

# Trust & Service

BY TIM EIGO  
PHOTOGRAPHED BY JOHN HALL, AT  
BROPHY COLLEGE PREP, PHOENIX

*“Lawyers, I suppose, were  
children once.”*

—Charles Lamb, epigraph in *To Kill a Mockingbird*

“To understand Alan Bayham, you have to understand his childhood.”

That’s Perry Hicks, Sierra Vista lawyer and former State Bar Board Governor, talking about the newest President of the State Bar. And what may be true for all of us is especially true for Alan Bayham Jr.

Bayham, 59, speaks matter-of-factly about the turning point that occurred just days after his high-school graduation. But first he speaks about his earliest years, which began in Chicago.

His father had completed law school at Loyola, and with his wife, a registered nurse, they looked westward. They packed up their first-born son, six-month-old Alan, and aimed for California. A stop in Arizona made the young parents reassess, and the Bayham family established itself in the Valley of the Sun.

Alan Bayham, the father, became a highly respected lawyer. That provided a well-off and secure foundation for his family, which also thrived, growing to 10 children by 1969.

That was the year Alan Bayham, the son, was forced to see the world differently.



**1. *“So Brother Matthew locked the gate behind me, and I was enclosed in the four walls of my new freedom. ... Perhaps I am stronger than I think.”***

—Thomas Merton

In the normal course, Alan Bayham Jr. speaks simply and briefly. As he talks about one fateful night 41 years ago, though, that mannerism becomes even more pronounced.

“My father had a jury trial the week before and had done great. It was his partner’s wedding that night. I came home later and talked to him for a little bit. Then he just got up in the middle of the night to brush his teeth, and passed out. He never woke up.”

His father had suffered a fatal heart attack at age 49. Tragic in any family, the loss to the Bayhams was especially painful. When one man’s heart stopped functioning, his family’s prospects took a sudden and difficult turn.

Bereft in a North Central Phoenix home was a mother who had not worked as a nurse for almost two decades. Surrounding her were 10 children, from age 18 to age 3.

The son who was his father’s namesake had to decide: Could he mine a maturity beyond his years? Could he help lead a family, who had never wanted for anything, through this dark time?

**2. *“October is a fine and dangerous season in America, a wonderful time to begin anything at all. You go to college and every course in the catalogue looks wonderful.”***

—Thomas Merton

In 1969, Alan Jr. had just graduated from Brophy College Preparatory, and he was aimed for college in California. Those plans were shelved quickly, though, and the young man enrolled at Arizona State University. His mother had returned to nursing, and he was needed at home.

“Home drew him back a lot,” says Greg Novak, a friend and a lawyer at Kleinman, Lesselyong & Novak, in Phoenix.

Novak was a college roommate of Al Jr., and he recalls how the mass of students were free to enjoy the social experience of new collegiate freedom. Bayham’s focus, though, was always toward his family, for whom he was now counselor and disciplinarian.

Bayham lived at home his first college year. “I got a D average the first semester. But I graduated with an A average,” he’s pleased to report.

His words and tone evince no regret amid changed opportuni-

ties. Instead, he praises his siblings’ achievements, even through a difficult time. And if there is critique in his history, it is self-aimed.

“It’s basically just a lot of hard lessons you have to learn,” he says. “Before that, I think I was probably very spoiled. For my 18th birthday, I could pick out whatever car I wanted, and I did. I picked a 396 Chevelle Supersport, red, 1969.”

Within a year, he had to sell the car. With six tickets and insurance he couldn’t afford without his father’s contribution, he bought a different car.

He smiles as he says, “I got something a lot less pretentious.”

The changed circumstances must have been startling. But today the understated adult merely concludes, “So I went from having a lot to having hardly anything.”

He speaks with pride about his grandfather, who was a carpenter with a second-grade education, and his grandmother, who had no formal schooling. But they gave everything to their children’s education, helping one become a lawyer and another a doctor. Al Jr. wanted nothing less for his nine siblings. And the way to achieve that, he thought, was through the law.

His own college career began with psychology and then settled on English, a subject he still loves. After his father died, Bayham says, “It was clear to me that we needed a lawyer in the family, so I directed myself toward that. And I’m glad I did.”

**3. *“The one place where a man ought to get a square deal is in a courtroom, be he any color of the rainbow.”***

—Harper Lee, *To Kill a Mockingbird*

Alan Bayham Jr. is an unabashed fan of the legal profession. He mentions that 2010 is the 50th anniversary of the classic novel *To Kill a Mockingbird*—one of his favorites—and he hopes that all lawyers share in the pride of serving others.

Like his father’s, the new Bar President’s practice is a small firm—he has one partner—and focuses on personal injury law.

Colleagues speak about Bayham’s commitment to law’s highest ideals.

Michael Perry, with Carnahan Perry Hanlon & Hudson, PLC, in Phoenix, has known Bayham for more than 27 years. Though they are on opposite sides of many lawsuits, Perry won’t say that they are “against each other,” only that they “have a case together.”

Perry calls him “a true gentleman litigator.”

“Alan’s word is truly his bond. If Alan agrees to something with opposing counsel, there is no need to memorialize it in writing, although we do so by habit. He has that Boy Scout quality of being ‘trustworthy.’ There is no higher compliment I give to opposing counsel.”

Greg Novak agrees.



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“Alan has always been motivated by an innate sense of fairness and justice. He has such a sense of professionalism and wanting to help.”

Bayham’s love for the law likely began as he sat in his father’s office, atop a jewelry store at Central and Adams in downtown Phoenix. As he gazed out the window at the old Adams Hotel, he never imagined he’d become an advocate in—and for—the law.

That advocacy is one of his goals for the coming year as Bar President. He says that he wants members to feel they can trust their Bar, but he sees his brief as a broader one.

“It’s important to engender confidence and trust that the entire justice system works and that every part of it functions fairly to the people who are there.”

He encourages questions from lawyers and the public, saying open communication would allay fears or misperceptions.

“I’d like to reach out and rebuild the confidence in the system, the confidence that it will deal with everybody’s problem in a fair way—not subject to abuse by one side, or unfairness, or moneyed interests using the system in an unfair way.”

Bayham speaks easily about fairness and ethics, whether in Harper Lee’s novel or in the work of Thomas Merton, a Catholic writer and Trappist monk. The new president says simply, “I have great respect for the legal profession and for lawyers. I grew up thinking there wasn’t a better, more noble profession.”

**4. “You never really understand a person until you consider things from his point of view ... until you climb into his skin and walk around in it.”**

—Harper Lee

If a P.I. practice hadn’t existed, Alan Bayham may have had to invent it, so well does it fit his world view.

“The personal injury practice is one area that’s a decent example of the legal system dealing with people who are disadvantaged,” he says, “because the contingency fee case allows the person who couldn’t afford a couple hundred dollars an hour to come in, get a fair evaluation of their case, and be fairly treated.”

“You’re helping people that need it.”

He says he tries to read something by Thomas Merton every day, and he sees justice and ethics imbued through his practice. That is a primary consideration as he says, “The doors of the courthouse are open to all. That’s absolutely not true in almost every other area of practice. That’s something I’m really concerned about. The common person just doesn’t have the keys to the courtroom.”

He also finds pleasure in the other attorneys.

“I think it’s a very professional practice. I like that the defense bar is generally fair and good. The insurance companies spend a lot of time trying to evaluate recovery. And even now when they’re

putting more money into defense costs, you can usually get a fair result, especially with the arbitration system. And if we don’t think we’re getting a fair offer, we file the case immediately and try to get it arbitrated as quickly as possible. Generally, the client ends up with a fair result.”

Bayham speaks easily about fairness and ethics, whether in Harper Lee’s novel or in the work of Thomas Merton, a Catholic writer and Trappist monk.

**5. “I think there’s just one kind of folks. Folks.”**

—Harper Lee

Those who speak of Alan Bayham Jr. want to be extremely clear: Al is a kind man, who treats everyone with respect.

As Greg Novak says, “If I had to describe Alan in only one word, it would be *kind*. He is always willing to help out, professionally and socially.”

Lawyer Frank Lesselyong is Novak’s partner—and is married to Alan’s sister, former Superior Court Commissioner Jane Bayham-Lesselyong. He says, “Alan

is someone you can confide in and who will support you infinitely. He’s always there for you.”

Jim Taylor, a shareholder at the Phoenix firm Milligan, Lawless, Taylor, Murphy & Bailey PC, has coached Pop Warner football with Bayham for years. (Over 15 to 20 years, Bayham’s also coached high school football and Little League baseball.) Taylor says, “I’ve never seen anyone angry with him.”

Another who has coached with Bayham is Mike Ward, the Brophy Director of Admissions. Ward calls him “one of the kindest and fairest people I have encountered.”

**6. “Atticus told me to delete the adjectives and I’d have the facts.”**

—Harper Lee

The next Bar President has been immersed in service for years, but friends say he operates without fanfare or self-aggrandizement.

“Alan is the ultimate behind-the-scenes contributor,” says Jim Taylor. “He listens, picks up on what he can do, and just does it.” Perry Hicks agrees.

“Al is totally selfless. His leadership style is that he tries to make sure everyone feels heard and included. He does it in a very quiet way.”

Hicks says that as Bar President, “Al truly wants to hear what everyone’s opinion is. People are going to be heard. He is not afraid of the fact that he can be educated to a different viewpoint.”

Stanley Jerman shares a practice with Alan and says, “He’s not a judgmental guy, and he doesn’t have a mean bone in his body.”

**7. “Happiness is not a matter of intensity but of balance, order, rhythm and harmony.”**

—Thomas Merton

Bayham’s family is never far from his mind. His commitment to service and achieving justice appears of a piece with his commitment to family.





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For instance, he became a lawyer 33 years ago, but his love of reading literature and writing never left him.

That is evident in a novel he wrote (for enjoyment, with no plans to publish anytime soon), and in the mini book club he formed with one of his sons up in Santa Clara, working on his master's in education.

"I got all the Steinbeck paperbacks I could and sent them up to him, so we're kind of reading them together, and talking about them."

His wife Debra is a physician's assistant, whom he calls "one of the smartest people I've ever met. They've been married 28 years and have five children. (He has two other children from a first marriage.) All told, his seven kids range in age from 33 to 9.

Perry Hicks says that Bayham should be good at parenting, having raised his own siblings so many years ago. The brother-in-law laughs: "And the Bayhams are a very vocal, opinionated and strong-willed group."

Brother-in-law Lesselyong recalls that at one point years ago, among the Bayham siblings, "There were seven in college at once." That has to teach management skills.

That management and elder-brother assistance continues today, Lesselyong, says. For instance, the annual family camping reunion will be in Santa Barbara this year, and Alan plays the unofficial role of "camp concierge." If anything is needed to be acquired or done—from charcoal to site reservations—he takes on the task.

### *8. "Peace demands the most heroic labor and the most difficult sacrifice. It demands greater heroism than war."*

—Thomas Merton

It may be an understatement to say that the Bayham family has an affinity for Brophy. Alan and four of his sons went there—the youngest is just starting there this year. But when he speaks of the school, he doesn't mention the larger powerful institution in which it resides. Nor does he focus on the tremendous connections that graduates may achieve (like the fact that out of his class of 110 graduates, 17 are now lawyers).

Instead, Bayham speaks again of service.

"At the school, there was always a tremendous service component instilled in us."

He describes the monk whose work he tries to read daily: "Thomas Merton blended different religions and was one of the founders of the peace movement, and even affected [Jesuit priest and activist] Daniel Berrigan. A lot of people don't see the connection, but it's there."

He continues, as if speaking to attorneys: "You've been given something; you have to give back. That's where you find your richest rewards."

Asked how that Brophy service manifests itself, Bayham cites the installation of a unique memorial on the campus. It honors the life and death of Marcia Powell, a mentally ill Arizona prison inmate who died in May 2009 after being left caged and uncovered in the sun for

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four hours. For Bayham, Brophy is a place that teaches lessons about respect, service and human dignity.

### *9. "The biggest human temptation is to settle for too little."*

—Thomas Merton

On the playing field and in practice, Bayham urges full participation.

As Brophy's Mike Ward describes his friend and the youth they have coached, he

could as well be discussing the impact Bayham seeks to have on Arizona lawyers.

"What I appreciate most from Alan is that he always sees the positive in every young man that he has encountered. In return, these young men develop a sense of accomplishment and self-esteem that is immeasurable."

Similarly, Bayham strives to help lawyers appreciate their vocation.

"I'd like lawyers to think better of themselves as professionals, to know that all of their training and experience are worth it."

"I've had a really good life. I love my small firm practice and I love the profession. If lawyers can understand why they should feel better about themselves, that would make me feel better."

Jim Taylor calls his friend "selfless" and says that in coaching, Bayham "is constantly putting the kids ahead of everybody. It's kids first."

Bayham's partner Stanley Jerman says that the best lessons Bayham teaches are through the way he lives his life and his practice.

"Both of our dads were lawyers," says Jerman. (In fact, Jerman's dad was State Bar President in 1947-48.)

"They and we believed that ethics are there for a reason," he says. "There is a good way to sleep well at night: resolve everything ethically."

### *10. "We do not exist for ourselves."*

—Thomas Merton

Why do some lawyers take on cases that appear to be thankless? wonders Greg Novak. He says that Bayham believes, "If I don't take this case, this person isn't going to get justice."

"It's not just a job to him."

Jerman adds, "Alan always places his friendships with people ahead of his own selfish interests."

Well, maybe, but Alan Bayham sees himself as a pretty typical lawyer—ethical, competent and set on doing good rather than just doing well. Of himself, he says only, "I think I'm relatively easy to get a long with. When you grow up in a family of 10 children, you have to be amenable to resolving your issues without fighting all of the time."

As he turns back to his work, he alludes to one of his touchstones, *To Kill a Mockingbird*.

"There are many, many Atticus Finches around, and they're just not recognized. I know a lot of them, and I'm sure you do too."