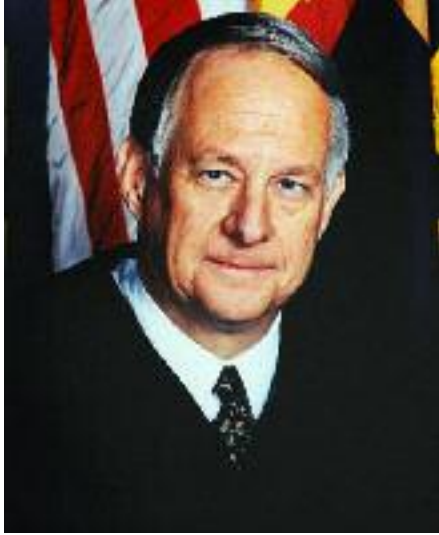


Hon. Michael D. Ryan



Friend, Mentor, Hero

BY MAUREEN KANE

A burial with full military honors by the United States Marine Corps is a ceremony befitting a hero. “Once a Marine, always a Marine,” it is said, and on a bright March afternoon, service members carried out their duty of loyalty with noble and solemn bearing.

The skies that day were sunny and the air soft and warm—over 80 degrees. It could have been Phoenix, but it was Arlington National Cemetery. The solemn occasion: the burial of Marine First Lieutenant and Arizona Supreme Court Justice Michael D. Ryan.

The sounds of the red-jacketed Drum and Bugle Corps musicians, the “Commandant’s Own” band, accompanied Justice Ryan’s procession. The cadence of their drums as they marched came in steady, repetitive triplets.

Behind marched an honor guard in dress-blue jackets and white slacks, caps and gloves. They carried the colors and were followed by a rifle platoon—24 men who presented arms and marched in precise formation toward the final resting place of their always-faithful brother.

The chaplain walked alone.

Four horsemen followed, accompanied by a riderless steed. Then, finally, came the caisson bearing the flag-draped casket of Justice Ryan, past row after row of identical white markers. This was to be the final journey of a great, yet humble man.

The sonorous and comforting ceremony continued with the casket’s transport atop Marine shoulders and the choreographed 12-step folding of the colors that had draped this hero’s casket. Then, finally, a captain bearing the flag strode to Karen Ryan, seated next to sons Michael, Kevin and Christopher and their families, and placed the precious cargo in her hands.

On command, seven Marines presented arms and fired their rifles three times. Silence followed. Off in the distance, a lone bugler sounded Taps, a plaintive farewell tribute.

The chaplain spoke to the family, the service ended, and the platoon and band marched away. But before we said goodbye to our dear friend, we observed one more ritual, this one befitting an Irishman. Justice Ryan’s 6-year-old granddaughter, Alicia, offered us some green foil shamrocks to sprinkle on the casket before we left. One by one, we took a handful, scattered them on the polished wood, and said our farewells.



Four horsemen led the procession to the Arlington burial site of Hon. Michael D. Ryan. (photo courtesy of the Ryan family)

An Injury and Life Changes

Hon. Michael D. Ryan—“Mike” to his friends and colleagues—grew up in St. Paul, Minnesota. His first job was working as a busboy at the Lexington, his family’s restaurant. “But Mike never made it to waiter,” recalled Karen, his wife of nearly 40 years, smiling. It was probably the only promotion ever denied him.

Karen said that Mike started out as a chemistry major at St. John’s University but soon switched to English literature. He graduated in 1967 and joined the Marines. Second Lieutenant Ryan was an infantry platoon leader in Vietnam. He was wounded in combat in 1968 and promoted to First

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Lieutenant.

After undergoing treatment in a naval hospital, Ryan was transferred first to Hines Veteran's Hospital in Chicago and then to the Veteran's Hospital closer to home in Minnesota. Karen was a young Occupational Therapy student volunteering there.

Karen said she kept hearing about a young Marine infantry platoon commander who was spending a lot of time in the therapy clinic. Hospital staff said he seemed "depressed."

"But he wasn't really depressed," Karen said. "He was just giving everyone a hard time." He was hanging out in the therapy department because word had it that there

was a new "miniskirt" on the ward, and Michael D. Ryan wanted to meet her.

Two years later, they were married. Ryan pursued his master's degree in English, first at the University of Missouri in Columbia, and then at Arizona State University in Tempe. Ryan did a stint as a student teacher—and quickly determined that a new career choice was in order.

That career began at the ASU College of Law in 1974. Classmate Jeff Woodburn, now a Commissioner for the Maricopa County Superior Court, became fast friends with Mike and Karen during law school. "They were always such warm, giving people," he said. The couple included him in

their holiday plans, knowing that he couldn't afford to return home to Michigan over the winter break.

In 1977, Woodburn and Ryan graduated from law school. Woodburn said that even though Ryan was a brilliant and dedicated student who enthusiastically tackled the bar exam, when it came time to get the results, Ryan was so worried about whether he had passed that he couldn't get out of bed that day. He did pass, and he and Woodburn celebrated "way too hard."

After graduation, Ryan went to work for the Maricopa County Attorney's office in the major felonies and sex crimes unit. He was later promoted to bureau chief. One of



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the lawyers he supervised, fellow USMC veteran Rick Romley, later became the Maricopa County Attorney. Romley

remembers Ryan, his first supervisor, as “very quiet, soft-spoken,” and “a bit of a prankster.”

Romley also described Ryan’s calm and patient demeanor while working cases. Ryan handled challenging and complex criminal prosecutions and obtained many convictions. His colleague Judge Ronald Reinstein said that crime victims’ families tended to bond with Ryan, who had “a unique ability to form lasting relationships” with the people he helped. The family members of some of the victims kept in touch with Justice Ryan over the years, so grateful were they for his compassion.

Karen said that it was around this time that she and Mike became foster parents to high-risk infants, and prosecutor Ryan loved every minute of it. “He’d just come in the door after work and sling a baby over his shoulder right away,” said Karen. She said he loved caring for the infants, and he excelled at it. “He was the best,” she said. Together, the Ryans fostered some 80 babies over the years before they were placed for adoption or returned to their birth parents.

Ryan aspired to the superior court bench, and he applied for a full-time judge pro-tem position. Reinstein and others on the interviewing panel knew of Ryan’s outstanding reputation and record as an attorney. And so, after going through the interview process, prosecutor Ryan took the bench for the first time. In 1986, Judge Pro Tem Ryan was appointed to his permanent seat on the Maricopa County Superior Court bench.

Humor a Judicial Assistant

It was no secret at the superior court that Judge Ryan had a penchant for practical jokes. Karen said he would often “cook up schemes” at home and run them by her. One prank has become legendary. Federal court Judge Barry Silverman, formerly a superior court colleague of Ryan’s, described it:

One spring day, then-Superior Court Judge Frank Galati arranged to take a vacation day to go to a spring training game. A notorious workaholic, Galati was using vacation time and well within his rights to take an afternoon off. However, Galati mentioned to Judge Ryan that he hoped he didn’t bump into anyone he knew at the game because it looks bad when people see a judge at a ballgame in the middle of a work day.

That’s all Judge Ryan needed to hear, said Silverman. Judge Galati, now an assistant U.S. Attorney, described what happened next. Because Ryan was covering matters at the court for Galati, Galati had given him the phone number at Phoenix Municipal Stadium in case of an emergency. “This was before cell phones, of course,” said Galati.

“I loved his eye-rolls,” said Judge Michael Jones.
“They would just crack me up.”
Ryan reserved his eye-rolls for, among other things, overexposed celebrities and imprudent politicians.

“I was at the game with Judge Wilkinson and our staffs,” he said. “It was a beautiful warm and sunny spring day, and the stadium was full. About halfway through the game, the public address announcer blared an announcement: *Judge Frank Galati, come to the stadium office!! Judge Frank Galati, come to the stadium office!!*” So I made my way through the crowd, found out where the stadium office was and breathlessly got to a phone.

“Me: ‘Hello?’

“Laid-back voice, sounding like a casual call to a friend: ‘Hi Frank. It’s me, Mike.’

“Me: ‘Holy *%\$@, Mike, what’s the problem?’

“Mike: ‘Problem? There’s no problem.’

“Me: ‘Then why are you calling me here?’

“Mike: ‘I just wanted the crowd, 10,000 of your fellow citizens, to know how a Superior Court Judge is spending a weekday afternoon.’”

A few years later, after Ryan had been appointed to the Court of Appeals, he took the opportunity to play another ballpark prank on colleagues there, when Judges Noel Fidel and James Sult treated their law clerks to a spring-training game.

There was no announcement over the P.A. this time, but when Judge Fidel returned to his office that evening, his telephone message light was blinking. The voicemail was from a caller who identified himself as an *Arizona Republic* reporter who Fidel knew had covered the judiciary for a long time.

“Judge Fidel, this is Brent. I’m doing a story on the caseload at the Court of Appeals and my deadline is tomorrow, so please get back to me as soon as you can.” It was after 5 p.m., but Fidel tried to reach the *Republic* anyway, knowing how critical deadlines are for reporters. No one answered at the reporter’s phone number. Judge Fidel tried reaching a member of the newspaper’s editorial staff and asked for Brent’s home telephone number, anxious to help the reporter with the story. But Brent didn’t answer his home phone, either, so Fidel left him a message.

About an hour later, Fidel received a call from a puzzled Brent. “I think somebody’s pranked you,” he told the judge.

“Ryan? I immediately thought Ryan,” said Judge Fidel, chuckling at the memory. The next morning, Fidel checked with Judge Sult, who had also, it turns out, gotten a message from the same “reporter” while he was at the ballpark. But Sult had recognized Ryan’s voice.

“I was just the perfect fish,” laughed Fidel. The next year, Judges Sult and Fidel wisely included Judge Ryan and his staff in the annual outing. Fidel took a photo in the stands of Judge Ryan—who posed by covering his face with his water bottle.

Judge Sult, now retired, said he misses those days at the court. “We worked hard but also had a lot of fun,” he said. “Mike was a great prankster, imaginative, devious and clever but not mean.”

Midwestern Background

Gordon Griller, St. Paul native and former Maricopa County court administrator, used to visit with Judge Ryan about their mutual Minnesotan background. Griller said Ryan's "playful wit gave him a unique ability to inject humor in a conversation at the most unexpected times."

During one visit, Griller expressed surprise at how mild and business-like Phoenix judges seemed when compared with their rowdier Minnesota counterparts. Ryan responded, "Don't let our good looks fool you, Griller!"

Judge Ryan even brought a bit of humor unexpectedly into the very serious business of preparing for his final interview by the appellate court hiring panel, said Superior Court Judges Linda Akers and Michael Jones. They were among Judge Ryan's friends who helped him by holding mock interviews so he could anticipate questions and practice



answering them.

Judge Akers said they asked Ryan every question they could think of that might possibly be thrown at him by the hiring panel, and he answered every one without a hitch. At the end of the mock session, one of his friends asked, "Judge Ryan, are there any decisions you've regretted?" thinking that he'd answer about a particular case or sentence he had imposed.

Instead, Judge Ryan thought it over for a few moments and then said very seriously, "Yes. There is one." The room fell silent, said Akers. She said Ryan started describing

in great detail a scene from 1968 in Southeast Asia. A wry smile appeared on his face. "I didn't duck," he said. "And that is the only decision I've ever regretted."

Ryan was fiercely loyal to his hometown football team, the Minnesota Vikings. His friend Jeff Woodburn's hometown team, the Detroit Lions, played the Vikings a few times each season, and he and Ryan and their families would watch the games together at a local sports bar. Ryan would bring a large tablecloth emblazoned with the Vikings logo to the bar and drape it over the group's table. To get even, unbe-



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knownst to Ryan, Woodburn installed a Detroit Lions license plate holder on the back of Ryan's car.

Justice Ryan was also an avid Sun Devils fan. Arizona Solicitor General David Cole, Ryan's former superior court colleague, remembers his friend as "a kind, decent and sincere human being" who loved to rub it in whenever ASU beat the U of A in sports. "He'd get that little smile on his face," recalls Cole, "you know, the one where his eyes danced." Judge Ryan's facial expressions "often made words unnecessary," said Cole.

Presiding Over an Impeachment

Judge Michael Jones elaborated on the infamous Ryan facial expressions. "I loved his eye-rolls," said Jones. "They would just crack me up." Ryan reserved his eye-rolls for, among other things, overexposed celebrities and imprudent politicians who got themselves into indelicate pickles.

A wry wit and mischievous sense of humor were apparent to those who knew him, but to a lawyer or litigant who stepped out of line in his courtroom, Ryan projected a stern and formidable countenance. He had no tolerance for shenanigans or political pollution in his courtroom. He never

raised his voice, but he got his point across nonetheless.

Frank Galati's favorite "Mike Ryan on-the-bench story" took place after the return of the verdict in the 1988 criminal trial of Governor Evan Mecham, the first criminal trial in Arizona with "gavel-to-gavel" TV and radio coverage. Judge Ryan presided over the proceedings.

Right after the not-guilty verdict was read, with the TV cameras still rolling, Mecham whispered something into his attorney's ear. Defense counsel rose and addressed Judge Ryan. "Your Honor, my client would like to make a statement."

"Mike's cold-stared response was simple," said Galati. "'This is a court of law, counsel. Sit down.' He was not about to let politics intrude into his courtroom" by allowing a politician to make a speech. "I was really proud of him for doing that," said Galati.

Ninth Circuit Court of Appeals Judge Michael Daly Hawkins remembers that trial too. He was an attorney in private practice at the time, and he represented then-Governor Rose Mofford, who had been appointed to fill the executive seat upon Mecham's impeachment.

Hawkins said that during the trial, the parties' zealous advocates, Barnett Lotstein for the prosecution and the late Michael Scott for Mecham, often squared off in loud and heated exchanges. Hawkins remembers thinking that the two lawyers resembled

"two rabid attack dogs at each other's throats." One dispute involved a request for the deposition of Governor Mofford. Hawkins objected, and Scott and Lotstein exploded, as expected. Judge Ryan summoned the three lawyers into his chambers.

Hawkins said that Judge Ryan, "the calmest, most resolute person in the room," managed, just by listening, to calm everyone in his chambers. "It was a quintessential Michael D. Ryan moment," said Hawkins.

Judge Ryan adroitly handled other high-profile cases as well, including the AzScam political scandal and the Phoenix Suns drug case. But it wasn't just the high-profile cases that allowed Judge Ryan to make a difference in people's lives.

Ron Reinstein recalled the trial of a white-collar criminal defendant who had bilked people out of a lot of money. At sentencing, Judge Ryan asked the remorseful defendant to come see him after he had served his term, and he encouraged him to turn his life around. Eventually, after serving time, the defendant became the director of a nonprofit organization. He credited Judge Ryan's humane approach with changing his life, said Reinstein.

When it came to making sound judicial decisions over his career, jurist Ryan led the field, said Judge Hawkins. "He was a weathervane that always pointed to justice."

Appellate Courts

In 1996, after 10 years on the superior court bench, Judge Ryan was appointed to the Arizona Court of Appeals. His experience as an English major, lawyer and trial judge made him an eloquent and effective appellate court judge. Six years later, Governor Jane Hull appointed him to the Arizona Supreme Court.

When the call came from Governor Hull announcing his appointment, Ryan, stoic and quiet as ever, took it in stride. "We were walking into a Diamondbacks game when the Governor called," said Woodburn. "She told him she had appointed him. He hung up, grinned, said, 'Well, I got the appointment,' and that was it."

Fellow veteran Marine and appellate court Judge E.G. (Ted) Noyes, Jr., spoke at Justice Ryan's investiture in September 2002. Noyes said that being asked to speak there was "the greatest honor of my career."

Noyes commented on Ryan's dislike of



the spotlight, despite his many remarkable achievements: “Mike does not advertise his accomplishments, and his courage is so quiet, and his strength so gentle, as to be sometimes underestimated.” Jeff Woodburn agreed: “He just didn’t want to make a big deal about anything.”

Noyes remarked that in the Court of Appeals, Ryan “quickly became one of our strongest voices.” Noyes spoke of Ryan’s “unimpeachable character and credibility, [which] was packaged with an ability to reason and write exceptionally well, and an unconditional willingness to help out in any way possible, on matters big or small.”

This willingness to help extended nationwide. Justice Ryan was someone who “always said yes,” said Peggy B. Burke of the Center for Effective Public Policy (CEPP) in Washington, D.C. And when he did volunteer for a board or committee or commission, he worked tirelessly. “It wasn’t just another thing to list on a resume for Mike,” she said. “He was so unassuming, so approachable, with so much to offer.”

Justice Ryan worked with Burke on a number of criminal justice projects, one involving the use of intermediate sanctions in the criminal justice system. He agreed to serve on a national panel and appear in a video on sex-offender sentencing issues.

Burke and her CEPP associates were among those who attended Justice Ryan’s Arlington burial. “We’re just the tip of the iceberg,” she said, explaining that many colleagues in public policy around the nation “loved working with Mike” and greatly admired him for his commitment, dedication and expansive knowledge and understanding of complex and occasionally controversial criminal justice issues.

Justice Ryan exemplified the Marines’ core value of commitment. He had an unwavering willingness to help others and serve the ends of justice. Despite a heavy workload and numerous outside commitments, Ryan attended new judges’ investitures, even after he was appointed to the Arizona Supreme Court. For the past 15 years, he volunteered for the High School Mock Trial Program.

Retirement

When it came time for Justice Ryan to retire from the Court, Chief Justice Rebecca Berch asked the court’s chief communications officer, Jennifer Liewer, to arrange a retirement



party. But Justice Ryan would have none of it, said Liewer. He eventually relented, but only after meeting with Liewer and insisting that certain guests had to be invited, namely, everyone who had helped him in his career, including law clerks, staff attorneys, court clerks, AOC staff, and all the facilities and security staff who worked in the building.

Liewer said she left that meeting “in awe of Justice Ryan’s thoughtfulness and humility.” After the reception, Liewer received a personal note from the Justice thanking her for all she had done. “I know I did not make it easy on you,” wrote Ryan, “but you came through.”

Justice Ryan’s commitment to justice didn’t end at his retirement. Ted Noyes had remarked at Judge Ryan’s Supreme Court investiture that “the more he is called upon to do, the more effective he becomes.” And he was called upon to do many things post-retirement.

Among the more recent projects Justice Ryan had taken on were the Probable Cause Committee for the attorney discipline process and the Attorney Regulation Advisory Committee. He continued to chair

the Capital Case Oversight Committee, and he served on the County Task Force on the hiring and retention of minorities and women since 2000. He also was scheduled to sit on three cases in the next Supreme Court term.

Throughout his career, Michael D. Ryan encouraged and helped many. Court of Appeals Judge Ann Scott Timmer appreciated that Ryan “was always very encouraging of me and my career.” Judicial clerk Lisa Bliss said it was an honor to have Justice Ryan welcome her family members to his chambers and preside over her marriage to attorney Jason Bliss.

Former judicial clerk Mary Dolores Guerra recalled a time when she answered Justice Ryan’s office telephone and a little boy asked to speak with the Justice. He said he was doing a school project. Guerra, mindful of the Justice’s time and workload, put the youngster on hold and asked Justice Ryan what she should do with the call. He replied, “Why didn’t you just put him through?” and proceeded to talk with the boy for several minutes. ▶



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Ever a Marine

Justice Ryan was never too busy to visit with his brethren in the armed forces.

Guerra said that veterans would show up at the chambers wanting to visit with Justice Ryan, and no matter how busy he was, he always made time for them.

Judge Michael Hawkins described some of Ryan's other qualities that also exemplified the Marine character: "incredible integrity, patriotism without trumpeting it, solid and steadfast." Hawkins said that Ryan attended the Marine Corps anniversary celebration at the Federal Court Building in Phoenix every year. On that occasion, the judges who had served in the Marine Corps would take the bench. The youngest Marine in the room, usually a member of the Color Guard, cut the cake and served the first piece to the oldest Marine. "Mike and I were always fighting over who got the first piece," said Judge Hawkins.

United States Magistrate Judge Steven Logan was also a veteran Marine. He said he and Justice Ryan would visit ASU and U of A law schools together to promote career opportunities in the Corps. "You know that rare individual they say would give you the shirt off his back?" asked Logan. "He was that guy."

Justice Ryan served as a mentor to judi-

cial clerks and staff attorneys alike. Barbara McCoy Burke, Arizona Supreme Court staff attorney, said, "He was a good jurist and a helluva Irishman." Ryan was a longtime supporter of the Irish Cultural Center, said Burke, and he loved it when the staff attorneys and his law clerks honored him by donating a brick in his name to the newly built Center.

People who paid their respects on Justice Ryan's online obituary page included a woman who had babysat for him when he was a little boy in St. Paul, a court reporter who had loved his sense of humor, a Sun City resident who had served as a juror in the AzScam trial, and the family of a murder victim whose killer had been successfully prosecuted by young attorney Michael D. Ryan. Although he received many prestigious accolades and awards over the years, what mattered the most to Justice Ryan were these personal connections.

His accolades and awards were never mentioned by Ryan. As Ted Noyes said, "He thinks he is nothing special; he thinks he is just doing his duty."

One such honor, the prestigious Semper Fi award, was presented to Justice Ryan by the Phoenix Chapter of the First Marine Division Association in 2001. Ryan exemplified Marine Corps values: honor, courage and commitment. He received two purple hearts and a Bronze Star with a Combat "V" for heroism in combat. Shortly after Justice Ryan's death, his personal physician wrote a letter to the editor about his longtime patient's courage. "Michael D. Ryan was the bravest man I've ever known," said the doctor.

On May 12, Karen Ryan, the love of Mike's life, his partner and best friend, accepted the Service Above Self Award



The pallbearers are the only Marines who are allowed to exceed Corps weight restrictions. Most armed services branches require eight pallbearers; the Marines require only six. (photo by Karla Delord)

Ryan was slated to receive at the Marine Corps Scholarship dinner. The dinner would have coincided with the couple's celebration of their 40th wedding anniversary. Their son Kevin joined her.

The State Bar of Arizona presented Justice Ryan its Walter Craig Foundation Award at the June 2012 convention in Phoenix. In June 2011 the Ryans brought a special guest with them to the State Bar convention—their 6-year-old granddaughter, Alicia.

Not long after Justice Ryan died, Alicia drew a picture of her "Papa." She told Karen, "He doesn't need his wheelchair anymore. He is dancing, and he has wings!"

Back at Arlington, Justice Ryan rests in peace near the foot of the hill that houses the Custis-Lee mansion and the Eternal Flame. President Kennedy, explorer John Wesley Powell, poet Stephen Vincent Benet, civil rights leader Medgar Evers, and Chief Justice Oliver Wendell Holmes rest with him there, along with thousands of others who served their country and are now at peace.

Michael D. Ryan touched many lives during his 66 years. He encouraged and inspired us to do our best. He made us laugh. And he showed us what it's like to live a life of unimpeachable integrity, quiet courage and true humility. Like Alicia, we can imagine him dancing, and with wings.

Semper fi. Rest in peace, Justice Ryan. And may the wind be always at your back.



Former Arizona Gov. Janet Napolitano attended Justice Ryan's Arlington National Cemetery burial. (photo by Karla Delord)

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