

A Tribute to a Friend

by Warren Kraft

This column usually features a particular item that highlights the importance of the Municipal Attorneys Listserv or its companion, the Water Cooler. This time, I'd like, instead, to pay tribute to a longtime colleague and friend, Brad Bailey from Colorado, who passed away at an untimely young age on May 26, 2010. A medical condition, diagnosed only a few months earlier, took Brad from his wife, Deb, of 29 years and their two teenage daughters, Mackenzie and Lauren, and from us all.

Many of the Listserv members only knew of Brad through his many postings, full of wit and wisdom, guidance and understanding, and, more importantly, collegiality and friendship. When Brad became an IMLA member, he served as the full-time assistant City Attorney for Littleton. Many of us met Brad when IMLA held its Annual Conference in Denver, and several of us benefitted from his insider information. The Honorable Bruce A. Noble, Q.C. (Court of Queen's Bench, Saint John, New Brunswick) shares, "I remember his indefatigable efforts as one of our hosts when we were in Denver .... Despite trying to maintain time at his office, his efforts for the hordes of IMLA members, and his participation in extracurricular activities ... , Brad still made time to sit with me and make me feel that there was nothing so important to him at that moment as our discussion about the great, free transit system running in front of the Adams Marks Hotel."

Whether employed by a municipality or as a contract attorney for IMLA, Brad's guidance was legendary. Assistant City Attorney Chuck Adams of Sheboygan, WI, notes: "I keep an archive of especially useful e-mails from all the various lists to which I belong. Brad authored as many e-mails that went into that archive as anyone. I periodically weed out the archive as issues come and go and as my experience grows. But, despite the fact that Brad's voice has been silent on the listservs... he still is one of the 'top posters' in that archive. There is no doubt that Brad's experience, knowledge, and advice made me a better municipal lawyer."

Shortly after news of Brad's critical situation emerged, longtime IMLA member William Kearns of Willingboro, NJ, posted this note: "While surfing the net, I found some info on our colleague, Brad Bailey. For those of us who know Brad, it reaffirms what we know. For those who have never met Brad, it serves as an introduction to a great friend. The February 2005 issue of the *Colorado Lawyer* reports on his selection as the Metro City Attorneys Association's Assistant City of the Year for 2004. It cited his lead work before the U.S. Supreme Court when the justices upheld the City of Littleton's adult entertainment establishment's license ordinance." (See http://www.cobar.org/tcl/tcl_articles.cfm?articleid=4027; the LinkedIn page highlights Brad's resume at http://www.linkedin.com/pub/brad-bailey/13/366/b59).

A family man, Brad occasionally shared his experiences as an official working the swim meets at which his daughters competed. Adding zest to a growing professional relationship, it was a bond that he and I shared, beyond our municipal attorney practice. His life outlook and keen perspective provided much-appreciated guidance as I suddenly found myself retired from a long-loved position. Little did we realize then that our roles would soon reverse, and the counselor would become the counseled.

Ken Fellman of Denver writes:

> You don't get to know someone well until you watch them deal with adversity. A number of years ago, when Brad was serving as County Attorney in Clear Creek County, we had a professional friendship, having known one another through the Colorado Municipal League and the Metro City Attorneys Association. I was periodically retained to work on projects as outside counsel for the County, and was asked to defend a lawsuit that contained some pretty uncomfortable allegations about County operations, including allegations involving the County Attorney.
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> So, Brad was in the difficult position of being a material witness, and he had to work with me in that capacity to defend his employer. I know how stressful that was for him, and how easy it would have been to simply react in a negative, defensive manner. But that's not what he did. He demonstrated professionalism, strength in his position, and was able to successfully maintain his attorney–client relationships with County staff and elected officials (and his unique sense of humor!) while dealing with that difficult situation.
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> That experience cemented my respect for Brad, both as a lawyer and as a person.
> Of course, the challenge of dealing with an uncomfortable lawsuit pales in comparison to the challenges Brad had faced over the past year. While I will always think of Brad as a valued colleague and a skilled practitioner of local government

law, his lasting impact on my life will be the manner in which he has handled his most recent challenges ~ with courage, dignity and grace.

That personal touch resonated with those who came into contact with Brad. "Brad [was] a true Renaissance Man," writes Camila W. Kunau, Assistant City Attorney for San Antonio. "He [could] converse and opine on topics from which famous person the Muppets [were] based on, to what computer programs and manual of writing style [was] most useful in our profession. He [could] dig up obscure quotes for any situation, and warn Texans away from Colorado in almost the same breath. His e-mails to the Listserv and to the Water Cooler were eagerly received and anticipated by all members. He [was] widely admired and beloved, and the same can be said of his incredible family."

Arthur Gutekunst, the Senior Assistant Corporation Counsel for White Plains, NY, concurs, as he lists his remembrances of Brad's character in action: " I remember discussing the relative merits of New York and Colorado beers and the Empire State Brewfest in Syracuse and the Great American Brewfest in Denver. I appreciated his help last year, after he left Littleton, in filing a bankruptcy claim in Colorado ~ for a small claim, but one that my City was entitled to file.

I appreciated his help last winter in recommending a single malt scotch for a colleague to give as a gift to a close friend. I remember and will remember him as a friend, a dedicated and knowledgeable attorney and his giving spirit."

Another contributor to the CaringBridge page for Brad puts it best, perhaps: "In honor of Brad Bailey, I am better because he shared his knowledge."

And so, dear friend, from the very bottom of my fixed and rehabilitated heart, thank you. **ML**

Author's note: "The Bailey Trust," a non-501(c)(3) trust fund is established at Sooper Credit Union, 5005 W 60th Avenue, Arvada, CO 80003-6918. Attendees will be invited to join a collection for the family at the 75th Annual IMLA Conference in New Orleans for this trust fund.

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JOBS! In 2008, IMLA introduced an online job board, IMLA Careers, aimed specifically at serving the needs of the local government legal community. See http://careers.imla.org (or click on Careers on the IMLA homepage, www.imla.org). Rates are posted on the site—and IMLA members are entitled to discounted rates for using the site!

