

*MEMORIAL RESOLUTION OF THE
ALLEN COUNTY BAR ASSOCIATION*

JOHN M. CLIFTON JR. (the "C")

WHEREAS, we are here today to pay our respects to the memory of our deceased colleague and friend, John M. Clifton, Jr., (the "C"), who passed away Thursday, July 19, 2012 at the age of 75; and

WHEREAS, He is survived by his wife, Judith K. Clifton of Fort Wayne; son, John Gentry Clifton of Fort Wayne; daughter, Libby (Dr. Ron Miller) Clifton Miller of Indianapolis; grandchildren, Samantha B. Miller, Grant R. Miller, Taylor G. Clifton, and Cole J. Clifton. He was preceded in death by his parents, John M. and Marguerite Clifton. John was born in Indianapolis. He was a graduate of Indiana University where he was a member of Beta Eta Chapter of Sigma Nu Fraternity. He received his law degree from Indiana University. He practiced law at Barrett & McNagny from 1963-2007. He was a member of American, Indiana State and Allen County Bar Associations; and Aldersgate United Methodist Church. He was a past president of Little Turtle Rotary; life member of Elks Lodge #635 Lebanon, Ind. He was nominated numerous times as an Indiana Super Lawyer and was listed in "Best Lawyers in America" from 1987-2007.

John's son said it quite eloquently: "My dad was someone you could always depend on, someone who gave you his all, someone who always

had a positive outlook, and always saw the best in others." John touched many lives and made everyone feel special.

Three of us in our law firm who were trained by John were recently asked to provide our memories of John. The three responses were amazingly similar; one heck of a trial lawyer and one heck of a teacher. He was always able to take the time necessary to help you resolve a problem. All three of us have the same vivid memory of asking John a question in his office, having him lean back in his squeaky, 30 year old chair (John was very thrifty), and recite case names and citations in response to our questions. I cannot count the number of times I sought his advice on how to settle a claim with one defendant in a multiple defendant case. He would begin his response each time with full citations to Mann v State and Bowles v. Tatum and their progeny, right up to the most recent case. He was a brilliant student and teacher of the law and enjoyed that part of our practice. He inspired me.

I was privileged to try cases with three great trial lawyers; Mike O'Hara, Bill McNagny and John Clifton. These three pretty much taught me everything I know about being in the courtroom where the jury's eyes are always on you. John's attention to detail in the courtroom was uncanny. He went so far as to admonish me for keeping a pen in the outside breast pocket of my suit least the jury see it and be distracted from what I wanted them to hear.

John taught me to appreciate the beauty of cross examination and closing arguments. He taught me that preparing a good cross examination or closing argument is an art form, that these things are the most creative tasks that we as trial lawyers do, that they can be fun, that if done right, are better than strawberry ice cream. If you heard John begin his cross examination with either, "I'm just curious" or "I just want to be fair" you knew he was simply lining up the harpoon and the witness would soon be on the end of it.

John was a mentor to us in other respects. He taught us how to make a living practicing law and how fairness and respect for our clients always transcends the bottom line.

John could easily relate to and represent anyone, from self-centered and egotistical neurosurgeons to a young widow who had lost her husband in a fatal truck accident. No matter who they were, every one of his clients felt comfortable with him and admired him. To his clients, he was both a friend and a hard-nosed advocate.

Despite being known for his insurance and medical malpractice defense work, John had a fondness for plaintiff's work. He was highly skilled at keeping his cases moving, pestering and pressuring opposing counsel to make sure they were giving him what he wanted. His persistence wouldn't let up until the final settlement agreement was signed, the case dismissed and the checks were distributed.

John's door was always open to young lawyers. You never left John's office without having new insight about your own case and the legal issues involved. The best part about visits to John's office was that you usually experienced a hearty, belly busting, tearful laugh. John's ability to find humor in the mistakes of other lawyers and judges was entertaining and inspiring. He relished telling tales of attorney screw ups and crazy rulings by judges who made our lives interesting. The Germans have a name for this: Schandenfreude, the ability to laugh at the misfortunes of others. But with John, it was much more than a good joke. You realized when listening to these uproarious tales, that John was not only entertaining you but was also giving you a lesson in the practice of law, dramatically illustrating what a lack of preparation, a lack of honesty, or ignorance of the law can do to an ill prepared lawyer. You did not want to be the subject of one of John's tall tales and that alone was great motivation for all of us who worked with him.

Although John approached the law very seriously, he never lost sight of the importance of having time for family and friends and other lawyers who needed his help. We will all miss him.

NOW, THEREFORE, BE IT RESOLVED that the Allen County Bar Association gives public expression of sorrow upon this, the occasion of the remembrance of the life of John M. Clifton, Jr.

BE IT FURTHER RESOLVED, that this Resolution be unanimously adopted by these present upon this occasion; and

BE IT FURTHER RESOLVED, that this Resolution be transmitted by the Allen County Bar Association to the members of the Clifton family; and

BE IT FURTHER RESOLVED, that this Resolution be spread of Record in the permanent records of the Federal and State courts of Allen County, Indiana, to evidence the respect and admiration of the members of the Bench and Bar for their departed friend and colleague, John M. Clifton, Jr.

Dated this 22nd day of March, 2013

THE ALLEN COUNTY BAR ASSOCIATION

By: Stephen P. Rademaker
Stephen P. Rademaker, President

By: Stanley A. Levine
The Honorable Stanley A. Levine
Judge, Allen Superior Court

Resolution written by Thomas A. Herr

