

Facing the Sudden Death of a Longtime Colleague

By Allan Ripp
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Working closely with someone over many years you come to accept their shortcomings as much as you value their particular talents. When they're suddenly gone you wonder how you managed to stay together so long but also how you'll keep going without them.

So it was with my longtime colleague Josh Spivak (a former Law.com contributor) who died in July of an apparent heart attack, one month short of turning 52. Josh wasn't my highest-performing employee, often phoning it in from thousands of miles away. He cleverly avoided certain tedious job functions others had to follow, like submitting monthly activity reports. And yet,



Josh Spivak at the office.

he was my most trusted advisor and collaborator, and a key reason for the success of my business. Indispensable? Probably not, but uniquely irreplaceable—absolutely.

Josh started working for me in 2003, introduced by a staffer who is since long gone. A former corporate lawyer (he earned his J.D. from Columbia University) and news junkie with a master's degree in American history and a stint in local



politics, Josh was a perfect fit for my media relations practice focused on law firms and legal affairs.

Josh was a polymath who seemed to know something about everything—not just law but baseball, movies, the media, Capitol Hill and presidential politics, the Torah. He also had a “no worries” persona that could handle any client demand under the most stressful conditions and deadlines. He was soon helping with new business prospects and pitching client matters—everything from Supreme Court rulings and prominent new hires (think ex-Justice Department or Congressional officials) to structured finance

deals. He also became a black belt in the art of building media lists, one of the prime currencies of our trade.

In 2004 Josh asked if he could relocate to California where his wife was starting a Ph.D. in mathematics at Berkeley. I wasn’t yet ready for remote staffing but Josh made it work, keeping New York hours and beyond—he seemed to exist on little sleep. Sent a request for some work product or another, he would either respond “Sure” or just deliver the thing without further instruction. His copy could be sloppy and error-prone but he compensated with warp speed, original insight and topical knowledge. I added the clean-up polish and turns of phrase. Over time we were like a couple of old songwriters cranking out hit tunes.

He also retained everything and could retrieve a 15-year-old email or remember a lawyer or reporter the rest of us had forgotten—I’m convinced he had a photographic memory. That archival command was invaluable, as was his willingness to assist other members of our small team with a sprawling, multi-part press list or editorial

recommendation for some hard-to-place article. That included helping me identify outlets for publishing my own personal writing, a priceless gift. In the past year, he'd been our sherpa in guiding us on generative AI searches. Along with our clients, we delighted in Josh's "Hi, how's it going?" start to any Zoom meeting, even if his long face was shadowed from poor lighting.

I know I accommodated Josh more than his comrades, including allowing him to once spend seven weeks in Israel—he argued it would be good for us to have someone ahead of the news cycle. And he was right. Years later, no one in our group remembered that Josh was ever out of the country.

But mostly it was his active side hustle as a political commentator. Following from his master's thesis Josh became the nation's—indeed, the world's—leading authority on election recalls. Whenever an elected official anywhere faced a recall—a governor, congressman, senator, judge, mayor or district attorney—Josh was sought out by news outlets around the country for perspective and legal analysis.

He wrote hundreds of articles and authored the definitive treatise on recalls—*From Alexander Hamilton to Gavin Newsom*. Among its nuggets, "The book looks at how the recall played a role in the Constitutional Ratification debates, with Hamilton's leading role in the fight against the recall for U.S. Senators. The recall also was an important part of the William Howard Taft/Theodore Roosevelt split in 1912 that divided the Republican Party." His research uncovered "the shocking finding of whether special elections make a recall more likely" and what recalls "tell us about the increase in bitter partisanship and a preference for a more democratic system."

I often phoned him just as he was about to be interviewed by Fox News, The New York Times, ABC or a radio station in Maine. But he still managed to turn around whatever I was bugging him for. He wrote another book about navigating the healthcare system and also taught courses on recalls at UC Berkeley Law School.

Attending his funeral via Zoom I learned more about Josh's endless capacities. He was a Jewish Ted

Lasso, coaching a team of Yeshiva kids on the patch even though he was ignorant of the game. He edited and indexed a book his wife wrote called *The Rabbinic Struggle with the Contrapositive*, examining a head-spinning aspect of Talmudic logic. He even wrote an extended family history completed just before his death. His two sons expressed deep affection for the primary care he provided them and his total engagement as a dad—the Friday night before he died, Josh had stayed up extra late to help younger son Ezra review his double-portioned Torah reading for an upcoming anniversary reprisal of his Bar Mitzvah parsha. Meanwhile, Josh’s 22 years as a senior member of my PR firm got barely a mention during the service, which was fine by me.

So many moments have occurred in the weeks since his passing—an outlandish client request or a journalist’s scold for being included on a press mailing—that I would automatically have shared with Josh as an absurdity only he could appreciate.

“Oh, *that* guy,” he’d say when someone was giving us a hard time. Now I’m fielding the post-mortem work emails sent to him, prompting me to stare into space and imagine his succinct response.

Over our two-plus decades together I was accustomed to Josh’s recurring black-out periods during Jewish holidays as well as every Shabbat cycle. No matter the duration or whatever he missed he would reliably reappear in good form ready to engage as soon as the secular clock restarted. He never once took a sick day or actual vacation and appeared to spend many hours at a library study carrel near his house in Oakland for quiet.

It’s hard to accept that the black-out is permanent now. But I know somewhere beyond he is chewing on a pen and writing an article chock full of political history. I expect to be greeted someday in the hereafter with his unmistakable hoarse Brooklyn voice asking, “Hi, how’s it going?”

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