

Allen Richard Derr

Derr, Allen Richard, 85, of Boise, died Monday, June 10, 2013 at his home in Boise. Arrangements are pending at Summers Funeral Homes, Boise Chapel.



Our View, Allen Derr: Attorney had a gentle voice, yet a fierce spirit

Idaho Statesman.com: Jun. 12

Mention the name Allen Derr and the first thought that comes to mind is the landmark Reed vs. Reed Supreme Court case 42 years ago that granted women equal rights in administering estate cases. Derr, who died Monday at 85, was a "rainmaker" long before the term became a movie title. The notion that men are more qualified than women to act as administrators for an estate would be laughed out of any court today. But it was a monumental issue in 1971 and Derr was the perfect advocate to lead the charge for Sally Reed, a Boise woman who only wanted to administer the estate of her dead son. As Derr told the story, "I've always considered I was just doing my job." History offers a different, and more flattering, perspective. The National Women's Law Center recognized that the case paved the way for successful challenges to other discriminatory laws, such as the 1996 court ruling that the exclusion of women from the Virginia Military Institute was unconstitutional.

Two years ago, on the 40th anniversary of that unanimous Supreme Court decision, Derr received accolades from Washington, D.C., to the University of Idaho College of Law, where he graduated in 1959. Few attorneys in history have made a greater impact in the profession. David Leroy, a longtime attorney and former lieutenant governor, offers two perspectives. "On one side, there was an old-fashioned graciousness. He was quick with a smile, with an almost Southern gentleman, pleasant demeanor," Leroy said. "On the other side, he was a bulldog as an advocate for his clients, which seems in contrast to his packaging. A good analogy was he had a velvet glove with an iron fist." Jesse Walters, a former Supreme Court Justice and law partner, was with Derr and his wife, Judy, at the time of death. Walters described Derr as "a good mentor and good teacher. He helped me in my formative years as an attorney. I was taught by one of the best." Don Burnett, the interim president at the University of Idaho and former dean of the College of Law, says Derr was instrumental in establishing a pro bono program at the UI, requiring students to devote a certain number of hours to pro bono work for those without ability to pay for legal services. Though practicing law is a private enterprise, Burnett said, "there also is a public responsibility. This encourages those in the profession to devote time to public service, like Allen Derr." Derr's mark goes far beyond the legal profession. Tom Grote, publisher of the Star-News of McCall, remembers Derr as a leading advocate of the First Amendment. He was a founding member of the Idaho Press Club and represented several newspaper organizations. He was a founder of the Max Dalton Open Government Award, which started in 1999 and regularly spoke at annual award presentations. "When he spoke, it was like a formal setting. It would become very quiet, and people listened because they were listening to a living history," Grote said. "He got it as far as the First Amendment was concerned, and he would not compromise in his defense of First Amendment Rights." These perspectives offer only a snapshot of the measure of respect and admiration for this great man. This community, and this country, are better places because of Allen Derr and the mark he leaves as an attorney and person will remain for generations to come. Our View is the editorial position of the Idaho Statesman. It is an unsigned opinion expressing the consensus of the Statesman's editorial board. To comment on an editorial or suggest a topic, email editorial@idahostatesman.com.

Allen Derr was a lawyer's lawyer who championed 'true equality'

IdahoStatesman.com: Jun 13- David Adler

American constitutional heroes usually are ordinary citizens who by dint of their vision, courage and sense of justice have achieved extraordinary goals through challenges to our legal system. They come in different shapes, sizes and ages. Myra Bradwell of Illinois prevailed in her claim that women have a constitutional right to practice law. Clarence Earl Gideon persuaded the Supreme Court that the Sixth Amendment right to counsel extends to state cases. Estelle Griswold of Connecticut convinced the court that women, by virtue of the right to privacy, enjoy the right to use contraceptives. The 14th Amendment was a full century old when Boise attorney Allen Derr, on behalf of his client Sally Reed, persuaded the Supreme Court that the Equal Protection Clause prohibits gender discrimination. When, in 1971, in the landmark case of Reed v. Reed, the court struck down an 1864 Idaho statute that preferred men over women in administering estates, it vindicated the efforts of two Idahoans who sought to topple the barriers of sex discrimination in America. With the help of Ruth Bader Ginsburg, then an ACLU attorney and now a Supreme Court justice, the three constitutional heroes changed the face of American law in the area of discrimination against women. Given the state of judicial decisions at the time, it was a monumental achievement. Supreme Court interpretations of the 14th Amendment on the issue of sex discrimination began to change, somewhat surprisingly, after Warren Burger replaced Earl Warren as chief justice. The likely impetus for the shift was the overwhelming passage in October 1971 of the proposed Equal Rights Amendment in the U.S. House of Representatives, by a vote of 350-15. Proponents of the ERA justly argued that a constitutional amendment was necessary because the Supreme Court had failed in its responsibility to protect the rights of women. Champions in the House entered a simple plea: Judge women as human beings. One month later, on Nov. 22, 1971, the court delivered a ruling in Reed v. Reed that embraced Derr's arguments and held that the Idaho statute arbitrarily discriminated on the basis of sex and violated the Equal Protection Clause. The ruling in Reed unleashed a cascade of subsequent decisions in which the court gradually dismissed sexual stereotypes as relics of an earlier age. Discrimination, the court later observed, had placed women "in a cage." Derr, who died on Monday, was a lawyer's lawyer, a constitutional hero who championed what he called "true equality" for women. A quiet, low-key man of considerable modesty, Derr deflected the attention showered on him by the National Press Club on the occasion of the 40th anniversary of the decision. "I was just doing my job," he explained. Kind and thoughtful, and observant of the shifting tides of public affairs and commentary, Allen had sent me over the years compliments for something that I had said in a speech or written in an op-ed piece. Warm notes from a venerable attorney, whom I admired but did not know well, brought a much-needed shot in the arm for an academic who had dared to challenge governmental officials or conventional thought. For those who are committed to a great cause such as liberty or justice, achievement of victories or even landmark victories might never be enough, because those who have climbed great mountains are aware of greater peaks that remain to be scaled. In an interview in 2011 with Boise State public radio, Derr expressed his wish that more had been done to achieve "true equality for women." He had done as much as any man could, and a great deal more than most, but still he glimpsed the gaps in practice and law that marked the points of discrimination between men and women. America has made progress in the area of gender discrimination, but not nearly enough. As Derr said, "We're not there yet." No, we're not where we should be, not as long as women are not paid equally for equal work, and not as long as glass ceilings impede the further progress of women in the worlds of business, industry and finance. But with the vision and commitment of citizens like Allen Derr, we're much more likely to "get there." Adler is the director of the Andrus Center for Public Policy at Boise State University, where he holds appointment as the Cecil D. Andrus professor of Public Affairs. An adjunct professor of law at the University of Idaho, Adler has lectured nationally and internationally on the Constitution, the presidency and the Bill of Rights. Editor's note: Because of a production error, a photo of Allen Derr did not appear in the photo box with the editorial on Wednesday's Opinions page. We apologize.