Judge Fisher - the boat rocker
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Dead animals left on her doorstep. A bar association that consistently gave her bottom-of-the-barrel rankings. Mount Kilimanjaro.

None of it would deter Lillian Fisher, who for 16 years served as judge in Pima County Superior Court. Kilimanjaro may have been the least of it.

"The tour guides were betting that I wouldn't make it," says Fisher, who slogged to the top back in 1969 when she was a mere 48 years old.

Same thing happened five years later when she decided to run against a sitting judge in Superior Court.

"Nobody thought I had a prayer," says Fisher. "I was an unknown, a woman with a family - and a New York accent."

She won that election - and kept her seat every time after - despite full-throated campaigns against her by the Pima County Bar Association.
"I was outspoken. I wanted to rock the system," says Fisher, who often did just that.

Today, she seems to have the upper hand with yet another adversary: stomach cancer. "I'm OK. I'm in remission," says Fisher, who just turned 89. "It's frustrating because I walk very slowly." Taking it slow and easy has never been the blueprint for Fisher, whose voice still carries more than a hint of hometown Brooklyn.

Born to immigrant parents who came through Ellis Island, Fisher graduated from Brooklyn College in 1942, then went to work for Bell Laboratories.

In late 1945 she married Bernard "Bernie" Fisher, a dental school student she met on a blind date. They would be together until his death in 2001.

After the war, Lillian started an export business, which made enough money to buy the young couple a house in Jersey and a dental office for Bernie.

Three kids followed quickly. But in 1955 Bernie was called to active duty as a dentist in the Air Force. The family moved to Roswell, N.M., home of Walker Air Force Base. In love with the West and with his hitch almost up, Bernie scouted every town in Arizona, picking Tucson. The family moved here in 1957, and Bernie set up a dental practice near East 22nd Street and South Craycroft Road.

Three years later, Lillian enrolled in law school at the University of Arizona, graduating in the spring of 1963.

"I gave up the flower club and bridge games and the rest of suburbia," says Fisher, the first in her family to be an attorney. Two other women graduated with her in a class of 62.

She hung out her shingle right next door to Bernie's office. "It was a neighborhood practice, anything that walked in," says Fisher. "I did divorces, wills, business deals, some pro bono criminal."

In 1974 - the last year Pima County Superior Court judges were picked by the voters - she ran as a Democrat for the seat held by Judge Lawrence Galligan, after he dragged his heels giving her a continuance. It was on a case scheduled during her long-planned hiking trip to Mount Elbrus, in the western Caucasas.

Gathering petitions on a street corner, Fisher was approached by a man who asked, "Why aren't you home taking care of your husband and children?" Her retort: "That's my husband across the street, gathering names."

Some 200 out of 376 members of the bar rated her as unqualified, but the Arizona Daily Star endorsed her solidly for her "hard work and straight talk." She won the election - if not the hearts and minds of her peers.

"I went to the first judges' meeting. All these men in there were smoking. I asked, 'Could we give up smoking for the meeting?' I thought they would lynch me."

And so it would go. Every time she would come before the voters for retention, the Bar Association would come out solidly against her. Every time, she would win.
But some had her back. In the fall of 1982, Fisher published a full-page ad listing her supporters, including Sheriff Clarence Dupnik, Mayor Lew Murphy and more than 175 attorneys, including Tom Chandler.

"She had a soul. She cared about people, and she tried to get it right," says Chandler, a trial attorney in practice here since 1946.

"We didn't treat women very well for a long time, and that's not a myth," says Chandler. "There was a time when women wouldn't go to law school because they couldn't get a job. She was an older person with enough audacity to become a lawyer and then a judge. That was just too much for some people."

Cases she pondered on the bench ranged from murder to the mundane. "I've had fights over philodendron cuttings by a couple. Another fight was over a leaf from a table," says Fisher, who was the domestic relations presiding judge for three years.

Later on, she would use those cases as a springboard for fictional accounts she sold to Modern Romance.

"I would listen to these stories they told the jury, women who were not happily married, married to truckers, whatever. I would dress them up and sell them. I did it for a couple of years, then I got bored."

The worst case she ever heard was that of a 5-year-old child submerged in scalding water by her parents. "They were found guilty. Later I heard when they got out of prison, they had more children."

Only once did she think the jury made a mistake.

"I knew the facts; they didn't," says Fisher, who in 1986 wrote about it in a "My Turn" column in Newsweek, pondering whether juries should be given more evidence.

She imposed the death penalty one time only, then vacated it after the state Supreme Court ruled that judges should consider the age of the defendant when sentencing. "This person was between 18 and 25, so I vacated the sentence."

On a lighter note, she once ruled that a convicted armed robber could have a last visit with his dog in the Superior Court holding cell before his sentencing.

She also officiated at a wedding ceremony atop Mount Wrightson, (aka "Old Baldy") in the Santa Rita Mountains. Pete Cowgill, former Star outdoor writer and, like Fisher, past president of the Southern Arizona Hiking Club, reported on the event.

"Lillian was very friendly and helpful, and she seemed to enjoy getting out of doors," he now recalls. "Anybody who gets to the top of 'Old Baldy' has to be in very good shape."

In January 1979, Fisher replaced Judge John P. Collins in Juvenile Court - a court characterized by the Star as being in "turmoil," with numerous demotions, firings and "in-house warfare."
"I was the only judge there at the time," says Lillian, who would hold the position for three years. It didn't take long for her to rock the boat. "They were not having hearings. Kids were being released even as the cop was doing the paperwork. I insisted on a hearing for each case."

Before long, the juvenile-detention center was jammed. Fisher defended the end result, telling a group of parents and juvenile caseworkers that previously, "larceny, burglary, property destruction and marijuana were treated as status offenses such as truancy and swearing."

Richard Wilson was an 11-year veteran at Juvenile Court when Fisher chose him as the center's director in February of 1979. "I got along with her very well," says Wilson, who retired in 2000.

"She was a right-in-your-face kind of person. There was little doubt on her stand on things."

As for his boss's tough approach, "If kids were creating havoc in the community, she wanted them held in detention, have a hearing and take a look at this thing. She wanted accountability."

That went for attorneys as well, with her capping their fees at the statutory maximum of $250, rather than the $2,000 to $3,000 they'd been receiving. "They took it to the state Supreme Court, which upheld me," says Fisher. "Now they have a contracts system."

Although a Tucson Citizen editorial lauded her no-nonsense approach, civil-rights and union leaders in 1980 charged her with denying some children due process and treating black defendants differently from whites.

The charges were found unworthy of further investigation after a review by the full Superior Court bench. "I was accused of the most God-awful things," says Fisher, who hired Juvenile Court's first psychologist to do professional assessments.

Her proudest accomplishment in Juvenile Court was establishing the state's first CASA program, which stands for Court Appointed Special Advocate.

Originally called Guardian Ad Litem, to avoid confusion with Casa de los Niños, the program used trained volunteers as advocates in court for neglected and abused children.

Once ridiculed, the program, which officially became CASA in 1995, is now in place in all 15 Arizona counties, along with more than 1,000 CASA programs nationwide.

Besides the CASA program, she's also proud of the pro bono work she did for the Tucson Botanical Gardens in its infancy. "I also did free wills for anyone donating to the Girl Scouts," she says.

Not everyone cared about her good deeds. While still serving in Juvenile Court, Fisher arrived home one day to find a rabbit, drawn and quartered, at her front door. The man she suspected of doing it was later convicted on an unrelated matter.

"I don't know if he went to prison or not, but a couple of years later it happened again," she says. At the end of 1981, she left Juvenile Court to resume other Superior Court duties. Yet again, the Bar Association tagged her as unqualified.
"I was the first woman teacher at the law school. I graduated near the top of the class. I was on the Arizona Law Review," she says.

In the end, it was state statutes that forced her off the bench and into retirement at age 70 in June 1991.

"Initially, it was hard to adjust to retirement," says Lillian. "Then I realized I did not have to be at any special place at a special time. Suddenly, I was free."

Free to enjoy her large family, which includes son Michael Fisher, who teaches school in Florida; and daughters Marjorie Cunningham and Anne Segal, who both practice law in Tucson. Segal is also a justice of the peace.

Lillian has eight grandchildren and three great-grandchildren. "We have a lot of laughs in this family," she says, sitting at her dining room table that can accommodate 24.

On May 5, she swore in grandson Paul Cunningham as the newest member of the Tucson City Council.

Once more strolling the halls of government, she spotted a few familiar faces. "Everyone now tells me what a good judge I was," she says with a wry smile.

DID YOU KNOW

Arizona Sen. Jon Kyl was a student in two of the law classes that Lillian Fisher taught at the University of Arizona in the mid-1960s. "He was a very good student," she says.

This news story is available online at: http://azstarnet.com/lifestyles/bonnie-henry-judge-fisher---the-boat-rocker/article_b0c77dc2-338c-5db2-9e99-a694410fa08d.html