

## Veteran Phoenix lawyer raising Arizona's defense

Longtime outside counsel is fighting the Justice Department and five other challenges to state's controversial immigration law.

**BY MARCIA COYLE**

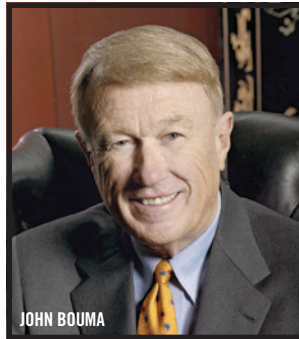
Against the rash of lawsuits challenging Arizona's controversial immigration law stands a lawyer known as the "gentle giant of the litigation bar." But don't mistake gentle for weak.

No stranger to high-profile, political litigation, John Bouma is now representing his third Arizona governor and has faced off against a fourth on behalf of the state Legislature.

But the immigration fight may be his biggest battle for the state. Bouma, who chairs the 400-plus-lawyer Snell & Wilmer from its largest office in Phoenix, is defending the state in six immigration challenges, including one just filed by the Obama administration, in a race with the clock—the July 29 effective date of the state law at the heart of the legal battle.

The law, known as SB 1070, makes the failure to carry immigration documents a state crime and gives the police authority to detain anyone they reasonably suspect is in the country illegally.

Bouma, hired by Arizona Republican Gov. Jan Brewer in late May, faces hearings on July 15 and July 22 in suits seeking preliminary injunctions against the law. He has filed motions to dismiss in four of the original five lawsuits. And he awaits a federal court's decision on whether to transfer the Obama administration's lawsuit to the judge overseeing the other five challenges as well as on the administration's request for briefing and argument in its lawsuit before July 29.



In addition to Justice Department lawyers, Bouma and his firm face more than 40 attorneys representing a large number of diverse plaintiffs, including labor unions, business associations, religious organizations, community groups and individuals. The suits allege that the law violates the Constitution's supremacy clause, First and Fourth amendments and due process, among other claims. Bouma declined to comment, stating the governor's office is the public voice of the defense.

However, Bouma's partner and friend, Don Bivens, said Brewer made the perfect choice, even though Bivens, also chair of the Arizona Democratic Party, disagrees with Brewer and the GOP majority in the state Legislature about "the wisdom and efficacy" of the immigration law. "It does not surprise me that the governor would ask John to head the legal team," Bivens said. "John is an extraordinary person and lawyer. He will bring the best possible legal arguments to the constitutional question, and he will have no patience for political chicanery from either side. John is a lawyer's lawyer and will focus

solely on the legal issues. He has built a law firm that plays leadership roles on both sides of the political aisle in Arizona."

The firm does not expect the state to pay its usual fees for the litigation. But Brewer has established a legal defense fund to help offset some of the cost. As of July 7, the fund totaled \$363,378.25 with contributions from 7,397 donors representing all 50 states, according to the governor's office.

In late June, Arizona Attorney General Terry Goddard, a Democrat who is opposing Brewer for governor, withdrew as counsel for the state to avoid a battle over legal representation in the suits. Brewer, citing earlier comments by Goddard criticizing the immigration law, insisted he could not defend the state and she had authority under a separate law to appoint private counsel.

Brewer was wrong, and Goddard's withdrawal was "unusual and unnecessary," said former Maine Attorney General Jim Tierney, director of the National State Attorneys General Program at Columbia Law School. "The only time these things occur is when politics intervene. Attorneys general are perfectly able and regularly defend laws they do not personally support."

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