

## JOHN D. LYONS—LAWYER AND JUDGE

Richard H. Chambers\*

The University of Arizona College of Law reached maturity under Dean John D. Lyons—a result which would easily have been forecast by those of us who knew him in his earlier incarnations as lawyer and judge. When he became dean in 1947, the College, which was founded immediately after World War I, was not yet 30 years old. Though it was from its earliest days a great law school,<sup>1</sup> it was under the guidance of Dean Lyons that the College first established its national reputation as a lasting and respected institution.

So far as I know, Arizona's law school is the only one extant that was really founded on ill health. The deans and faculties that Arizona had in its first 30 years—the men who set the pattern for the school's stature—could not have been attracted by the salaries the University of Arizona was then paying. Southern Arizona, then as now, was a refuge from harsher climates; health problems, personal or those of a family member, brought such notables as Dean Samuel M. Fegtly, Andrew W. Anderson, Leonard J. Curtis and Richmond A. Rasco to Tucson.<sup>2</sup> As the only law school in town, the University could hire them for less than they would have merited elsewhere.<sup>3</sup>

The same lodestar produced John D. Lyons and his predecessor, Dean (later President) J. Byron McCormick. Each recovered his

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\* Chief Judge, United States Court of Appeals, Ninth Circuit.

1. In 1927-28, the law college was situated on an upper floor in the old library building in the center of the campus. I was editor of the then world's greatest college newspaper, *The Arizona Wildcat*, located on the first floor of the building. Thus, ex officio, I was qualified to pass judgment on the excellence of the faculty, the students and the plant of the College of Law. That year's editor devoted most of his time to straightening out the Dean of Women, however, and had little time to supervise the law college.

2. In the first years all members of the law faculty would attend the Arizona State Bar meetings in Professor Curtis' Reo touring car. Tootling up Broad Street in Globe, Gurley Street in Prescott, or Central Avenue in Phoenix, they were obviously men apart, worthy of their position.

3. Today the salaries are probably at least within shooting distance of other fine institutions—but I suspect that Tucson's climate remains a potent lure.

health in Tucson and was able to endure a long day of reflective and scholarly work.

John Lyons certainly had recovered his health when I met him. The occasion was the Arizona bar examination, given in the non-air-conditioned House of Representatives' chamber at Phoenix in June 1932. The temperature was about 110 to 120 degrees. (We should have been admitted just for surviving the ordeal.) Anyone who survived surely had enough health to endure the rigors of legal practice or teaching. As I recall, Lyons passed second or third. As usual, it has been those who passed with the lower grades who have made the money while those such as John Lyons have made the greater contributions to the law.

Once admitted to practice in September 1932, Lyons joined forces in the practice of law with E. T. Cusick, one of the state's prominent barristers. Economic conditions being what they were for lawyers and everyone else in 1932, it was oft easier to become a partner than to collect a salary, and straightway the firm became Cusick & Lyons. But if Lyons was not an equal financial partner the first month, he soon was—and that was unknown for a beginner.

John Lyons needed no character lessons, but if he had, he could have made no better first connection. If I had had a son, I would have sought to have Cusick shepherd him through his first years in the law. Cusick, a great trial lawyer, would have been an inspiration to any young man. Lyons, a deep student, complemented him well. Before he joined with Lyons, Cusick had prepared his cases well, but with Lyons aboard his briefs took on a new force and perception. And Lyons was not just a library lawyer; he was at Cusick's side in the courtroom for about 7 years. Together, they were a superb team.<sup>4</sup>

In 1938, after the death of my father, with whom I had practiced, I became a subtenant of the Cusick & Lyons firm, sharing an entrance door, a waiting room, and libraries that complemented each other very well. It was at this time that we became especially well acquainted.

Though the Tucson bar was still small during Lyons' years with the Cusick firm, we had only one "collision" between our respective clients. It was an epic one. The clients were Tucsonans with colorful reputations. My client, a man, was the seller of a fine house. Lyons' client, a woman, was the buyer. The date for delivery of the house was after the date of sale closing. Lyons' client took the position that my client had a duty to be gone at the first minute of the closing day.

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4. By 1939 Lyons became City Attorney of Tucson, a position which, if one hired an assistant, could be performed on a part-time basis. Cusick & Lyons hired an assistant and continued their partnership.

My client asserted that he could remain the entire day, leaving by midnight. A scuffle ensued in the house. In separate cars the two rushed to see their lawyers and in successive elevators they arrived in our common waiting room. Lyons' client insisted that my client had slapped her. The gentleman admitted it, but said he slapped her because she was biting him, and he had to do it to get her to turn loose. No lawsuits resulted from the affray, so I suppose that each party carried to the grave a conviction that his or her lawyer had a conflict of interest.

In 1945, while Cusick and I were "defending the four freedoms" in the Army, Lyons served the Constitution by accepting appointment to the Superior Court bench. He did not stand for election when his term expired in 1947—his dislike for the hustings overriding his feeling for the bench—and Arizona's judiciary lost one of its great members. The judgeship behind him, Lyons returned to the Cusick office. He was no more than unpacked, however, when J. Byron McCormick, then Dean of the law school, called for him. McCormick was to be the new President of the University, and he prevailed on Lyons to succeed him as Dean.

Others are better able than I to testify to John Lyons' greatness as teacher and Dean. I have chosen simply to cover briefly his years as a distinguished lawyer, the years which prepared him so well for his impressive later achievements.

