

IN MEMORIAM

JOE MAZUREK
July 27, 1948—August 29, 2012

*His life was gentle, and the elements
So mix'd in him that Nature might stand up
And say to all the world "This was a man!"*
—William Shakespeare, *Julius Caesar*

Let the record reflect that on August 31, 2012, the day we gathered to mourn the death of Joe Mazurek, the majestic and historic Cathedral of St. Helena was full. The wake the evening before had to be held in the Carroll College gymnasium to accommodate the family, friends, and professional colleagues who wanted to share both their loss and stories of how Joe had touched their lives. The Cathedral has hosted the funerals of important people for nearly one hundred years. Nonetheless, in 2012, it is uncommon to see such a crowd gather to honor any decedent. It was clear that people were there because Joe had struck them as singularly unique and important. Helena and Montana had lost a son, advocate, and leader. We strive here to reflect on the record of who Joe was for the value such reflection will add to Montanans' lives and for the inspiration it will provide for future leaders of the State.

For Joe Mazurek, Montana was just one big community offering endless opportunities to engage in affiliations and form friendships as both a practicing lawyer and political leader. During a period in which intense partisanship and political division grew like weeds, Joe remained the pre-eminent bridge-builder. As the law profession struggled with issues of incivility and lack of professionalism, Joe established a reputation for honesty, integrity, courtesy, and respect. For him, life was, to quote St. Benedict, "an opportunity to share in the creation of a caring environment." Joe died of Alzheimer's disease on August 29, 2012, at the age of 64 after a law career that began in 1975.

Joe grew up on Helena's historic west side at the foot of Mount Helena, the same neighborhood where he and his wife Patty would later raise their sons Tom, Jeff, and Dan. It's been said he was born with an exceptional set of interpersonal skills and displayed an uncommon respect for everyone around him from an early age. As a student at Helena High, he honed his leadership skills as an athlete and as the 1966 Student Body President. As an undergraduate, he was a member of Central Board, the student governing body, from 1967 to 1969 and served as President of the Associated Students of The University of Montana in 1970. Upon graduating in 1970, Joe was designated Mr. Phi Delt (outstanding graduate) for the Phi Delta Theta Fraternity and a Distinguished Military Graduate by the R.O.T.C. After graduation, he served for two years as an officer in the Army 62nd Air Defense Artillery at Fort Bliss and Fort Hood, Texas.

In the fall of 1972, Joe entered The University of Montana School of Law where he became Associate Editor of the *Montana Law Review*, Representative and District Governor to the American Bar Association Student Division, and Outstanding Graduate of the Phi Delta Phi legal fraternity. After graduating in 1975, he and Patty returned to Helena where he practiced law as an associate and later partner with Gough, Shanahan, Johnson & Waterman. He concentrated in commercial, real estate, mining, business, and adoption law.

Joe was driven to public service and, in spite of the rigors of law practice, served three consecutive terms in the Montana Senate. During his tenure in the Legislature, he served as Senate President from 1991 to 1993, Judiciary Chairman in both the 1985 and 1989 sessions, and as a member of the Taxation, Education, and Rules Committees. Bob Brown, who served as a Republican senator with Joe, lauded him as "a superb and universally respected legislator as well as a consummate gentleman and loyal friend to me and many who served with him." Like many, Brown noted Joe's "model citizenship."

In 1992, Joe was elected Montana Attorney General and served two terms. As a member of the National Association of Attorneys General, he served as Chair of the Indian Gaming Committee, Co-Chair of the Domestic Terrorism Committee, and as a member of the Environment, Criminal Law, and Youth Violence Prevention Committees. He also served as Chairman of the Western Conference of Attorneys General in 1994 and 1995. As Attorney General, Joe was admitted to the bar of and argued two cases before the United States Supreme Court. In 1997, he also made the politically risky decision to name Montana as one of the plaintiff states in a legal action against the tobacco industry, a suit that resulted in Montana recovering a total payout of over \$800 million over 25 years. Joe also personally negotiated settlement of the initial phase of the seemingly intractable

“ARCO case,” which involved clean-up of 100 years of mine waste contamination in the Clark Fork River Basin. During his terms, he also negotiated settlement of numerous water rights compacts with federal agencies and Indian tribes. Sherry Matteuci, former United States Attorney for Montana, lauded Joe for his cooperative efforts and sharing of resources in successfully dealing with both the Ted Kaczynski (“Unabomber”) capture and the 81 day “Freemen” standoff with state and federal agents in Garfield County.

Joe ran as a Democratic candidate for Governor in 2000, but he lost in the primary election. He was then invited to partnership in what is now the Crowley Fleck Law Firm in 2001 and practiced in the areas of commercial law, real estate, administrative law, and government and legislative affairs until Alzheimer’s overcame him. Les Loble, who was Joe’s neighbor and colleague, and Dorothy Bradley, who was Joe’s gubernatorial running mate, recently wrote in the *Bozeman Daily Chronicle*: “This year’s election antics are making us forget the good side of our remarkable political system. Sometimes, it seems like only the attack dogs win and the nice guys finish last. Joe demonstrated the contrary. He lived his life as a nice guy—and, in a life that was much too short, Joe Mazurek finished first.”

Joe had a keen legal mind. The State Bar of Montana awarded Joe the Distinguished Service Award in 1987. Also, for 28 years, he was a member of the National Conference of Commissioners on Uniform State Laws, and he was designated a “Life Member” after 20 years of service. He served on 21 different committees including the Legislative Committee and the prestigious Scope and Program Committee, which determined the particular acts the Conference would undertake. Because of his work with fellow Montana Commissioners, Justice Jim Nelson and former University of Montana School of Law Deans Robert Sullivan and Ed Eck, Montana has enacted a significant body of uniform laws. Former Governor Ted Schwinden said of Joe, “he has laid the lie” to the negative characterization of lawyers, politicians, and intellectuals. Judge Tom Honzel, in front of whom Joe practiced for years in Montana’s First Judicial District, said of Joe’s reputation, “In my many years as a lawyer and judge, I have never heard anyone speak critically of him.” Judge Honzel observed that “he was always prepared and represented his clients with the highest degree of professionalism.” At Joe’s wake, current Governor Steve Bullock described Joe as his mentor, teacher, surrogate parent, and friend. Bullock spoke that evening of Joe’s infectious enthusiasm for work and how it motivated those around him.

Everyone who spoke at Joe’s wake and funeral noted his incredible zest for life. Not surprisingly, Joe was a highly active participant and leader in his community. For many years, Joe served on the Clinical Board of

Visitors for The University of Montana School of Law. He was a very active member of the Development Committee, which raised private gifts and helped seek federal and state funding for construction of the new law building. In 2010, The University of Montana honored Joe with one of its Distinguished Alumni awards after receiving an outpouring of support for his nomination. Chuck Johnson, reporter and lifetime friend of Joe's, noted that every living Montana governor, attorney general, and Supreme Court chief justice wrote to endorse Joe's nomination. Because of his constant advocacy to improve public education in Montana, the Montana School Boards Association gave Joe its Laureate Award in 1989, and the Montana Education Association followed in 1990 with its highest Golden Gavel award for his distinguished service to public education in the political arena. Joe was also active in civic organizations, including Special Olympics Montana, Big Brothers Big Sisters, Youth Resources, United Way, the American Legion, the Helena YMCA, and the Helena Youth Soccer Association.

For Joe, "family values" was not a campaign slogan, it was his first priority in life. He was a devoted father to Tom, Jeff, and Dan, and husband to Patty. He always had time to coach his sons' teams, attend their school activities, and travel with his family. Throughout his entire life, Joe was an avid sportsman and loved being outdoors. Joe's priorities in life, his penchant for bridge-building, and his professional civility reflected the influence of his father, Tom, who was, by Joe's account, his greatest inspiration.

There is a reason why seemingly everyone in Montana knew Joe Mazurek. He was a prince of a politician and a wonderful human being. District Judge Jeffrey Sherlock, Joe's law school classmate who first met him in the second grade at Hawthorne School in the old neighborhood, said it succinctly: "Joe is just one of the best guys you will ever meet." One cannot be so canonized by merely holding high office or being a successful lawyer. Indeed, the most compelling thing about Joe was that he was not *just* a high office holder and successful lawyer. People flocked to mourn Joe's passing because they had never met anyone like him and their lives were better for having known him. It felt so good to say that and hear others say it. We will never meet another Joe Mazurek in our lives, but we are so blessed just for having known him.

—Chief Justice Mike McGrath & Professor Greg Munro*

* Mike McGrath is Chief Justice of the Montana Supreme Court. Greg Munro is a professor and the Associate Dean at The University of Montana School of Law. Both were Joe's close, lifetime friends and colleagues.