

Arizona Women Lawyers Association

Southern Arizona Chapter

April 2005

A Peek at the Past

As was noted in State Board President Kristine Fox's article in last month's newsletter, March was Women's History Month. It was clear from the factoids Kristine dug up on the Internet that women have not enjoyed general acceptance in the legal community for long. For example, in 1893, a journal called "The Law Student's Helper" received, and published, the following letter from a reader:

Our Series of Women Lawyers

I believe you are always open for suggestions. Wouldn't it be a good idea to drop the series of "Women Lawyers in the U.S." and substitute something more helpful to the student? Your average reader is not much interested in this feature of his prospective profession—in fact, he is inclined to regard it with jealous antagonism. A series of such articles is no help to him, and *help* should be the watchword of this journal. I make this suggestion because deeply interested in its fate and work.

The journal quickly put the presumptuous reader in his place by responding in print with the following:

THE LAW STUDENT'S HELPER endeavors to interest all classes of law students. Many young women are studying law, and many are subscribers to THE LAW STUDENT'S HELPER. To such certainly this series of articles is of supreme interest. We do not believe, however, that the series is of no interest to the average reader of the HELPER. It serves to relieve the pages from what otherwise might be a rather monotonous class of matter. There are many who subscribe for the HELPER who are not law students. To such the many pages that we give to "The Quiz Master," and other features purely of interest to a student, must be both uninteresting and unprofitable. Certainly no fair-minded individual would object to the very few columns given to women at the bar. We are well aware of the fact that very many men are prejudiced against women in the profession. It is somewhat annoying to them that a woman can succeed in the practice of the law. For a long time men have nursed the idea that they stand upon a plane of intelligence and capacity higher than that of women, and it is a rude shock to the sensibilities of many to find that where she has been given the opportunity she has shown herself capable to stand alongside of men in the professions. It will certainly do our inquirer no harm to read these articles, and if he does not read them, he has very much more in the paper than we originally contracted to give him. THE LAW STUDENT'S HELPER is a 16-page paper, and when the subscriber receives, as he usually does, from 30 to 40 pages, he ought not to complain if some of the pages beyond the 16 contain articles of no special interest to him.

(Reprinted from The Law Student's Helper, Vol. 1, No. 10, p.283, October 1893.)

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Surprisingly, eight years later, in 1901, the same journal printed the following poem, which takes a bit different approach to the subject of women in the law:

The Female Advocate

Have you met the female advocate—
(Now I don't mean just a tete-a-tete),
But when before a magistrate
She pleads with manner passionate?

She has, it seems, a slight desire—
(Now I don't mean for male attire),
But that we should a bit admire
The heights to which she would aspire.

Her mouth has just the right formation—
(Now I don't mean for osculation),
But for continued exhortation,
Without the slightest dislocation.

She asks in voice disconsolate—
(Now I don't mean, "My hat on straight?")
But for a verdict adequate
To make her fee commensurate.

She has the instinct to embrace—
(Now I don't mean the populace),
But every vantage in the case;
She's bound to win just by her face.

—Otto M. Sternfeld

(Reprinted from *The Law Student's Helper*, Vol. 9, No. 2, p.59, 1901.)

I confess it is not clear to me exactly what Mr. Sternfeld is trying to say, although the innuendo is fairly strong. In any event, this peek at some of the history of women in the law gives me new appreciation for the women who tread this road before me and, perhaps more to the point, took the slack so that we wouldn't have to.





Scenes from the March Luncheon

By Elizabeth L. Warner

March's luncheon featured criminal defense attorney Laura Udall of Cooper & Udall and Professor Paul Bennett, Director of the Child Advocacy Clinic at the University of Arizona James E. Rogers College of Law, who examined the US Supreme Court's recent abolition of the death penalty for juvenile defendants in *Roper v. Simmons*, 125 S.Ct. 1183 (2005).

Roper involved a 17-year-old boy who planned and committed a capital murder. After he turned 18, he was sentenced to death. The Supreme Court overturned his sentence, ruling that execution of individuals who were under 18 years of age at the time of their capital crimes is prohibited by the Eighth and Fourteenth Amendments. The Court based its decision largely on what it found to be a national consensus against the execution of offenders under the age of 18.

Professor Bennett began the discussion by providing a brief history of the Court's stance regarding execution of juveniles. In 1998, the Court ruled that it was against national standards of decency, and therefore unconstitutional, to execute juveniles under the age of 16. One year later, the Court referred again to contemporary standards of decency, but concluded the Eight and Fourteenth Amendments did not proscribe the execution of offenders over 15 but under 18 because there was no national consensus. The same day, the Court ruled it was permissible under the U.S. Constitution to execute mentally retarded individuals. However, only three years later, in 2002, the Court reversed its course and determined that the Eight Amendment prohibits the execution of a mentally retarded person.

Professor Bennett then examined the Court's discussion in *Roper* about the evolving consensus against executing minors. The Court found that objective indicia of consensus, such as enactments of legislatures regarding the issue, the number of States rejecting a juvenile death penalty, and the infrequency of juvenile execution in States permitting it, showed that the death penalty was a disproportionate punishment for juveniles. The Court also looked at the international perspective on executing minors, finding the United States was the only nation to execute minors. Professor Bennett pointed out the United States has executed 70 minors in the last century, out of 3900 charged with murder.

Professor Bennett next reviewed the fundamental differences between juveniles and adults, as explained by the Court. Citing its 2002 opinion rejecting capital punishment of the mentally retarded, the Court in *Roper* found that the Eight Amendment prohibits capital punishment for juveniles and that the death penalty must be limited to those offenders who commit a narrow category of the most serious crimes and whose extreme culpability makes them the most deserving of execution. The Court found juveniles do not fit within the classification of the worst offenders because they lack judgment, they are vulnerable to negative influences and peer pressure, and their characters are not fixed but are evolving over time.

Professor Bennett then turned to the results of neurological research on developmental differences between juvenile offenders and adult offenders. Professor Bennett explained that different parts of the brain control different functions, with the pre-frontal lobe controlling judgment. In juveniles,

this part of the brain is not fully developed, and as a result juveniles do not have the ability to fully appreciate things and make judgments. Additionally, there is a massive loss of brain tissue during the teenage years that contributes to an inability to make reasoned judgments. As a result, the highest most extreme penalty of death should not be applied to them. From the ages of 16-18, decision-making abilities are at their worst.

Ms. Udall looked at the issue from a practical perspective based on her experience in defending juvenile offenders. She explained that psychologists cannot professionally make a diagnosis of a psychological disorder before age 18, even though they may believe a diagnosis is appropriate. Ms. Udall also discussed the fact that *Roper* recognized for the first time that 16-18 year olds are not adults. Interestingly, every other area of the law recognizes this. From a psychological perspective, Ms. Udall explained that 16-18 year olds are not deterred by punishment because they cannot appreciate consequences and do not have the judgment to understand how their decisions will affect their family or the rest of their lives. They are undeterred by the prospect of punishment because they do not understand the reality of being in prison every day for the rest of their natural lives. Interestingly, in many cases the crimes 16-18 year olds commit are the first crimes they have ever committed. Ms. Udall also discussed the difficulty of dealing with the issue from the perspective of victim's families and their need for restitution.

Our panelists tackled an issue that is emotionally charged for many. We appreciate their insights into brain development and influences on juvenile behavior, as understood by modern science, and their practical experience in dealing with juvenile offenders.



to our 2005 Sustaining Members!*

Shelley Lynn Aboud
 Hon. Karen S. Adam
 Raquel Arellano
 Eva Baca
 Hon. Beth Beckmannl
 Jeanette Boulet
 Elizabeth D. Bushell
 Christina M. Cabanillas
 Alice W. Callison
 Hon. Nikki A. Chayet
 Deanna Conn
 Hon. Sharon Douglas
 Hon. Jane L. Eikleberry
 Hector C. Estrada
 Ronna L. Fickbohm
 Hon. Nancy F. Fiora
 Kristine M. Fox
 Sandra S. Froman
 Helen A. Gaebler
 Shannon L. Giles
 Anne C. Graham-Bergin
 Leonie D. Gray
 Hon. Margaret M. Houghton

Rose Marie Ibanez
 Lori B. Jones
 Suzanne J.A. Kaplan-McKee
 Karen E. Karl
 Michelle T. Langan
 Barbara LaWall
 Judith E. Leonard
 Pamela L. Liberty
 Carol L. Lohmann
 Leslie K. Lynch
 Laura V. MacBan
 Selma Paul Marks
 Hon. Jaqueline Marshall
 Belinda A. Martin
 Dean Toni Massaro
 Hon. Margaret L. Maxwell
 Kathleen A. McCarthy
 Linda C. McNulty
 Megan E. Miller
 JoJene E. Mills
 Drue Morgan-Birch
 Carolita L. Oliveros

Hon. Elizabeth A. Peasley-Fimbres
 Marjorie Perry
 Kay Richter
 Terri A. Roberts
 Kathleen M. Rogers
 Elizabeth R. Rueter
 Dee-Dee Samet
 Laurel B. Sammons
 Denice R. Shepherd
 Sally Simmons
 Sandra L. Tedlock
 Eleanor ter Horst
 Merle Joy Turchik
 Susan C. Villarreal
 Hon. Nanette M. Warner
 Janice A. Wezelman
 Jill D. Wiley
 Paula N. Wilk
 Jill D. Winans
 Jacqueline Wohl
 Lynne O. Wood
 Jo Fox Zingg

APRIL LUNCHEON

- DATE:** **Monday, April 18, 2005**
- TIME:** 12:00 o'clock Noon
- PLACE:** The Manning House, 450 W. Paseo Redondo
- COST:** \$15 Members / \$20 Non-Members / \$8 Students
- RSVP:** No later than **Wednesday, April 13, 2005**. Early reservations are required due to the Manning House's 5-day minimum guarantee policy. All members on AWLA's electronic list-serv will receive a separate email notice to RSVP for the luncheon. Please use this automated system to make your RSVP. If you are not on AWLA's e-mail list-serv, to make a reservation call Linda Peterson at 744-1994 or e-mail her at lpeterson@thebigt.net. No shows and cancellations made after the reservation deadline will be billed. Please pay at the door. Checks prepared in advance are appreciated.
- MENU:** The Manning House offers a delicious buffet with both standard and vegetarian fare. The May menu features Mesquite Grilled Tri Tips, Chicken Picatta, Rice Pilaf, Seasonal Vegetables and Green Salad.
- TOPIC:** This month we will have a "Working Lunch." Join fellow AWLA members for a variety of discussions over lunch. Each table will have a different topic with discussion facilitated by an AWLA member. Just a few examples: Diana Simon's table will discuss "Coping with Stress: Litigation and Life." Lisa Thompson's table will feature "The Solo Practitioner: Getting Started and Going Strong." Merle Turchik's table will be: "AWLA and the Future."

This will be a wonderful opportunity for members to participate in small discussions about meaningful personal and professional issues and perhaps to get to know fellow members better. We hope that you can attend to add your own unique perspective to our discussions!



Sarah Herring Sorin Award

Nominations are being accepted until April 25, 2005, for the 2005 Sarah Herring Sorin Award. This Award is named in honor of Sarah Herring Sorin, Arizona's first woman lawyer, and will be presented at the Mary Anne Richey Breakfast on Friday, June 17, 2005, during the State Bar Convention at the Westin La Paloma in Tucson. Past recipients include Helen Perry Grimwood, Doris Mindell, Roxana C. Bacon, Grace McIlvain, Hon. Mary M. Schroeder, and Barbara Atwood. To view award criteria and nominate a woman lawyer you think deserving of this award, please see the nomination form located near the end of this newsletter.

AWLA NEWS



April 18 April Luncheon at the Manning House
May 23 May Luncheon at the Manning House
June 17 Mary Anne Richey Breakfast at the Westin La Paloma



Mothers' Forum

The Mothers' Forum went to the Reid Park Zoo.... Well, at least for a little bit! Four mothers and five children met at the zoo on March 19, 2005 at 9 a.m. for a fun-filled adventure. Unfortunately, rain intervened, and much of the group opted for a trip to the Park Place Mall's play place, instead. Regardless of the location, though, everybody had a wonderful time!

If you have ideas for fun things you would like to do with the Mothers' Forum, please let Carrie Rednour know by contacting her at 790-4061 or crednour@kingfrischlaw.com.



Last Chance to Donate to the Diaper Drive!

Between now and April 18 we are asking our members and supporters to donate disposable diapers-baby and adult sizes - or cash. We suggest a \$10 donation. The Southern Arizona Community Diaper Bank's mission is a community where every person has his/her basic needs met. Toward that end, the Diaper Bank's short-term goal is to provide diapers and incontinence supplies to organizations that assist families in need. To create a lasting impact, the Diaper Bank works to raise consciousness of the issues facing our most vulnerable community members-the disabled, elderly and babies



Do it with Diapers!



LAW SCHOOL PROGRAM HELPS STUDENTS GET ATTIRED PROFESSIONALLY

Students will be returning to school before we know it and fall interviews will be in full swing. As you know, they need to dress professionally for interviews, but buying a new wardrobe can do serious damage to a student's budget. *They could use your help!*

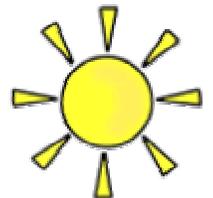
Lawyers (both male and female) are being asked to clean out their closets and donate business clothing and accessories they no longer wear. Your donations will the 6th Annual "G.A.P." (Getting Attired Professionally) program a success. At the event, each student may sort through racks of donated professional clothing and select a suit or dress to wear during interviews.

In Tucson, donations are being accepted until Wednesday, August 24, 2005 by:

Bruce Heurlin
Karp Heurlin & Weiss
3060 N. Swan Road, Ste. 100
Tucson, AZ 85712-1225
Tucson, AZ 85719
520-626-2400

Donna Ream
University of Arizona
Rogers College of Law
1201 E. Speedway

Our students and the entire college of law community appreciate your continued support!



LAW CAMP WILL PROVIDE HIGH SCHOOL STUDENTS WITH A HEALTHY DOSE OF “THINKING LIKE A LAWYER”



As part of the Arizona Youth University Summer Programs, The University of Arizona is offering two Law Camp sessions for students grades 9-12. Session 1 will run from June 6-10; Session 2 will run from June 13-17.

This camp provides students with a basic understanding of how our law works, what lawyers do, and how they approach and solve problems. This is a hands-on class — from the first morning, students will begin “lawyering” by discussing and debating current legal issues such as: Should a teen arrested for marijuana possession be put on probation or sent to jail? What gives the Supreme Court the right to throw out Arizona laws? Are there any limits on judicial power? Students will learn legal principles and consider the ethical issues faced by lawyers. They will also get a healthy dose of “thinking like a lawyer.” Time and again, students will have to articulate and defend their positions, to listen closely to what is said, to consider other points of view, and, perhaps most critical for teens, to consider the long-range implications of short-range decisions. At the end of the week students will put on a mock trial with friends and family sitting as jurors.

The class will be taught by four law students under the supervision of UA law professors Kenney Hegland and Paul Bennett. Class size is limited to 18 students.

For more information, call the Office of Continuing Education & Academic Outreach at 626-2400.



Have You Renewed?

Has your AWLA membership lapsed? As of April 14, 2005, (80%) of our chapter’s 260 members had renewed, and we extend a warm welcome to 13 new members, too! Fifty-seven members have not yet renewed for 2005. Please renew today for 2005 (membership runs on a calendar year basis), and ask a friend to join you! A membership is attached near the end of this newsletter for your convenience, or you can renew online at <http://www.awla-southernaz.org/joining.asp>. Together, we can make a difference! If you’re not sure whether you’ve renewed, please contact Nancy Kroell at awlaadmin@theriver.com or (520) 818-0429.

**AWLA Sarah Herring Sorin Award
2005 Nomination**

DESCRIPTION: This Award is named in honor of Sarah Herring Sorin, Arizona's first woman lawyer, and will be presented at the Mary Anne Richey Breakfast on Friday, June 17, 2005, during the State Bar Convention at the Westin La Paloma in Tucson.

CRITERIA: An AWLA Member who has demonstrated support and encouragement for the advancement of women in the legal profession. The recipient may not be a current member of the AWLA State Board of Directors.

PAST RECIPIENTS: Helen Perry Grimwood, Doris Mindell, Roxana C. Bacon, Grace McIlvain, Hon. Mary M. Schroeder, and Barbara Atwood.

NOMINATION: I nominate the following AWLA member for the Sarah Herring Sorin Award:

Name: _____

Address: _____

Telephone: _____ Fax: _____ E-mail: _____

NOMINEE'S QUALIFICATIONS (attach separate pages as needed):

NOMINATED BY:

Name: _____

Address: _____

Telephone: _____ Fax: _____ E-mail: _____

Return the Nomination Form by 5:00 p.m., April 25, 2005,
to AWLA, P.O. Box 8448, Tucson, AZ 85738,
or fax by the same deadline to (520) 818-0429



AWLA Southern Arizona Chapter
P. O. Box 8448
Tucson, Arizona 85738
awlaadmin@theriver.com
Federal Tax ID Number 86-0396999

2005 MEMBERSHIP APPLICATION OR RENEWAL
(January 2005 – December 2005)

Name: _____

Firm or Agency: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Work Phone: () _____ Work Fax: () _____

Email: _____ Year Admitted to Arizona Practice: _____

AWLA's newsletter will be sent electronically. Check here if you require paper delivery: []

Areas of Practice: (Circle up to 5):

- Academic/Law Professor
Administrative
Antitrust
Appellate
Arbitration/Mediation
Banking & Finance
Bankruptcy
Business/Corporations/Partnerships
Civil Rights
Construction
Corporate Counsel
Criminal
Education & School
Elder Law
Employment/Labor
Environment/Natural Resources
Estate Planning, Probate and Trust
Family
General
Government/Legislative
Guardianship/Conservatorship
Health/Social Security/Disability
Immigration
Indian
Injury & Wrongful Death
Insurance
Intellectual Property
Judiciary
Juvenile
Law Clerk
Law Student
Legal Malpractice/Ethics
Litigation - Civil
Litigation - Commercial
Medical Malpractice
Planning/Zoning/Land Use
Real Estate
Securities & Regulation
Tax
Technology
Tort
Utilities
Worker's Compensation
Other: _____

Other State Bar Admissions: _____

Please return this application and a check made payable to AWLA for 2005 dues in the amount of
[] \$100 (Sustaining Member*) [] \$75 (Private Attorney earning > \$50,000/yr)
[] \$50 (Public Attorney, or Private Attorney earning < \$50,000/yr) [] \$10 (Law Student)

Send to: AWLA
P.O. Box 8448
Tucson, Arizona 85738

We need your help and involvement on committees. Please check those that interest you.

- [] CLE [] Membership [] Scholarship
[] Judicial Appointments [] Mother's Forum [] Social
[] Law Students [] Newsletter [] Steering
[] Leadership Conference [] Program/Speakers [] Technology
[] Lunch Support

* Sustaining Members receive special recognition in the directory and at AWLA events

2005 AWLA Southern Arizona Leaders

Terri A. Roberts, Esq.	(520) 740-5760	terri.roberts@pcao.pima.gov	President
Leigh H. Bernstein, Esq.	(520) 622-0400	leigh.bernstein@azbar.org	Co-Vice President
Marie Rios-Martinez, Esq.	(520) 628-6044	marie.rios-martinez@azag.gov	Co-Vice President
Karen Friar, Esq.	(520) 740-5750	karen.friar@pcao.pima.gov	Secretary
Katherine M. Brauer, Esq.	(520) 740-4220	kbrauer@sc.pima.gov	Treasurer

<u>Steering Member:</u>	<u>Work Phone:</u>	<u>E-mail Address:</u>	<u>Committee:</u>
Julia K. Connors, Esq.	(520) 740-2726	jconnors@sc.co.pima.az.us	Social/Website
Amelia Craig Cramer, Esq.	(520) 319-8062	acramer@pcao.co.pima.az.us	Newsletter
Ronna Fickbohm, Esq.	(520) 320-1300	rfickbo@gabroylaw.com	Past President
Kristine M. Fox, Esq.	(520) 205-4263	kristine_fox@azd.uscourts.gov	State AWLA President
Anne C. Graham-Bergin, Esq.	(520) 326-8544	agraham@grahamberginlaw.com	Judicial Appointments
C. Jane Hall, Esq.	(520) 623-4555	CJHall@webmail.azbar.org	Newsletter
Leslie Lynch, Esq.	(520) 740-5750	leslie.lynch@pcao.pima.gov	Website/Social
Patricia Ann Mehrhoff, Esq.	(520) 791-4104	pmehrho1@ci.tucson.az.us	Luncheon Support
Megan E. Miller, Esq.	(520) 490-8346	megan.miller@azbar.org	Judicial Appointments
Angela C. Moore, Esq.	(520) 318-0001	Angela.Moore@azbar.org	Community Service
Paula C. Nailon, Esq.	(520) 626-6107	nailon@law.arizona.edu	Law Students
Kris Page-Iverson, Esq.	(520) 629-4421	kpage@lrlaw.com	Newsletter
Veronique Pardee, Esq.	(520) 292-4056	vpardee@scfaz.com	Community Service
Lori L. Pierce, Esq.	(520) 791-4104	Lori.Pierce@tucsonaz.gov	Law Students
Caroline Pinkney-Baird, Esq.	(520) 791-4104	caroline.pinkney@tucsonaz.gov	Social
Carrie L. Rednour, Esq.	(520) 790-4061	crednour@kingfrischlaw.com	Mother's Forum
Merle Joy Turchik, Esq.	(520) 882-7070	merle.turchik@azbar.org	President-Elect
Jill D. Winans, Esq.	(520) 388-4780	jdwinans@gustlaw.com	Community Service

It is the policy of the Southern Chapter of AWLA to publish in our newsletter articles and announcements submitted that are about our members or that concern events and issues of general interest to our membership. We reserve the right to limit publications due to space or editorial discretion. We also remain adamant that our sole mission is advancement of women in our profession: our publication of items submitted that may be perceived by some as supporting a mission other than this should not be considered an endorsement by our chapter. We simply hope to inform, educate, or perhaps even entertain some or all of you.

AWLA
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Address Correction Requested

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And www.awla-cochise.org