GOLDEN-AGED ATTORNEYS SAY THE ADVANTAGES OF LAWYERING INTO THEIR SEVENTIES AND EIGHTIES FAR OUTWEIGH THE DOWNSIDES.
Kurt Melchior needed to reschedule the interview for this story so he could attend a hearing in Sacramento. Arthur Albrecht requested an interview time sufficiently after his morning walk at Crissy Field. Joanne Garvey fit her interview in between a busy billable-hour day and her workout with a trainer.

While these may seem like standard schedules for busy attorneys, they are notable when you consider that Melchior is eighty-six, Albrecht is eighty-two, Garvey is seventy-five. They are just a few of the San Francisco attorneys who are practicing law well into their seventies and eighties.

Gone are the days of mandatory retirement at sixty-five. Garvey explains: “You’ve heard that fifty is the new thirty? It’s the same idea.” These lawyers’ careers span the days of hat-as-required-attire to iPads, offering them a distinctly unique perspective on the profession.

Now in his sixtieth year of practice, Melchior graduated from Yale Law School in 1951. He launched his career in the tax division of the Justice Department, trying cases around the country. A few years later, he came to San Francisco and worked for another attorney. In 1960, he joined midsized firm Severson & Werson, handling complex litigation there for twenty-nine years. He then lateralled over to Nossaman LLP, where he’s worked ever since.

When asked whether he expected to work into his late eighties, Melchior says, “I really never thought about it. But I feel good and I’m reasonably busy. I would go crazy at home just reading the books I’ve got piled up.”

Melchior, whose mother died six weeks shy of her 106th birthday, is unfazed by aging. A few years ago, on his...
way to a law firm retreat in San Diego, Melchior experienced dizziness. He consulted the hotel doctor who recommended a pacemaker. Melchior got a pacemaker implanted and was back at the firm meetings the next day.

In addition to his trial practice and serving as president of the San Francisco Law Library, Melchior has written a book about his decades as an attorney: *Off the Record—Sidebars from a Trial Lawyer’s Life*. He’d long wanted to chronicle his years in practice, and about fifteen years ago, Melchior recalls, “I said to myself, ‘You’re getting old. Why don’t you do it now?’” Available on Amazon.com, the book features legal “war stories” and is geared toward an audience of young lawyers and people thinking about becoming lawyers. “My message is: keep your wits about you and interesting things will happen.”

Joanne Garvey graduated from UC Berkeley School of Law in 1961, a time when few women were lawyers. “One of the reasons I went into law was that the profession didn’t have an age cutoff,” she recalls. Now, at seventy-five, Garvey still has no plans to retire.

“At this point, it’s a year-by-year approach. I’m still able to rise to the occasion. I suppose I will have to consider a second career at some point,” she quips. One thing Garvey hasn’t figured out is how she’ll spend her time when she does retire. “I haven’t looked outside the structure yet because I’m still too busy. I still like it. I want to continue on. There are a lot of us still floating around.”

A former president of The Bar Association of San Francisco and a state and local tax expert, Garvey counts arguing *Barclays Bank v. Franchise Tax Board* before the U.S. Supreme Court among her career highlights. In addition to her still-thriving practice, Garvey also plays on the senior Olympic basketball team.

Arthur Albrecht graduated from Yale Law School in 1951. After earning a Ph.D. in international law from the University of Cambridge in England, Albrecht joined San Francisco’s McCutchen Doyle Brown & Enersen (now Bingham McCutchen). He handled large litigation there for thirty years, leaving the firm in 1983 to start a firm with a Yale classmate. They worked together for twenty-five years until his partner died a few years ago.

Today, Albrecht handles pro bono and probate matters from his home at the foot of Lombard Street. “I work whenever required but not a great deal,” he says. He also manages his own real estate and takes care of his three dogs who accompany him on those Crissy Field walks.

One of Albrecht’s primary career passions has been hosting “refrendars”—or legal interns—from Germany. “I take them to court, show them my practice,” he says. Another highlight was the so-called Miller and Lux litigation that Albrecht handled for ten years. In a complex, protracted case involving cattle and California land
use, he represented the principle oil company defendant in federal and state courts including the U.S. and California Supreme Courts, which “eventually resulted in our winning.”

When asked if he expected to practice law into his eighties, Albrecht responds, “I never thought about it. I just continued practicing. And I plan to keep plugging away.”

Judge Carlos Bea, who serves as a judge on the Ninth Circuit, will be seventy-seven this year. After spending grade school in Cuba, Bea moved to the United States. He graduated from Stanford Law School in 1958 (after having played on the Cuban Olympic basketball team) and worked for thirty years as a trial lawyer defending railroads as well as representing plaintiffs.

Litigating jury trials ranks among Bea’s career highlights. “I look back on them fondly. I really enjoyed going to trial,” he says. “It was always more fun to win than to lose and always more fun to try the case than to settle.” Bea became a superior court judge in his fifties and was appointed to the Ninth Circuit in 2003, jobs that accommodated his family life, which includes four children.

Bea continues to work “because I like it. If I didn’t, I would stop doing it.” As for lawyers who opt out of the profession early, “I don’t understand people who think that way. It must be because they don’t like what they’re doing.” Bea adds that he “[hasn’t] given any thought” to what he’d do if he retired from the bench. “Maybe practice law, maybe do mediation.”

Another past BASF president, David M. Heilbron, seventy-four, graduated from Harvard Law School in 1962. He joined McCutchen Doyle Brown & Enerson, which was then home to about forty lawyers, qualifying it as a “big firm” at the time. Heilbron was primarily a commercial litigator, “though in those days, you did everything,” he says.

Heilbron represented Stanford University in disputes between students and the university regarding the Vietnam War and even argued a case before the U.S. Supreme Court. In the 1980s, he moved into appellate law, which, he says, was “a sensible thing. It was easier to control the calendar.” Heilbron also served as president of the California State Bar and as McCutchen’s managing partner.

When he retired from Bingham in 2006, Heilbron picked up a half-time schedule as an arbitrator with the American Arbitration Association. “Anything that’s exciting and interesting, I’ll take,” he says. “The work has been sensational—the topics are all over the place. I’ve arbitrated cases about sugar content in vineyard grapes, the financial industry, big tax shelters, antitrust cases, biotech, shareholder disputes. It’s an amazing assortment of cases. It’s been so much fun. I’m learning so much.”

Heilbron works from home but also maintains an office at Bingham and travels for arbitration hearings. He’s able to keep up his hobbies, including skiing, tennis, and reading. At this point, like the other senior lawyers interviewed, Heilbron has no plans for total retirement. “It’ll happen when I’ve lost interest or I’m not having any fun. Only then I’d get out.” Looking back on his decades in practice, Heilbron notes, “In a way, it just kept getting more intriguing and challenging as I went along because I had significant changes in what I did. I remained engaged.”

Not surprisingly, all of these attorneys have witnessed profound changes in the profession since they became lawyers in the middle of the last century.

Medal earned by Joanne Garvey, National Senior Games, 2001
Bea notes, for example, the rise in lawyer advertising, the large incomes that attorneys are earning, the increase in lateral hires, the “immense” size of law firms, and the publications of those firms’ earnings.

“It’s not hard to conclude the practice is more about dollars and cents than it once was,” Heilbron adds. “Firms of around three hundred lawyers became quite vulnerable. Some expanded or merged. The result is a difference in how partnerships are run. With a thousand lawyers, it’s pretty hard to have things decided by a jury of lawyers. It changes the milieu.”

Melchior similarly cites “commercialization” as the biggest change he’s observed. “When I came to San Francisco, no one left [big firms]. But the model of parity and equality failed. There’ve been changes in the partnership model.” According to Albrecht, the consequences of this shift include “greater specialization and corporate bureaucracy.”

Meanwhile, the San Francisco bench, Heilbron notes, has become “quite a bit better and more disciplined. There’s less drinking,” he says. “There is also less time to be there. In appellate cases, oral arguments are ten minutes in some courts. Appellate work has become even more of a written exercise than an oral exercise.”

One more “terrific change” Heilbron cites is “doubling the number of people competing in the profession with the number of women [who have become lawyers]. It’s been a tremendous plus.” Garvey adds, “When I started out we were about 2 percent of the entire practice. We’re now the majority going to law school. That’s been a sea change.”

For lawyers like Melchior, who in the army drafted documents on two typewriters “with an original and eight carbons, hand-stamping them ‘Top Secret,’” modernizing has been surprisingly easy.

Albrecht says he adopted email and the Internet even before his younger colleagues: “I didn’t find it hard at all.” Bea insists that the most valuable course he took in high school was typing. “Because of that, it’s been easy to slide into the use of computers and email. They make it easier to do my work to the point that I don’t even have a secretary anymore.”

Although senior lawyers are “never going to be like people who grew up with computers for whom it was a natural thing,” Heilbron says, he makes great use of his Blackberry.

Law practice has “a different tempo now,” Garvey adds. “You’re never really unplugged anymore. But like anything, you adapt to the demands.” For her, working on the small Blackberry keyboard “can be difficult because I have arthritis.”

Of the downsides of working into his eighties, Melchior says that he doesn’t have the opportunity to travel like most of his friends who no longer work. And, he says, “I get ignored a little bit within the law firm structure by people who have agendas.”
For Garvey, senior status means she’s “not competing in the same way anymore—I have no desire to be in management or those types of things.” And while Garvey no longer has the energy she used to have, given that she had always been considered someone with boundless energy, “People say I’m actually normal now.”

According to Albrecht, “when you’re old, you can’t work twenty hours a day anymore.” But other than that, he experiences no downsides of continuing to practice law. “Theoretically, if anything comes up that impairs my ability to handle it, I just don’t do it.”

Heilbron quips, “Somewhere along the way, people may think, ‘He must have lost his fastball.’ But when you’re practicing this long, you have a lot of experience,” which clients should view as a huge bonus. “I’ve seen a lot, heard a lot, and learned a lot.”

The pressure on seniors may be more intense at law firms, where older lawyers “might be subject to criticism by rainmakers for not producing the fees that they are,” Bea adds. “But when you’re a judge, you have plenty of clientele.” The real difficulty, he says, is if a lawyer no longer has “all their faculties and someone has to pull them aside and tell them.”

Otherwise, these golden-aged attorneys say the advantages of lawyering into their seventies and eighties far outweigh the downsides. “I’m at the point of picking and choosing [work], which is always nice,” Garvey says.

Judge Bea adds that seniors in general are taking better care of themselves and living longer. “Justice [John Paul] Stevens retired from the Supreme Court at ninety. He was playing tennis three times a week, writing all his own opinions. He was still a terrific writer, using precise prose,” he says. “There’s no reason we shouldn’t keep going. It’s kind of fun.”

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