

DICK SEGAL

A Remembrance

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(Ret.)



Dick Segal

I use the word “remembrance” partly because I hope this piece will help keep Dick’s memory with us. Also, I use the word because in writing this, I must remember what Dick would have wanted me

to do and not do. So I’ll keep it brief, no maudlin comments, short sentences, and most of all, no footnotes.

There was once a Supreme Court justice who used a lot of footnotes, and Dick told him to stop in no uncertain terms. He didn’t, but he never forgot what Dick said. So what you might see in some of that justice’s opinions are fewer footnotes than there might otherwise have been.

Remembering Dick is not enough. We should take some lessons from his life. He never let adversity keep him from reaching his goal. I still remember sitting next to him for the bar exam back in 1956. We had gone through undergraduate and law school together, and Dick sometimes hung out at our house. The day of the bar exam, my wife fixed lunch for both of us to take because there was no lunch break. If you wanted to eat during the exam, you ate at your seat.

I’ll never forget looking over at Dick as he bit into the apple my wife put in his bag and stared as a worm crawl out. The worm didn’t bother him a bit – he simply put the apple back in the bag and kept typing. He ended up with the highest grade on the exam.

Dick faced everything with a marvelous sense of humor. In law school, Dick, Phil Robbins, and I had a study group to prepare for finals and later the bar exam. Hours of boredom with occasional tension were made more bearable by Dick’s comments and his humor, and much more understandable by the common sense, patience and good judgment that he showed in

law school and that were his hallmarks throughout his personal and professional life.

Dick was really, really smart, but he knew that there were many smarter people on earth. He never had an inflated ego, was always ready to help and mentor others, and was always available to friends, clients and family. Loyalty,

honesty, and truthfulness were hallmarks of his life, both personal and professional.

Dick not only made friends, he kept them. There was a problem in 1982 when, at the first oral argument after I was appointed to the bench, I learned that the lawyer representing the insurer was Dick Segal. (*Zuckerman v. Transamerica Insurance*.) I gave some thought to recusing myself but realized that after years of practice I had a lot of close friends in the Arizona bar. If I recused myself when Dick was to argue, I would end up recusing myself all too often. I resolved to call them as I saw them, friends or no friends. So I sat on that argument and wrote the opinion.

Dick lost. He never said boo about it except maybe ten years later, when he made some joke. While he never expected his good friend to rule in his favor out of friendship, I have no doubt he thought he was right and would win on the merits. I am quite sure he realized in that case as in everything else he did in the law and in his private life, that you win some and you lose some, but you always go on.

And he always went forward—in his career and his personal life—a loving and caring husband and father, a great lawyer and a great colleague, and a great friend.¹

¹ I’m sorry, Dick, but I had to put in one footnote. As I told you several times, footnotes are important. We will miss you.