

## Jeff Modisett: Public Profile

**A relationship with the Bayh family of Indiana led Jeff Modisett to a career in politics that included prosecuting Mike Tyson for rape.**



Photo by Ringo Chiu

Jeff Modisett, a partner at Bryan Cave LLP, at the law firm's Santa Monica office overlooking the Santa Monica Pier and Pacific Ocean.

By Alfred Lee

Monday, July 26, 2010

*The seeds of Jeff Modisett's political life were planted in the summer of 1975, when he was a UCLA student interning in the Washington, D.C., office of Sen. Birch Bayh, D-Ind. That's where he met Birch's son, Evan, who would become a second-generation Indiana politician years later. In the meantime, Modisett got a degree from Yale Law School and put in seven years as a federal prosecutor in Los Angeles. Then, in 1988, he joined Evan Bayh's successful gubernatorial campaign. That led to a political career of his own; he was elected prosecutor of Marion County in his native Indiana in 1991 and was soon in charge of the prosecution of Mike Tyson for the rape of 18-year-old Desiree Washington. Modisett was elected Indiana's attorney general in 1996. These days, he's a partner in the Santa Monica offices of Bryan Cave LLP, where he advises large corporations on how to work with state attorneys general when they're facing legal issues. Modisett sat down with the Business Journal recently and remembered the razor-thin margin in his race for the prosecutor's seat, Mike Tyson's big mistake during cross-examination and commented on the strange connection between two photos in his office. One shows the Great Wall of China during World War II, the other shows the exact same place decades later. But there's more to the pictures than is immediately visible.*

**Question: What's the story behind these two photographs on your wall? They look almost identical.**

**Answer:** My father was in World War II, and he was part of Merrill's Marauders, which is the group that landed in southern Burma and worked their way north to China. I went to China in 1980. I waited until everybody was off the Great Wall of China and I took this picture of it. Two years later, I was going through my father's World War II pictures and I found that one, and I thought, 'How amazing is it that I was standing in exactly the same spot?' Look, you can see the rock formations are exactly the same! Even that little tree up there, it's all exactly the same. For those who believe in coincidence or karma or whatever, I thought that was pretty interesting.

**Sheer coincidence?**

It's fun to think about unexplainable connections in the world, and whether there are even spiritual connections.

**I noticed that you also still have articles about the Mike Tyson trial framed up in your office. Are you especially proud of that conviction?**

Well, I have a lot of mixed feelings from that, because that was quite an introduction to politics for me. And I do mean politics, because trying Tyson was only half the battle. We were dealing with kind of a media war that was going on by supporters of Tyson and some members of the local African-American community who didn't want us to prosecute him.

**How do you mean?**

The media in a very high-profile celebrity trial really can be a deviant phenomenon in the course of a prosecution. And, essentially, if you try to prosecute the case exactly as you do every other case, you're going to be at a disadvantage.

**It's not necessarily a bad thing when people are interested in the justice system.**

No, it's not. But what the defense was trying to do was to get the local community to question why we acted in a particular way, so there would be political pressure on me to try to find a way to get rid of the case.

**And you did feel political pressure?**

I felt enormous political pressure, and I knew that I was very likely jeopardizing my chances at re-election.

**That pressure was coming from whom?**

From some, not all, leaders in the African-American community in Marion County. And even more so outside of the county, but I didn't care about that.

**Some people have said you lost re-election in 1994 because of that.**

It definitely depressed the support from the African-American community. But 1994 was a landslide Republican year. Republicans came out to vote, Democrats didn't, and there you have it.

**You had a 24-hour bodyguard during the Tyson prosecution. What kind of threats did you receive?**

"All you want to do is bring down our hero, and we're gonna bring you down." That sort of stuff. Some were more explicit than others.

**Is there a specific memory of the trial that burns brightest in your mind?**

During the cross-examination of Mike Tyson, at one point he was handed the dress that Desiree Washington was wearing that night and, seemingly to anybody watching from the outside, just being asked to identify that that's what she was wearing. When prosecutor Greg Garrison gets done with those two or three questions, he turns to the jury and he starts with a completely different line of questioning. Tyson starts to answer, and as he's answering the second or third question, he realizes he's got this dress in his hands.

**Then what?**

Tyson threw the dress down on the table, and he did it with such disdain and without thought, that I am convinced that every juror thought to themselves, "That's exactly how he treated his victim. He had her and then he just discarded her." We had talked about leaving the dress with him and seeing what he did with it, so this wasn't by accident. But the way he treated it was almost more revealing than a lot of the testimony.

**You'd talked about it?**

Every night I got together with the entire trial team and talked about what we were going to do the next day. I don't even remember who came up with it, but somebody just said, "You know, let's just leave the dress in his hands and let's see what he does with it." We just thought it'd be interesting to see if he asks the judge, "What the heck am I supposed to do with this?" And the fact that he didn't ask any questions and that he just threw it down was telling.

**When you saw that happen what went through your mind?**

Mike, you have just made a big mistake.

**What was the bigger lesson you took away from it?**

That I loved prosecuting cases, but that there would never be another one quite like this, and that I was interested in having a broader impact not just on one individual but on public policy writ large. So later I actually ran for attorney general with the plan that if I was lucky enough to get elected I was going to sue the tobacco companies.

**Indiana joined 36 other states in suing the tobacco companies over Medicaid costs, and you helped negotiate the \$206 billion master settlement agreement.**

I was hoping to be sworn in and to file the tobacco lawsuit the next day, but it was fairly complicated. We ended up filing it one month later. Some cases had already filed by then, but I just thought that was exactly what needed to be done. I thought that could impact thousands of lives, if we could find a way to reduce smoking in America.

**And that all got started when you left your job as a federal prosecutor in Los Angeles to join Evan Bayh's run for governor?**

I knew Evan because I had interned for his father, Sen. Birch Bayh, when I was in college at UCLA. Interestingly, when I went to Oxford, I met more people who knew Evan. So, before Facebook, we had our own little network of people who knew Evan that kept in touch. Then when he decided to run for governor in 1988 – he was only 31 – I thought, well, if I'm ever going to try politics, I need to go see if I would really like it, and here's a great opportunity.

**What's your best Evan Bayh story?**

He got a letter from a state worker complaining about salary cuts, and when we pulled the letter from the envelope, a condom fell out. The guy said, "At least have the decency to wear this the next time you screw me." And Evan thought that was the most creative, hilarious prank. I couldn't see him ever telling that story – but in certain groups he would.

**What was the main thing that you learned from the Bayh campaign?**

How to focus on a particular issue, whether it's a public policy issue or a legal issue. You can't take on every issue every day, or you accomplish nothing. But if you have a laserlike focus and can motivate or inspire people to want to solve that problem as badly as you do, there's a tremendous amount that can be accomplished.

**What was the issue that helped Bayh win?**

Economic development and education.

**What was the issue that helped you win the county prosecutor seat of Marion County?**

I really focused a lot on not just the fight against drugs, but also the growing problem in Indiana of gang activity.

**Simple as that?**

I wouldn't have won except that the weekend before the election, some reporters looked at a commercial that my opponent had run on television, which was an attack ad on me. And they said, "You know, it's interesting, but I could swear that the campaign has taken Jeff's picture and kind of shaded his 5 o'clock shadow in a little bit darker and turned his smile more sinister."

**What happened?**

My opponent denied it, but then the next day he had to admit that in fact his campaign had altered my picture. I think people were very nervous about electing a prosecutor who had played with the evidence, so to speak. That may have made the difference, because out of 200,000 votes I won by 285. I had to go through a four-month recount.

**What else do you do outside of work?**

Well I've got a 12-year-old and a 16-year-old, both boys, so that means tae kwon do. And they're both into computers, so that's fun because I actually test a lot of my public policy ideas involving hot technology on my 16-year-old to get a real-life check. I ride my bike a lot in Manhattan Beach. I read.

**What do you read?**

I have found myself in recent years to be really fascinated with religious history. I've spent a lot of time reading, whether it's the Gnostic Gospels, or "Evolution of God" by Robert Wright, or a lot of Karen Armstrong, like "The Battle for God." It's kind of a way of satisfying a part of me that used to get that satisfaction in church.

**Why specifically religious history?**

OK, fair question. The honest answer is that my youngest son became obsessed with a videogame called "Civilization." So he started asking me all these questions about the beginning of civilization, the history of the Middle East, the Roman Empire, and it just got me thinking about it.

**What's the most interesting thing that you've learned?**

The most interesting is to see the direct correlation between the growth of particular religions and politics. You know, why were the Muslims in Spain? And why were the Jews in Spain, and why were they driven out? In other words, a country has a particular religion now, yes, in part because of their belief in that religion, but you can't remove that from the political history of that area. I mean, where would we be today if Constantine had not adopted Christianity? What if Henry VIII hadn't changed the Catholic Church in England to the Church of England?

**Do you practice now?**

Oh, we experiment. We've gone up to some of the churches in the South Bay area where we live. I've also taken my son to the Lake Shrine up here on Sunset. It's more of a spiritual enclave. The yogi masters, they don't necessarily reject Christianity or Buddhism or Hindu. They try to see the commonality of religion.

**Do you consider yourself a believer?**

Still asking questions. There have been a lot of things written by Elaine Pagels, who's an expert in Gnostic Gospels, and I think the idea there is you keep asking questions and looking inward for God, instead of outward.

**Did you use to go to church regularly?**

When I was in elective office. (Laughs.) We loved the church we went to in Indianapolis. It was a Methodist church and the minister there was the brother of Democratic Rep. Lee Hamilton, who was one of my inspirations in politics.

**Are you saying you went more because of politics than personal belief?**

No, not necessarily more. I think it's fair to say that it just added to the experience.

**Is it hard to balance work life and family life?**

Yeah, but no harder than it is for anybody else. There are times when work suffers and there are times when family suffers, and you try to make sure that between the two that you err on the side of giving time to the family if you can.

**Any interest in going back to public office?**

Not really, because I found other ways to have an impact, and I still do work with attorneys general on a daily basis. And here in California you can spend \$10 million on a primary and still not win. It's just not feasible anymore.

**JEFF MODISETT**

**TITLE:** Partner

**FIRM:** Bryan Cave LLP

**BORN:** 1954; Windfall, Ind.

**EDUCATION:** B.A., UCLA; M.A., Oxford University; J.D., Yale University

**MOST INFLUENTIAL PERSON:** Earl Wysong, his high school social studies teacher.  
“He taught me to think for myself.”

**CAREER TURNING POINT:** Returning to Indiana to work for Evan Bayh’s gubernatorial campaign.

**PERSONAL:** Lives in Manhattan Beach with his wife, Jennifer, and two sons, Hunter and Haden.