



CHAMP LYONS

ON FLUNKING CALCULUS, MASTERING CIVIL PROCEDURE, AND STAYING ROOTED IN ONE'S BELIEFS

By MELINDA RAINY THOMPSON
Photos by DAVID HILLEGAS and provided by JUSTICE LYONS

THE HEIGHTS BY GREAT MEN REACHED AND KEPT WERE NOT ATTAINED BY SUDDEN FLIGHT, BUT THEY, WHILE THEIR COMPANIONS SLEPT, WERE TOILING UPWARD IN THE NIGHT.

HENRY WADSWORTH LONGFELLOW

HE FIRST TIME I MET CHAMP LYONS, I realized that he is much more than a former Alabama Supreme Court justice and an undisputed lion in Alabama's legal community. He's also clever, charming, and wickedly entertaining.

We met about fifteen years ago at a reception in one of my favorite places in the world, The Grand Hotel in Point Clear, Alabama. I was attending the Mobile Bench and Bar weekend with my husband, an appellate court judge. Champ regaled me with colorful stories about the lawyers and judges milling around us. His keen intellect and remarkable memory for the smallest details make him a powerful storyteller.

Champ comes from a long line of judges and doctors. His father, Dr. Champ Lyons, changed the face of medicine. Look him up in the Annals of Surgery. I'm not exaggerating. He was one of the most esteemed surgeons in Alabama's history. Dr. Lyons began his career as a Harvard-educated microbiologist. He developed the first protocols for the administration of penicillin to wounded WWII servicemen. This breakthrough was possible because of the dosing regimen gleaned by Dr. Lyons and his

teaching fellows when they treated burn patients after the 1942 Cocoanut Grove nightclub fire in Boston. Later in his career, Dr. Lyons also became known for innovations in vascular and cardiac surgery.

Champ knew he was going to follow the family tradition in law rather than medicine when he was a senior at Ramsay High School. He recalls the day he was allowed to watch his father perform open-heart surgery:

"I could see the woman's heart beating. My father got his scalpel in rhythm with her beating heart, and just as he made the incision, the room started spinning. I went out in the hall and fainted, got back up, and went back in and watched the rest of the operation. I was determined to survive that. That was the first step along the way to law school. The real epiphany came my sophomore year at Harvard when I flunked second-year calculus. I wrote in my blue book to the professor, 'By the time you read this examination, I will be concentrating in American government.'"

Champ's father, Dr. Lyons, was demanding. His former residents laud him as brilliant but describe a residency under his tutelage as "four years of The Junction Boys." That's a simile rabid Alabama fans like Champ Lyons recognize with a wince.

One day when Champ was a law student, he came home to see his family and share exciting news. As his father drove them to the Mountain Brook Club to eat Sunday lunch, Champ announced, "I want you to know I've been elected editor-in-chief of The Alabama Law Review!"

Dr. Lyons' response: "Son, I would have expected nothing less."

Champ's father died of a brain tumor at age 58. His son, Champ, learned of his father's illness in the middle of the three-day bar examination.

"It was 10 minutes before the afternoon session on the second day when I got an emergency phone call. Dr. Katrina McArthur told me: 'Your father has a brain tumor, and you need to get to Birmingham as fast as you can.' I asked if I had an hour or two. She said yes, so I took criminal law and common law pleading in 45 minutes, got in my car, and drove to Birmingham. We visited a long time, and I learned the surgery would take place in a few days. I then drove back to Montgomery to finish the bar exam, fell asleep at the wheel, and drifted off the road. Luckily, I passed the bar."

During the last stage of Dr. Lyons' illness, Champ's brother, Joe Lyons, ran into Coach Paul "Bear" Bryant at the airport. Coach Bryant told him: "Every man has his heroes, and your father is one of mine."

"I feel sorry for people who only believe in coincidences," Lyons said reflectively in our interview.

"I think things have a way of happening through an ordained power. For example, we had a sabbatical program in the law firm I worked with in Mobile.



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I THINK THE NEXT PRESIDENTIAL ELECTION IS IMPORTANT BECAUSE OF WHO GETS TO FILL THE NEXT UNITED STATES SUPREME COURT VACANCIES. I ASCRIBE TO THE QUOTE, OFTEN ATTRIBUTED TO WINSTON CHURCHILL: 'IF YOU ARE NOT A LIBERAL WHEN YOU ARE YOUNG, YOU HAVE NO HEART. IF YOU ARE NOT A CONSERVATIVE WHEN YOU ARE OLD, YOU HAVE NO BRAIN.'"

I decided to go to Jerusalem when it was my turn. When I checked into a hostel-type facility in the Old City, I looked over in the registration area and saw a man in a fatigue hat reading *The Jerusalem Post*. It was Fob James. I introduced myself, and we started palling around to eat and view sites. Fob eventually appointed me to the Supreme Court of Alabama in 1998 to fill a vacancy when Terry Butts retired."

Champ won his first statewide election to the Alabama Supreme Court in 2000. He was re-elected in 2006. As a practitioner, Champ handled over 50 appeals cases. Readers may remember him from the Charlie Graddick v. Bill Baxley gubernatorial controversy. He lost that one. These days, he and Baxley meet twice a year for lunch.

Champ got the rare privilege of arguing a class action suit before the United States Supreme Court.

He says, "I didn't sleep much before that. When it got to be the lunch hour, the court broke, no matter what. I think I was in mid-sentence. We were supposed to go down to the cafeteria, eat, and come

back. I couldn't have kept a pea down. I remember the first thing they told me: 'The first words out of your mouth must be Mr. Chief Justice and may it please the court.' As soon as I got up, they started peppering me with questions. We won that case 7-2."

In his career, Champ practiced law in the Mobile firm of Helmsing, Lyons, Sims, and Leach and the Montgomery firm of Capell, Howard, Knabe, and Cobbs. On the bench, he wrote over 500 opinions.

As a young man, Lyons was president of the Young Democrats at The University of Alabama. Later in life, he was elected to the Alabama Supreme Court as a Republican.

Champ says, "I stayed rooted in what I believed in. The shift in philosophy in competing political forces put me in a different camp than when I started out. I'd like to hear a discussion about what John F. Kennedy would think about the Democratic Party today. I think he'd be shocked and surprised. I think the next presidential election is important because of who

gets to fill the next United States Supreme Court vacancies. I ascribe to the quote, often attributed to Winston Churchill: 'If you are not a liberal when you are young, you have no heart. If you are not a conservative when you are old, you have no brain.'"

"I can't tell you how much of an advantage it is for young lawyers to choose their mentors wisely," Lyons says, "I was fortunate to look up to lawyers who were able to balance civility, professional wisdom, and competency. I admired folks like Judge Learned Hand."

"I still remember how inspiring my Ramsay high school history teacher was. Her name was Frances Callen. She had a law degree from Columbia, but she taught high school history. In another time, she would have been in a downtown law firm."

Champ's biggest legal legacy may be the work he did as the reporter for the committee which changed the Alabama common law pleadings, formerly based on the British model, to the current Rules of Alabama Civil Procedure.

Lyons is Mr. Civil Procedure. He wrote the book. Literally.

"When I came to work in Montgomery in the 1970s, my cousin, Lister Hill, was president of the Young Lawyers Association. He asked me to take on the organization's newsletter. I sent out a questionnaire to young lawyers asking if they'd support the adoption of something similar to the federal rules instead of common law pleadings. We had an overwhelmingly positive response. I went to the governor's legal advisor, Hugh Maddox, (who later served with Lyons on The Supreme Court) and gave him the survey results. Howell Heflin then got the legislature to pass a statute giving courts rule-making authority. Inquiries went out from the clerk's office for nominations to a committee. Heflin then asked me to come to his office and told me I was going to be the reporter. That's how I got into it."

"What we have now is a vast improvement. There is liberality of discovery, less time on nitpicking technical points, and more merit cases. What we had been doing with common law pleading in Alabama in 1973 was more pure than what was happening in England!"

While on the Supreme Court, Lyons also chaired a committee to implement a system of mediation to reduce the caseload at the appellate court level.

The current legal issue that concerns Champ most is immigration. He says, "If I were in charge, I would have a constitutional amendment that provides something to the effect that no person who enters the country or remains in the country against the laws of the United States at that time shall ever be given the right to vote in any state, local, or federal election unless and until they have withdrawn from the United States and re-entered legally. If you enter illegally, you should never be

given enough amnesty to vote. Below that there are layers for benefits and ways to become important members of society, but being able to vote after breaking the laws to get here is unconscionable."

On a lighter note, Champ may be the only person in Alabama who zealously follows Harvard University's football season. As an undergraduate, he was chosen as the manager of the football team in a competitive interview process that winnowed the applicants down from a dozen to one. By his senior year, he was chartering flights and booking hotels for the team. As football manager, Champ says, "I never had so much power in my life as I did then—including my tenure on the Supreme Court."

Champ is a third-generation Harvard man and an active alumnus. He served as president of the Harvard Alumni Association and travelled to campus for that job 4-5 times a year for several years.

Champ's wife, Emilee, is a Mobile native, a well-known Alabama artist, and a Phi Beta Kappa graduate of Randolph-Macon College. Emilee managed both of her husband's campaigns. Worried that the Harvard tie might not play well with Alabama voters statewide, Emilee decided that the campaign push cards would highlight Champ's role as Harvard's football manager—not his Harvard degree.

I fell in love with Emilee's paintings before I met

her or Champ. While shopping in Fairhope one day, I stopped on the sidewalk in front of a local gallery and gazed longingly at a painting far out of my price range. When I went in to inquire about the artist, I learned about Emilee Lyons. She works primarily in oil but also watercolors. She's traveled to Mexico, the Caribbean, and France to paint with fellow artists, won juried competitions, and has a following around the South. About her art, she says, "I always wanted to paint the beauty of the world around me."

About Emilee, Champ says, "What I've achieved would not have happened without Emilee because she kept my priorities right, particularly with regard to faith."

The Lyons split their time now between their homes in Crestline and Point Clear, primarily to be near their children, daughter Emily and son-in-law Stein Soelberg and their children in Atlanta, and son Champ Lyons III, his wife, Elizabeth Lawson Lyons, and their children in Mountain Brook.

"I'm 75 now," Champ reminded me in our interview. "As a judge, I never forgot that there would be a day when I faced a final judge for what I have done professionally as well as personally. I feel blessed to have had the opportunities I had." ■