

Integrity • Justice • Dedication

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“To be a person of truth, be swayed neither by approval nor disapproval. Work not needing approval from anyone, then you’ll be free to be who you really are.”

—Rabbi Nockmen of Breslaff

Paul’s lifelong commitment in Phoenix to law, as an undertaking of service and trust, is a story that almost did not happen. Paul promised himself three things when entering law school: (1) he would never practice law; (2) he would never move back to Phoenix; and (3) he would not marry until he turned thirty-five. In 1965, providence changed all that, and smitten by the law and by a girl named Flo, he revised all three of his promises.

In the summer of 1964, the growing momentum behind the Civil Rights movement presented Paul with the opportunity to go to Mississippi and participate as an aspiring lawyer in the social changes of the 1960s. It was a chance to fulfill his youthful idealism and “make a difference.” But Paul was pulled in another direction. Jack Brown, founding partner of the

Brown and Bain law firm in Phoenix offered Paul what then seemed like an honorable but pedestrian summer clerkship and he accepted.

By the summer of 1965, Paul had married Flo, moved to Phoenix, and committed himself to the law under Jack's tutelage. An irreplaceable mentor and friend, Jack Brown molded Paul's professional character. Jack's impact on Paul was plainly visible in Paul's moving eulogy of Jack:

"With Jack's passing ten days ago, his family, his friends, his law firm, and indeed the entire community suffered an enormous loss. We can no longer see his warm smile, hear his reassuring voice, feel his strong presence, or benefit from his wise counsel, unparalleled intellect, and unending generosity. His good and stout heart has ceased to beat, but his legacy has just begun—and what a legacy it will be."

As he had done for other young associates, Jack took Paul under his wing and gave him a great deal of responsibility from his earliest days in the firm. Jack's principles and work ethic rubbed off profoundly on all the young lawyers who worked with him. "Never cite a case that holds against the position you are seeking," went the first rule of Jack Brown, "even if there is favorable language in the case." Jack also told his young associates to "Never brag about what you have done or what you are going to do." Indeed, Paul recalls:

"Long before the Nike ad, those who learned from Jack know to 'Just do it.' To illustrate this rule, on my first day of work in 1965, Jack cited a passage from *Death of a Salesman*, where Willie Loman has talked with Bernard, who is a contemporary of Willie's luckless sons, Biff and Happy. Willie learns in this conversation that Bernard is going to Washington on business, but he does not learn why. Later, Bernard's father visits Willie and tells him that Bernard is going to Washington to argue a case before the Supreme Court of the United States. Hearing this, Willie exclaims, 'The Supreme Court! And he didn't even mention it!' Bernard's father responds, 'He don't have to—he's going to do it.'" Jack did not tell us about his successes. He simply brought home the results. The casebooks and boardrooms are filled with Jack's victories."

Finally, Jack told all his associates to "Think big, but master the details." Paul saw how to put this into practice, within just a few short days: Jack knew a client's business and industry better than its principals. He could



explain the most intricate of details in everyday language. Thus, because of preparation and attention, neither Bill Gates nor Nobel Prize-winning economist George Stigler gave Jack any difficulty in his cross-examination.

Paul believes that when you're responsible for making an argument, there is no substitute for total understanding, knowledge, and control of the situation. It's hard, and that's why practicing lawyers don't really make good businesspeople or good politicians—because we're not good delegators, and as lawyers we *shouldn't be* too good at delegating. Litigators should be masters of the law and the facts and have control. Others develop evidence for the law, put things together, but litigators sign off on all the evidence and details. Paul learned from Jack that being a lawyer, whether on the transactional or litigation side requires detail-oriented organization.

Hard work. Truthfulness. Loyalty. Soon, as a lawyer, Paul acquired an outstanding reputation of his own. His practice in Phoenix at first encompassed everything: litigation, real estate transactions, and tax work. By 1968, Paul was doing litigation virtually full time, and for the next fifteen years spent a high percentage of his time on lawsuits involving technology issues. Paul's practice reflected a combination of autonomy, complexity, and a close connection between effort and reward. As Paul's skills and experience increased, so did his reputation for outstanding work and the complexity of the legal issues that he tackled.

But for Paul, the law represents a much deeper passion than merely serving his clients' needs. Paul sees the role of the lawyer as central to the virtue of our Republic. As Alexis de Tocqueville wrote:

“In America there are no nobles or literary men, and the people are apt to mistrust the wealthy; lawyers consequently form the highest political class and the most cultivated circle of society. As the lawyers constitute the only enlightened class which the people do not mistrust, they are naturally called upon to occupy most of the public stations.”

“A modern-day de Tocqueville undoubtedly would liken [lawyers] more to used-car dealers,” writes Paul. Why?

“Who knows whether our fall from grace has all taken place in the last half of this century, but if one is to believe the high priests of our era—the public opinion pollsters—our fall from grace is complete. As we have come to rely more and more on technology as a substitute for clear thinking, as our services are beyond the reach of all but the most wealthy and stubborn in our society, as statutes and regulations have become so complex that lawyers must hire lawyers who must hire other lawyers to ferret out their true meaning, and as we have abandoned our present historical calling... we must surely wonder what we can do to recapture the respect and station we long ago enjoyed.”

Paul did more than wonder about restoring the practice of law to an honorable station; he made it his life's work. In 1988, Paul was called upon to render an important, but unfortunately necessary, public service as co-prosecutor in the impeachment of Arizona governor Evan Mecham. The Mecham impeachment was really a trial that should not have taken place. Mecham's Republican Party controlled the state legislature, and his deficiencies made perfect fodder for the minority Democrats.

But almost immediately after taking office, upon winning just a plurality of the vote in 1986, Mecham began drawing the ire of his political opponents and his party alike. By 1988, he faced the triple threat of a recall election, felony charges, and impeachment. Paul was originally brought in to evaluate the case against Mecham, prior to formal impeachment charges being brought. So thorough was his work that both parties sought Paul's counsel as a co-prosecutor before the state Senate. Paul successfully convicted Mecham on two of three impeachment charges brought before the Arizona Senate.

With regret, Paul recalls that at multiple times Mecham had the opportunity and counsel to avoid becoming the eighth governor in U.S. history removed from public office. “Impeachment is a process that rends the

political fabric of society,” Paul wrote. Nevertheless, for doing his duty well, Paul bolstered his already strong reputation among fellow lawyers in the Arizona bar.

Such a moment cannot but be anything but difficult for any political society. Paul follows well the advice of Edmund Burke in his 1775 “Speech on Conciliation with America”:

“All government, indeed, every human benefit and enjoyment, every virtue and every prudent act is founded on compromise and barter. We balance inconveniences, we give and take, we remit some rights that we may enjoy others. We choose to be happy citizens rather than subtle disputants.”

As Paul sees it, lawyers must dedicate themselves completely to their profession, to bring about just compromises. In doing this, they also ensure their own happiness. As Malcolm Gladwell remarks in *Outliers*, “Working hard is really what successful people do.” Paul believes that the lawyer today has all the tools to be successful, but all the incentive to cut corners and be satisfied with complacency. He describes the challenge and satisfaction of working hard in law today:

“We live in an era in which we have the technological tools to do legal research, write briefs, and prepare documents at near-mach three speed. Lawyers on the other side of matters who send e-mails expect instant responses, clients expect immediate turnaround, and courts expect rapid and accurate replies. In this environment, lawyers are tempted to believe that they know more than they do and are prepared to do more than they can. It takes time and repetition to be successful and considerably more time to be at the top of the profession, no matter how fast we do the things we do. If this sounds like drudgery, it is not. Just as it is fun and satisfying to be able to write elegant computer code or great music, it is fun and satisfying to be able to make cogent appellate arguments, conduct hard-hitting cross examinations, and negotiate solutions to intractable problems.”

Paul’s advice echoes the words of his mentor Jack Brown. Former Supreme Court Justice Robert Jackson once remarked that the law is “like a religion” and “more than a means of support, it [is] a mission.” Paul lives the law as a noble calling, an honorable vocation to excellence. Its practice brings fulfillment to lawyers through their selfless dedication to the public good. Paul writes:

“The ultimate key to happiness in the practice of law is to understand that however frustrating the task and relentless the pressure, when you are called to the bar, you are called to an undertaking of service and trust. If you view the practice as a means to acquire goods in an acquisitive society, you will be inordinately unhappy. If you view the practice as a challenge to solve seemingly insolvable problems and to employ the law as an instrument for positive social change, you will be able to find fulfillment and happiness. If you take seriously your obligations of public and private service, the next de Tocqueville will be able to say that your generation of lawyers is like those who helped found and nurture this Republic—an enlightened class in which the people once again can place their trust.”

One period that was difficult in Paul’s noble calling to law, however, was when he was called upon to testify about conversations he’d had with Bruce Babbitt about an application by three Indian tribes to take land in trust for an off-reservation gaming casino. Babbitt was the United States Secretary of the Interior during Bill Clinton’s administration. Paul knew he was going to put Babbitt in a bad light. He didn’t sleep very well. In this difficult time, Paul stalwartly responded with the truth. He told exactly what happened. It wasn’t easy. While it fractured a friendship (although not a close friendship), and caused a lot of people in his community to view Paul differently, he understood that doing what is right often has a price.

Paul and his wife Flo copy the good example of their parents as they put family first, faithfully live their Jewish faith, and selflessly serve their community.

In 1981, the Ecksteins purchased the *Phoenix Jewish News*, to provide news to the Jewish community of the greater Phoenix area. Over many years, Paul has been a founder, board member, and chair of the Arizona Center for Law in the Public Interest, a non-profit law firm dedicated to ensuring government accountability and protecting the legal rights of Arizonans. Paul has also served as a member of the board of the Phoenix Children’s Hospital for twenty-three years—and as its chair for two of those years.

At Christmas, Paul may be found playing Santa Claus for a group called Chicanos por la Causa (Chicanos for the Cause). The group puts on a massive charity event to distribute five to fifteen thousand gifts to the very poor children from the inner city. Paul, a Jewish Santa Claus, sees this as an opportunity to be charitable before our common God.

Paul’s most treasured community work, though, has been his membership on the board of trustees of Pomona College, a service that he has

provided since 1983. In addition to chairing a number of standing committees of the Board, Paul has twice served as chair of Presidential search committees. Paul also enjoyed teaching a course at his alma mater in the fall of 1997, entitled “The Fiction of American Politics.” The course explained the relationship between literature and an understanding of U.S. history. He also served as state chair for the regional selection committee on Rhodes Scholars.

Paul dabbled formally in politics by serving as the campaign manager for his senior partner, Jack Brown, in Brown’s run for Congress in 1972. Brown ran a good race in a difficult year for a Democrat, no thanks to Paul’s maiden efforts at national politics. Paul likes to joke that his law partners delegated him to manage Brown’s campaign because they knew he would do so incompetently and Brown would, therefore, return to running the firm he had founded. Paul did not disappoint his partners.

Temporarily losing his sanity twenty years later, he likes to joke, Paul considered running for the United States Senate against John McCain in 1992, but pleas from his family and some soul searching caused him to regain his sanity and avoid (as he believes) seriously embarrassing himself.

Paul believes that six simple rules can guide any lawyer in his work, in the honorable practice of law. Paul’s principles do not simply guide success in law, they also guide success in political life:

1. Practice civility with your opponent before, during, and after battle; a lack of civility and cordiality diminishes the joy of any practice.
2. Do what you do well, and take care with each word you write and each thought you put forth.
3. Seek out and master new areas of practice, however foreign and intimidating they may at first appear.
4. Make the time to read great novels, listen to fine music, and keep a watchful eye for new architecture so that above all, you develop a deep appreciation of America’s history and governmental institutions.
5. Be prepared to resign your position or fire your client when asked to participate in or bless unjustifiable conduct.
6. Give constant attention to the quality of your work.