

## Foreword

*by Michael Yoder*

**J**ohn Hurlbut is my inspiration. If you know John, he likely is yours too. Were the legal profession populated by more John Hurlbuts, we would give nurses a run for the money in public opinion polls. To do justice to John and his contributions to the Orange County legal community, I asked my talented colleague, former *Los Angeles Times* writer and Pulitzer Prize recipient Jesse Katz, to meet with and share his thoughts on John. Jesse's piece captures nicely, and accurately, this year's Franklin G. West Award winner. John, all I can say is, keep it going! And well deserved congratulations.

## John B. Hurlbut, Jr.

*by Jesse Katz*

**G**iven the choice between talking law—the profession he has practiced with unwavering integrity and selflessness the past forty-seven years—and baseball, John Hurlbut wastes no time. “So there I was on the mound, sailing along,” says Hurlbut, the recipient of this year's Franklin G. West Award, the Orange County Bar Association's highest honor. “Fourth inning. Zip—zip. It's probably stupid, but the moment is still seared in my brain.”

From his perch in the fourteenth-floor conference room of Rutan & Tucker, the only firm he has ever known, Hurlbut sheds his blue-pin-stripe jacket, leans back in a leather chair, and gazes out a window overlooking South Coast Plaza. The man is seventy-two, a few weeks shy of his fiftieth wedding anniversary, and a proud grandfather seven times over. Before news of the West Award intruded on his stubborn sense of humility, Hurlbut was already the recipient of the OCBA's 2003 Harmon G. Scoville Award, the Public Law Center's 2007 Attorney of the Year award, and the Anti-Defamation League's 2010



# Hall of Famer John Hurlbut *Connects with Prestigious West Award*

Marcus Kaufman Jurisprudence Award. But for a few minutes on a gusty Friday afternoon, it's suddenly 1951 again—the inaugural season of the Palo Alto Little League—and Hurlbut, who was twelve and an all-star pitcher that summer, has journeyed by train down to the western regionals in Santa Monica.

A win would set the Palo Alto kids on course for the Little League World Series, but after tossing three dominant innings, Hurlbut surrenders a fluke of a bunt: the ball dribbles up the third-base line, fair, then foul, and at last, fair again. By the time Hurlbut reacts, he's got a runner on first. He knows he should shrug it off, regroup before facing the next hitter, but instead Hurlbut stewes, blaming himself for misreading the play. He pays for it on the very next pitch: a two-run blast out of the park. And in the end, that's the score, 2–0, dashing Hurlbut's dream of a trip to Williamsport. "So many things about baseball carry over into being a lawyer: being on a team, learning how to win, learning how to lose, dealing with people, respect, authority," he says. "Looking back, it was kind of a watershed event."

It's classic Hurlbut that the story he most wants to tell about himself isn't one of self-aggrandizing heroics. Had he wanted to wax nostalgic about his place in the American pastime, he could just as easily have begun in 1961, when as a senior at Stanford he led the school in doubles, triples, home runs, and RBIs. The record books will forever show that, a year before matriculating at Stanford Law, Hurlbut was MVP of the Cardinal baseball program. Instead, he dwells on what might have been, on what he could have done better—and the wisdom that only disappointment can teach, if you draw the right lesson. "I'm very careful not to be an alpha male," says Hurlbut, perhaps the only "Best Lawyer in America" and Southern California "Super Lawyer" to have ever uttered such words. "One of the things I dislike most in the world is arrogance . . . all that chest-pounding out there. I try to stay under the radar."

Sometimes modesty can ring false, a mask worn by conceit, but in Hurlbut's case, the assessment is not merely his. If he were to read the twenty-four letters submitted to the OCBA in support of his nomination (six of them from judges), he would be mortified by the gush of praise, of course, but he would also discover how widely the traits he values—civility, patience, sincerity, optimism—are admired in him. "There is simply nothing false about the man," says one. "He is a

giant in our legal community, yet one of our most self-effacing members," says another. "He works tirelessly to promote everything that is good about lawyers and works tirelessly to promote to lawyers the need to do good," says one more. "John Hurlbut is, quite simply, one of those rare persons that we all want and try to emulate," says yet another.

At Rutan, where he is co-general counsel and a former managing partner, colleagues say he is as much a mentor and coach—the firm's "moral compass"—as a stellar corporate and real estate attorney. Indeed, he is not merely the recipient of awards, but the namesake of one: a decade ago, Rutan established "the John B.

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Hurlbut, Jr. Award" to recognize lawyers who exemplify excellence, integrity, and teamwork.

"You never want to wear your halo too tight," Hurlbut responds.

Before you'll hear him speak of such a distinction, in fact, you'll learn of another John B. Hurlbut Award—the one created in honor of his father, a Stanford Law professor from 1937 to 1971. It's a teaching award, bestowed each year on an instructor whose "intellectual vitality generates new life in the law." In the eyes of the son, the senior Hurlbut was "one of the smartest people there's ever been on the face of the earth"—his students included two future U.S. Supreme Court justices, William H. Rehnquist and Sandra Day O'Connor—and yet far from a dour pedant, the professor retained a generous, down-to-earth

touch. "He could be talking to the most average of average people," Hurlbut says, "and treating them like they were on the U.S. Supreme Court."

Hurlbut considers himself just as fortunate to have been raised by a mother with a fierce philanthropic spirit. Elizabeth Harrison Hurlbut was a steadfast volunteer at the Stanford Home for Convalescent Children, a precursor to the Lucile Packard Children's Hospital, and in the Hurlbut home privilege was just another name for responsibility. Although nearly five decades of legal practice have blessed him and his wife, Susie, with a degree of material comfort, Hurlbut laments a profession that worships the billable hour and exalts compensation as if it were "a scorecard." Some years ago, he made a pledge to the Public Law Center that he would never be without an open *pro bono* case on his desk, and he applauds Rutan for allowing him to retain a prominent role at the firm while devoting so much of his time to those without the ability to pay. "There's something really special about doing something positive for somebody who really, really, really needs you," says Hurlbut, who also holds leadership positions with the Orange County Bar Foundation, the Orange County Youth Sports Foundation, and the Tustin Boys & Girls Club. "It's personal, one on one, and I like it that way."

Despite his aversion to the spotlight and insistence that another nominee surely would have been more deserving, Hurlbut is not unmindful of the West Award's symbolism. If saluting an individual attorney for his decency, rather than his exploits, encourages the entire profession to be more dutiful and compassionate, he's pleased to wear the mantle. And with that, he offers one last baseball metaphor. "I'm proud of myself," Hurlbut says, "for even being in the game."



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