



Gov. Jay Nixon speaks on Tuesday to a group of first-grade students helping decorate the Capitol Christmas tree outside Nixon's office in Jefferson City. After 30 years in public office and eight years as governor, Nixon's term ends next month. Photo by Scott Lauck

Nixon to join Dowd Bennett after leaving office in 2017

By: Scott Lauck scott.lauck@molawyersmedia.com December 9, 2016

After 30 years in Missouri public office, Gov. Jay Nixon is headed for the private sector.

Nixon will join the law firm of Dowd Bennett in St. Louis after he leaves office on Jan. 9, he said in an exclusive interview with Missouri Lawyers Weekly. He intends to start work in late January.

Nixon said he was attracted to the firm's "high impact" litigation and its "deep team" of attorneys. He said he will not lobby or run for office but did not specify a practice area.

"I represent 6.2 million people now, and it will be a pleasure to narrow the number but keep up the intensity," Nixon said. He added that he has already spoken to state ethics officials so as to avoid conflicts and that, despite not having been in private practice in 30 years, he felt no trepidation about the transition.

Dowd Bennett's ranks include a number of prominent attorneys, including former U.S. Sen. John Danforth, who, like Nixon, is a former attorney general of Missouri.

Ed Dowd Jr., one of Dowd Bennett's founding partners and a former U.S. attorney, said Nixon contacted him about joining the firm and that he'd been "ecstatic at the concept." He said Nixon's skills would be particularly sought after for internal investigations for companies and government agencies.

"They want somebody to deliver the message that has a lot of credibility, and nobody will have more credibility in reporting on an internal investigation than Gov. Nixon," Dowd said.

Fellow founding partner Jim Bennett pointed to cases Nixon had argued as attorney general before the U.S. Supreme Court, where Bennett served as a law clerk.

"He's not afraid to be in front of a judge, having been in front of the toughest bench in the country," Bennett said.

Nixon, a lawyer originally from Jefferson County, took office as a state senator in 1987, served four terms as the state's attorney general and was elected to two terms as its governor. Despite his personal electoral success, he has watched the state's political winds switch drastically during his career. In 1987, Nixon was one of 21 Democrats in the Senate, versus just 13 Republicans. In the House at that time, there were 111 Democrats versus 52 Republicans. Today, those numbers have more than reversed.

When asked about that change during an interview in his office Tuesday, Nixon was careful to note that "from this chair, every politician in the state, their constituents are my constituents." But, he added, Republican dominance in Missouri is part of a national trend, and he predicted "the pendulum will swing back" someday.

Of course, Nixon, unlike fellow Democrats in many other recent races, has consistently won elections. He attributes that success to his relative conservatism on fiscal issues and crime, and to his love of the outdoors.

"I would just say to people running for office or wanting to serve, whether you're a Democrat or a Republican, that's the formula for success, actually representing people rather than whether you're riding the donkey or the elephant," he said.

In 1987, Nixon was one of 11 lawyers in the state Senate. In this upcoming legislative session, there will be just two lawyers in the Senate, one of whom doesn't practice.

Nixon said being a lawyer has been incredibly helpful in public office, from helping him to think hypothetically about problems to understanding the importance of bringing in experts to help craft policy. The responsibility a lawyer has to a client, he said, is similar to that a governor has to a state.

Nixon said he'd like to see more lawyers and people in many other professions enter public service and said shortening the legislative session would help.

Nixon's background as a lawyer has often put him in the center of battles over legislation and public policy. In one particularly unusual example earlier this year, the director of the Missouri State Public Defender System, Michael Barrett (a former aide to Nixon), tried to appoint the governor as counsel to an indigent criminal defendant in Cole County. A judge later ruled that Barrett didn't have that authority.

The defender system alleges Nixon had not supported efforts to fix the system's funding problem, particularly by withholding \$3.5 million intended to hire outside lawyers to take over some cases. Nixon, in turn, maintains that the system's budget has increased by 15 percent during his time in office, while many other areas of state government have been pared back.

"I believe in people's rights to counsel," Nixon said. "That's one of the reasons, when other areas have been cut, I've put additional resources here. But I did not find the publicity stunt by the public defenders to be either enlightening or interesting."

Asked if he believes the public defender system has the resources needed to do what it is required to do, Nixon responded that such a question could be asked about any state agency.

"The question is not whether somebody has all the money they need," he said. "The question is whether they have a fair amount of what you've got."

Nixon's relationship with the legal community has been especially prominent in his handling of bills that would alter the state's tort laws and other aspects of the justice system. He has vetoed several bills that would have changed employment law, as well as others that would have changed the standards for introduction of expert witnesses and evidence of medical bills, among others.

Nixon stressed the areas where he worked with Republicans (often after a veto or the threat of one) to craft changes to the law, including a bill that restored funding to the Second Injury Fund and another that reimposed limits on noneconomic damages in medical malpractice cases. He also pointed to a recent bill that would allow for expungement of some criminal records.

"I've found areas where a tough-on-crime governor can sign the right expungement bill, a pro-civil justice governor can sign the right deal on noneconomic medical damages," he said.

Nixon's successor, Gov.-elect Eric Greitens, a Republican and a nonlawyer, is likely to have a different view on changes to tort law. Nixon declined to predict what changes might be coming, but said he's been "successful in my vetoes."

"I think the law is a long-term continuum, and when people try to take power away from juries, and when people try to lessen the ability of people who have been aggrieved to get their day in court, we all become a little less free," Nixon said.

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