
John Payton, One of the Greatest Civil Rights Lawyers of his Generation, Dies at 65

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WilmerHale mourns the passing of our friend, mentor and former partner John Payton, who died yesterday at 65 after a very brief illness.

John was a giant. Perhaps the greatest civil rights lawyer of his generation, his keen intellect, piercing intensity, and unmistakable voice made him a powerful force in any setting. His passion for justice served as an inspiration for generations of lawyers. He was gentle, with a playful—even impish—sense of humor, and had an irrepressible enthusiasm for books, anything electronic, and whatever was his latest passion.

John joined the firm in 1978, after graduating from Pomona College, Harvard Law School and clerking for Judge Cecil Poole in the Northern District of California. He was our partner for more than 20 years. As a young associate, he worked with Lloyd Cutler on *NAACP v. Claiborne*, a case in which the Supreme Court held that civil rights organizations were entitled under the First Amendment to boycott white merchants to protest racial segregation. He was also a board member (with Cutler and several others at the firm) of the Southern Africa Legal Services project, which was founded to fight against apartheid and to fight for human rights, the principles of democracy and the rule of law. John narrates a video describing the firm's efforts in South Africa that plays continually in the lobby of the our Washington DC office.

John had a successful career as a commercial litigator, representing clients in a wide range of matters from defamation (he was part of the firm's team defending ABC News against Philip Morris Company), to partnership disputes to discrimination claims. In 1989, he argued *Richmond v. Croson* in the Supreme Court, defending the City of Richmond's use of affirmative action in government contracting as a means of remedying its prior discrimination. John was also a mentor to countless lawyers at the firm, always making the time to sit and listen and guide them in their careers. As one of our colleagues said today, John brought the same passion to mentoring that he did to lawyering.

He left the firm from 1991 until 1994, serving as the District of Columbia's Corporation Counsel (now the DC Attorney General). Upon returning to the firm, he served from 1998 to 2000 as the head of the Litigation Department. Beginning in 1997, he led the firm's representation of the University of

Michigan—from the district court through the Supreme Court—in the *Gratz* and *Grutter* cases, which hold that public institutions of higher education may consider race as a factor in admissions in order to achieve the educational benefits that flow from having a racially-diverse student body.

After prevailing in the Michigan cases, John poured his enormous energies into the problems affecting K-12 education. In 2004, on the 50th anniversary of *Brown v. Board of Education*, John wrote in the *Legal Times* that a renewed focus on the K-12 educational experiences of minority children was necessary to fulfill the promise of *Brown*: “The promise of a country pulled together rather than apart by race. A country strengthened by its racial diversity. A democracy made healthy.”

In 2001, John served as president of the DC Bar. He left the firm in 2008 to become the sixth president and director-counsel of the NAACP Legal Defense Fund, following in the footsteps of predecessors such as Thurgood Marshall and Jack Greenberg. John led LDF, which is America’s premier organization fighting for racial justice, with distinction. During his short tenure at LDF he guided the organization to resounding legal victories, including *Lewis v. City of Chicago*, which vindicated the rights of over 6,000 applicants who sought to become firefighters in the City of Chicago, and *Northwest Austin Municipal Utility District v. Holder*, which turned back a challenge to the constitutionality of a core provision of the Voting Rights Act of 1965.

John was married to Gay McDougall, whose career is also remarkable. She was awarded a MacArthur Foundation Fellowship in 1999 for her “innovative and highly effective” work on behalf of international human rights. In 1998, she was elected to serve as an independent expert on the United Nations treaty body that oversees the international convention formed to eliminate racial discrimination. Gay also served as one of five international members of South Africa’s 16-member Independent Electoral Commission which successfully organized and administered that country’s first non-racial elections.

WilmerHale Co-Managing Partner [Bob Novick](#) describes John as “a champion in every sense of the word.” “The firm that I joined in 2001 bore, and today still bears, his indelible imprint. He mentored a generation of our lawyers, and left a distinct mark on our culture and our values. He was as vibrant as any person I’d ever met. His death at such a young age is a terrible loss for the entire legal community. But his legacy is secure.”