



## Of Counsel Interview...

### After Long & Strong Leadership Record, Snell & Wilmer Chair to Step Down

In the late 1980s, when John Bouma started to edge the law firm he chaired geographically outward from its one-office Phoenix roots, his partners at Snell & Wilmer expressed skepticism. They worried that financial, social, and cultural changes might drastically transform the partnership, which was founded in 1938. Simply put, the idea of expansion was controversial, says long-time S&W partner Barry Halpern.

“But John’s a charismatic leader and has a refined sense of political touch both inside the firm and in the community,” Halpern says. “He enjoys the universal trust of all the lawyers and staff in the firm.”

Bouma knew that he could push through a strategic decision to move the firm into new markets—first to Tucson and then beyond the Arizona borders. But instead he deployed that “political touch.”

“Rather than force his will, which he certainly had the capacity to do if he wished, John let the issue percolate among the partners until there was consensus,” Halpern says. “And then, not being satisfied with consensus, he would work the subject exhaustively until there was unanimity among the partners about making a move that every partner could calculate would cost them a significant amount of money, of distributable net income.”

Of course, Snell & Wilmer proceeded to open

offices in several locations over the next couple of decades, and now, with branches in nine cities, including Los Angeles and Denver, the partnership is considered a regional powerhouse. Bouma is credited with successfully navigating through the ins-and-outs of expansion across the West and growth in the number of attorneys, revenues, and profits. “John built a loyal constituency and effective levels of communication, and by doing that, he has nurtured the trust of the partnership,” Halpern says.

Earlier this fall, the firm announced that next March, after more than 30 years as S&W’s chair, Bouma is stepping down, giving the reins of the partnership to another longtime leader, Matthew Feeney.

Recently, *Of Counsel* talked to Bouma about his career, the cases he’s handled that most matter to him, including the work for two Arizona governors, his leadership, changes he’s seen in the profession, and other topics. The following is that excerpted interview.

#### You Like to Argue? Become a Lawyer

*Of Counsel:* John, I want to talk with you about your career both as a practicing attorney and as the chairman of the firm. But first what precipitated the decision for you to step aside and give the reins of the firm to someone else, Matt Feeney?

## Of Counsel Profile

**John Bouma:** Well, you've got to have some succession at some point. The firm is in good shape. We're strong financially. We have a good brand. We're growing, bringing in some good laterals. Everything is going well and it just seemed like a good time to do it rather than when things aren't going well. [Chuckles.]

I've been working with Matt for many years now. He and I are the two members of the compensation committee. Here, compensation is closed; it's only the two of us who know what the partners make so we've worked pretty closely on that. We see the world pretty much alike, and it seemed like it would be a good time to transition to [a change].

**OC:** Thank you for that answer. Now let's go back to the start of your career. What made you want to become a lawyer in the first place?

**JB:** I grew up in a small town in Iowa. My father ran a motion picture theater, since before talkies actually. He was involved in the community's activities as head of the school board and things like that. It always struck me that in both that and his other activities the people he seemed to associate with were lawyers. I guess I used to question a lot of the instructions and suggestions I got from my parents, and my father on more than one occasion told me that, as much as I like to argue, I ought go to law school, become a lawyer, and get paid for it.

**OC:** [Laughter.] What did you do right after law school?

**JB:** In those days you had to do ROTC—this was in the 50s. So I had an infantry commission and then, when I was in law school, the Judge Advocate General's Corps came along and told me they'd like to have me as a member. I thought that might be something I'd rather do than be in the infantry.

There was an interval after law school and

before the Corps could take me so I went to [the firm that's now called Foley & Lardner] in Milwaukee. I told them that my hope was to go to Arizona. I've never lived in Arizona, but I was going there with the Army for a couple of years. So I spent five months with Foley and then I went to the Judge Advocate school and was sent to Fort Huachuca in Arizona. I couldn't pronounce it and the first time I looked at it I thought, "Uh-oh, that's not what I was thinking." I was thinking Phoenix or Tucson. But anyway, I was down there for the better part of two years and I liked Arizona.

I soon started interviewing around and landed a position with Snell & Wilmer in November 1962.

### Matters That Matter

**OC:** Over the years you've handled a lot of matters, and I'm sure they grew in importance as your career developed. You represented governors and a lot of important matters and people. What one or two cases stand out as being very rewarding for you to work on?

**JB:** There are several that I put in about the same category. Early on there was a lot of litigation about the National Environmental Policy Act. The Sierra Club and a lot of other organizations including a couple of the Indian tribes, the Navajos and Hopis, were trying to stop power plants all up and down the Colorado Plateau and around the West.

I was a young lawyer and so was Rex Lee, who ultimately became solicitor general of the country. There were all kinds of law firms involved, and Rex and I were two of the youngest lawyers working on this. He represented the Salt River Project and I represented Arizona Public Service, and we were kind of designated as the people who were going to brief and argue five or six cases in the District Court in the Ninth Circuit. I also argued in the New Mexico Supreme Court.

The cases dealt with whether or not some of the power plants would be built, and they were important to the West. We prevailed on those for

the most part. This was interesting work with a lot of different kinds of theories involved. The Hopis were concerned about the mining of the coal for those plants because the young Indian boys would bury their eagle feathers under those sites and the miners were digging them up. The religious leaders of the tribe hadn't approved of the miners doing this, although some other organization of the Hopis had. There were all kinds of interesting issues, such as sovereign immunity for the Indian tribes. So that would be one case that comes to mind.

After that I got involved with billboards; California was trying to do away with billboards. Some organizations and city governments had come up with a theory that you can amortize a billboard over 10 years and after it was 10 years old you could require it to be taken down. This was in the days of Lady Bird Johnson and her beautification campaign. Ted Olson represented Metromedia, Inc. and I represented Pacific Outdoor Advertising so we teamed up, and of course Ted went on to become solicitor general, too.

We handled a number of those cases and won them all until we got to the California Supreme Court, which finally took a case involving San Diego, and it ruled against us. At that point, it went to the Supreme Court, as the *Metromedia* case. Ted and I both hoped to argue it. But they felt that the future of the billboard industry was at stake and so instead they got Floyd Abrams, who had just argued the Pentagon Papers case, to argue it. Anyway, the billboard industry prevailed.

**OC:** Well, if you have to give up a case to someone, giving it up to Floyd Abrams isn't so bad. Could you talk about another case or series of cases?

**JB:** I was involved on behalf of Governor Symington against the legislative leaders with respect to the line-item veto in Arizona. That was a big deal. They televised that argument. The person I argued against was Janet Napolitano.

**OC:** Who later became governor of Arizona, and then of course went on to head the

Homeland Security Agency.

**JB:** Right. Then 12 years later when she was governor I represented the heads of the legislature suing Janet for *her* misuse of the line-item veto. And, that was televised, too. That was a lot of fun.

And then more recently, I represented the governor [Gov. Jan Brewer] and the state in all this 1070 immigration litigation. I'm still representing them on that.

**OC:** You've certainly had an interesting career.

**JB:** That's one of the reasons I hang around doing it. [Laughter.]

## Balancing Individual/ Law Firm Needs

**OC:** You've been managing the firm for more than 30 years. What's been rewarding for you as the chairman? And, what have been the biggest challenges you faced over the years?

**JB:** What's been really rewarding is that we have a great group of people and always have had. So I must say that it's been a relatively easy job in terms of managing a law firm. The challenge, of course, with any growing group is that you bring in people from different cultures, from different law firms as we've moved into other cities. So you have to keep everybody headed in the general same direction.

You also have to balance the needs of the law firm with the needs of the individual. I really make a point at every state-of-the-firm speech and in other speeches I give to both the lawyers and the staff that they ought to be out there doing community service, professional service with professional organizations, and a lot of pro bono work. And, I tell them they have to take time for themselves. It's really important to take time off and go see the kids at the book fair or the track meet or whatever—and we will accommodate that. I feel pretty strongly that the practice of law is a wonderful calling, but it's also a means to an end, and that is: To live a good life.

You ask about the challenges. I don't see life in terms of the challenges. I kind of just wander through them, and sometimes I suppose I don't appreciate the nature of the seriousness of the problem or something. But I think that usually most things work themselves out if you take your time and pay attention.

**OC:** You mentioned law firm culture and life-balance and making sure you have your priorities straight. You talked about the importance of pro bono work. How else would you characterize the culture of Snell & Wilmer?

**JB:** I think it's a hard-working group. We push excellence. This might sound trite but a lot of people feel like the firm is family. We just celebrated our 75th anniversary and held our first-ever alumni reception. And, a number of people said that they catch themselves in conversation referring to Snell & Wilmer as "we," and some of them have been gone for 15 years. I think it's a pretty warm place.

As I said, the compensation system is closed, so once Matt and I figure out what we think people's compensation should be we'll talk to each of them and we try to make sure that they think it's fair. It's really not unusual for people to say how happy they are that they are here or that they wish they would have come here earlier in their career. They talk about how much they enjoy getting up and coming down to work and how much support we provide them. I don't think you hear that at a lot of law firms when people are talking about compensation.

I talk to the laterals that we bring in, and almost uniformly they say that people at the firm that they talked to are happy and think they've been treated fairly. That's why I say running this operation isn't all that difficult.

## Growth of In-House Counsel

**OC:** John, you've seen a lot of changes in the legal profession over the years. What are some of the biggest changes you've seen?

**JB:** Well, obviously technology; that's just

been changing all the time. I can remember when we had discussions as to who was going to be entitled to a conference phone or a dictating machine. But beyond that I would say one of the biggest changes I've observed has been the growth in the number and influence of in-house counsel. When I started you usually dealt with the CEO or somebody at a high level. Most organizations didn't have in-house counsel. If they did, they didn't have very many. In-house counsel now are much more qualified, on the whole, than they used to be. And, they're the people you deal with, for the most part, these days.

**OC:** Finally, I'd like to talk with you about the succession plan. What sort of plan did you have in place with Matt and the rest of leadership?

**JB:** If somebody said, "Do you have a formal succession plan?" we would have said "no," until recently. The plan came about when it was decided that it was time to have some succession.

About five or six years ago, the other member of the compensation committee stepped down, so I went around and talked to the various partners, one-on-one, about who they would feel comfortable with as the other member of the compensation committee. Matt was the selection. So I told Matt and the rest of the executive committee that Matt was the selection, but if anybody wanted to run for the position they could. But nobody did.

So Matt and I have been doing this for five or six years and at least once a year we talk to each partner about their compensation and so everyone's gotten to know Matt and his fairness and his approach very well. About a year and a half ago I announced to the partners that I would be okay running for another term, but then I thought we should get a new chairman. I then went around and talked to all the partners again, one-on-one. I asked them who they thought should lead the firm and Matt was again the selection. So I told people that Matt was going to be the chair next year.

And, he's going to do a great job. ■

—Steven T. Taylor