

JOHN SEARS

JOHN J. FLYNN LIFETIME ACHIEVEMENT AWARD 2011

"The Dirty Shirt Lawyer of the Year"

By Larry Hammond



John Sears

I am pleased to say that I joined in the nomination of John M. Sears to be the eighth recipient of the highest award given by Arizona's criminal defense lawyers – the John J. Flynn Lifetime Achievement Award.

I have known John for a long time, but I wrote my letter joining in his nomination at a time when he and I were co-counsel and part of a defense team brought together to defend a death penalty case

in Prescott, Arizona. I wrote my thoughts during the fifth month of that jury trial.

The DeMocker trial has been a crucible like no other I can recall. The intensity of the prosecuting agencies' efforts not only to convict Steve DeMocker but to destroy John Sears and the criminal defense community at the same time is also unlike anything I can remember. There are things about this trial that the requirements of sealed proceedings prevent me from talking about, but I can talk about the lawyers who headed the defense. Let me take care of the easy things first.

In my life as a criminal defense lawyer I have been blessed to know and to have been in long trials with three of the most talented trial lawyers in Arizona, and I believe in America: Tom Henze, David Campbell, and now John Sears. I thought when I sat next to Tom Henze for six months in the John Henry Knapp trial that I had seen the finest defense work I would see in my lifetime. When I sat for 33 trial days with David Campbell in a financial fraud trial, I thought to myself, "Well, here are two gifted lawyers who may be the best our profession has to offer, and I have been anointed with the chance to watch them both."

And then along came this trial. I have heard John speak before. Indeed, I have heard him speak about the art of cross-examination, but nothing I have heard from him

prepared me for what I have seen him do day in and day out since the beginning of this trial. Over the last few months I have said to people in my own law firm and to other younger lawyers that there could be no better expenditure of their time than to come to the Yavapai County Courthouse and watch John Sears cross-examine cops.

While anyone who had the time could see him work in the courtroom, only a few people had the opportunity to watch him manage an extraordinarily complex case from beginning to end. John has taken this death penalty case from homicide through 18 weeks of jury trial with as much talent, judgment, and humor as I think I will ever be blessed enough to see. He has a genius of intuition, a formidable memory, and an unwaveringly accurate sense for the right moments for humor, disdain, disbelief and despair.

John has managed this case throughout and has done so at what has become an enormous financial and professional burden for him and for his wife, Judy – his career-long secretary, paralegal, office manager and consoling soul. There is no way to describe John Sears and there are no words to capture Judy. She is and has been for decades now everything there is to be. She is grace, tolerance and competence brought together in a world of shared humility with her husband.

I do not want to leave the impression that the nomination of John Sears is based on this one case. To the contrary, this one case is just for me the most recent reminder of a phenomenal career devoted to criminal defense in Arizona. Here are a few of the other highlights.

John has been involved in death penalty work for well more than 15 years now. I was one of his co-counsel in the New Mexican Mafia federal death penalty case. He also went to trial as lead counsel in the federal court Navajo beheading case. He has donated enormous amounts of time to counseling and assisting lawyers, mitigation specialists, and investigators who have been involved in death penalty cases in the State Courts in Northern Arizona.

He has been one of the most valuable and reliable contributors to the work of the Arizona Justice Project. He

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has been on our Board since the founding of the Project by AACJ in 1998. I have no way to even begin to count the numbers of cases he has assisted us with over the years, but I have a particular memory of a case in Pinal County in which John served voluntarily as the expert witness on effective assistance of counsel. As a result of John's contribution (along with the great work of a large group of other people), Larry Bishop's first degree murder conviction was set aside and he was sentenced essentially to time served. For a Project like ours, these are hard won, signal victories. If we looked at all of the cases in which The Justice Project has been successful, along the way we would find John Sears' fingerprints on most of them.

I think it is a measure of a John Flynn-like career that in his jurisdiction he is known by virtually every person who has any contact with the court system – the judges, the prosecutors and defense lawyers, to be sure, but also the clerks, bailiffs, and detention officers. You name it, they know him, and I have yet to hear a single person speak ill of him. Indeed, when I penned this letter of nomination I ended it with the following sentence: "I believe that he and Jon Sands are the only two criminal defense lawyers in this State about whom it could be said, 'he has no enemies.'" Given the

contentious environment in Northern Arizona, I am now not as comfortable with that conclusion as I would have wished to be. It does appear that part of being one of the great lawyers in this State is that some people in some places will not like you.

Someone once attributed to Justice Louis Brandeis a colloquy with one of his clerks. The clerk asked, "what must I do to deserve a reputation as a great lawyer?" Brandeis is thought to have answered, "be competent, be quick, and be eccentric." Looking at his law clerk and possibly doubting whether his clerk might be able to pull all this off, Brandeis added, "well, if you can't be all three, at least be eccentric."

John Sears is all three. Enormously competent, unimaginably quick and certainly eccentric. In recognition of all that he has done as a criminal defense lawyer in this State, and in honor of the name of John Flynn, I am pleased to know that the next Dirty Shirt Lawyer to be properly recognized in this State – and the first lawyer so recognized from Northern Arizona – is John M. Sears.

Larry Hammond is a member of AACJ and the founder of The Justice Project. He is with Osborn Maledon.

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