

**John B. Power Receives Business Law Section's  
Lifetime Achievement Award**  
by Roland E. Brandel\*

The Business Law Section awarded its Lifetime Achievement Award for 2004 to John B. Power at the Annual Meeting of the State Bar of California in Monterey.

The award is given each year to a member of the State Bar who over an extended period has made significant contributions to the Section and to business law generally and who has provided extraordinary services to the Bar. Past recipients have been: William B. Burke, Marshall L. Small, George R. Richter, William D. Warren, R. Bradbury Clark, Richard Jennings and Harold Marsh, Jr.

John Power's achievements and contributions, some of which are recounted below, only begin to define the man and his influence on the practice of business law in California. In many respects John is a reminder of an era past, sometimes referred to as the "good old days." Whether or not that era ever existed as some fondly remember it, John's professional life clearly provides a glimpse of that to which we should all aspire: what lawyers and the practice of law should be all about.

For more than four decades John has been a living example of a business lawyer practicing at the highest level. He has made substantial contributions to the bar and to community organizations, and has nurtured and helped to increasing success several of California's important institutions. Moreover, John embodies qualities that – though not itemized on his resume – have both distinguished him in the field and garnered the

---

\* Mr. Brandel is Chair of the Business Law Section's Lifetime Achievement Award Committee, is a former Chair of the Business Law Section's Executive Committee, currently serves as an Advisor to the Executive Committee, and is a Senior Counsel at the firm of Morrison & Foerster LLP. Susan Orloff, Ann Walker, Edith Warkentine and Steven Weise each contributed to this article.

respect of his professional colleagues. Intelligence, loyalty, integrity and dependability top the list.

Even less measurable, but nevertheless enormously important, is the way in which John interacts with others professionally. Those who have been fortunate enough to work with him have variously described him as gracious, selfless, respectful of the views of others and even elegant. Yet that style he consistently exhibits, which produces as admirers both colleagues and opponents, seems inevitably to achieve results superior to those achieved by attorneys who display a harder edge.

There are hard facts of accomplishment that accompany the character and personality traits for which he is so well known. John was born in Los Angeles in 1936, was educated through college in Los Angeles, and spent most of his professional career in that community. He was awarded an AB by Occidental College, graduating magna cum laude, in 1958. His first long-term foray out of the state involved his legal education at New York University School of Law, where he was a Root Tilden Scholar and Associate Editor of the NYU Law Review, and from which he graduated in 1961. He joined the prestigious O'Melveny & Myers law firm's Los Angeles office upon graduation from NYU.

He returned to New York in 1972 to attend the Parker School of Comparative and International Law at Columbia University Law School. That mid-career return to academia was an immediate prelude to two years that John spent as resident partner in the O'Melveny Paris office. His exposure in Europe to different legal principles and the different attitudes of European lawyers helped shape John's approach to problems and to people for the rest of his career.

One of the major institutions that benefited richly from John's contributions was his law firm, with which he had an unbroken 36-year relationship. At the O'Melveny

firm, with its more than 900 lawyers and 14 offices located throughout the world, John practiced corporate law generally and handled major transactions involving mergers and acquisitions, securities law, bank loan transactions, insolvency and international practice.

In addition to practicing in these fields at a high level, John shared his expertise by co-authoring chapters in three books: *Advising California Partnerships*; *Startup Companies*; and *Partnerships and Joint Ventures*. He also authored articles in several professional journals. John taught a course on corporations law, as the Sheffelman Distinguished Lecturer, at the University of Washington School of Law, was an adjunct professor at the UCLA School of Law and lectured regularly for organizations such as the Continuing Education of the Bar, the State Bar of California, the Financial Lawyers Conference, and the California Bankers Association.

Occidental College was a second institution that had the benefit of John's long-term contributions. John began his service as President of the student body, then in the 1960s served as a member of the Alumni Board of Governors and as that Board's Chair, and later became in 1993 a member of the Occidental College Board of Trustees and was its Chair from 2001-2003.

Fortunately for the State Bar of California, the organization to which John has made some of his most significant contributions has been the Business Law Section itself. For more than twenty years, almost without interruption, John has assumed a wide variety of leadership roles in the Section, infusing all such responsibilities with his talent and dedication. The hallmark of his leadership has been an unbroken track record of success. Beginning in 1981, he served multi-year terms as a member of and then Chair of three important committees of the Business Law Section, (1) the Committee on Partnerships and Unincorporated Associations, (2) followed by the Committee on the

Uniform Commercial Code, and most recently (3) his chairmanship of the Committee on Legal Opinions.

Importantly, he was appointed by the Board of Governors to the Executive Committee of the BLS (1987-91), serving in the final year of that term as Chair. Following his service as Chair, he undertook a seminal effort to invigorate an organization (now called the Council of State Bar Sections) that consisted of leaders from each of the sixteen Sections of the State Bar. John was among the first to recognize the importance of a central, active body through which the various individual Sections could share their success and failures. John provided a vision of what could be accomplished by cooperation among the State Bar Sections and between the collective Sections and the State Bar itself. Evolving from the vision that John had during his Chairmanship of the Council in 1992-1993, the Council is maturing into a more robust entity that now occupies an important place in the institutional structure of the Bar, one that works to ensure the delivery of Section services to members of all Sections.

John's work with regard to legal opinions deserves special mention. Since 1992, he has served on State Bar committees devoted to the consideration of issues involving legal opinions. Being recognized as a major contributor to that important work as well as many other Business Law Section projects, John was asked to chair beginning in 2000 a then newly-formed BLS Committee on Legal Opinions. This committee had among many tasks grappling with a considerable gulf that had historically separated the views of practitioners in California with respect to remedies opinions from those developed by their colleagues in the New York area. After a four-year Herculean effort, the result was a soon to be released Remedies Opinion Report, which reflects a harmonious, intellectually supportable reconciliation of most of the differences in views on these issues.

Those who participated in this important reconciliation process attribute its success in no small measure to John's leadership. He achieved what had previously been considered impossible through fully understanding the positions and concerns of those with differing views and by attempting to achieve reconciliation through such understanding and compromise rather than through dogma and hyperbole-filled advocacy of particular positions.

One of John's major, albeit less visible, contributions has been as an Advisor to the Business Law Section. During a tumultuous period beginning in 1997, caused by then Governor Wilson's veto of the State Bar funding bill, the State Bar administrative apparatus came close to shutting down completely. The BLS depended heavily on the State Bar for numerous resources and was, therefore, in a crisis mode in an attempt to maintain basic Section functions, much less grow and improve. The Chairs of the BLS began formally to reach out to experienced former leaders for guidance and support by appointing former Chairs of the Executive Committee as active Advisors. John Power was one of the first appointees in 1999 and has served with distinction in the intervening 5 years. John has continually provided significant, sage counsel, importantly without interfering with the ultimate decision-making process of the Executive Committee.

John has also been active in professional business law organizations at the national and local levels. He is a member of the Commercial Financial Services Committee, the Committee on Legal Opinions and the Uniform Commercial Code Committee of the Section of Business Law of the ABA; a Fellow of the American College of Commercial Finance Lawyers who has served as a member of the College's Board of Regents; a member of the Board of Governors of the Financial Lawyers Conference who has served as President of the Conference; and a two-term member of the Executive Committee of the Commercial Law and Bankruptcy Section of the Los Angeles County Bar Association.

John lives in Beverly Hills, with his wife, Sandra Garfield, and has three adult children.

John's continues to be an inspiration to those who work with him and serves as a model of what a lawyer should be in his or her daily relationship with clients, opposing parties and professional colleagues. His contributions to legal literature and the education of hundreds of lawyers, and his dedication to institutions, such as the ABA and State Bar Business Law Sections, that provide the infrastructure for business law development and education of lawyers, have been immense. The Business Law Section is pleased to honor John B. Power as the recipient of its Lifetime Achievement Award for 2004.