on the bench in 1982, he had the somewhat naive view that his new job would primarily involve the scholarly, contemplative analysis of legal issues in the cases before him. However, no one who knows him has been too surprised by the flurry of rule changes, structural reorganization, and study commissions that his administrative role has engendered.

Stanley practiced law for twenty-five years before he became a judge. He was a bar leader who stressed the need for professionalism in the bar and on the bench, and he has continued this campaign on the Court on issues such as lawyer advertising, access to justice, and cost and delay reduction in both civil litigation and in the judicial process. Stanley's friends have learned that complaining about a problem in the practice is an absolute guarantee of appointment to a Supreme Court Committee designed to study and solve that problem.

If it is possible to reduce a person's philosophy of his own life to an aphorism, Stanley did it for himself many years ago. As I imagine occurs in most law firms, we would (and still do) have periodic firm meetings on business development and "marketing." Stanley's comments were concise and constant: "We'll always do well by doing good." The "doing good" included not only his expected high quality of work, but also representing people and causes he liked and believed in, and maintaining a contributing role in both the profession and the larger community.

Although I didn't know it at the time, the first clerking assignment Stanley gave me was a classic example of "doing good." He represented an elderly woman who was blind, incompetent and in a nursing home. Her conservator, who was also her stockbroker, had milked her once-considerable assets by using estate funds for his personal (and unprofitable) business ventures, but he had done so "legally" since the court had periodically approved petitions submitted by his attorney authorizing the "investments." I came back from my research perplexed—the acts of the conservator clearly had been outside the scope of his employment with his brokerage firm, and there was no law *anywhere* establishing a duty owed by the conservator's attorney to the ward. This did not stop Stanley. He knew that a court of law should also be a court of justice, and that general legal principles should require a lawyer to protect the interests of a helpless ward. The appellate court

agreed, holding that the attorney owed a duty of oversight to the ward.¹

Stanley has followed this same path on the court, focusing his energy and intellect on the problems before him, and building the common law by using common sense to make the Arizona Supreme Court a court of justice. The ultimate beneficiaries of Stanley's appointment to the Court are the people of Arizona. Politics aside, the ideal appointment is from among the select few who are at the top of the legal profession, whose intellect and scholarship are superior, who are dedicated, energetic and devoted to justice. Stanley's appointment met all of those criteria. He has made a profound and lasting contribution to the prestige and work product of the Court.

Stanley, congratulations and thank you—you've done both "good" and "well."

1. Fickett v. Superior Court, 27 Ariz. App. 793, 558 P.2d 988 (1976).

