



KINERK
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Attorneys at Law

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PERSPECTIVES

Yes, Savanna, daddy is a "Trial Lawyer."

I have an 11 year old daughter named Savanna. She is smarter than I am, a far better negotiator, and her mother and brothers will tell you often my match when it comes to oral argument. For these reasons she is often asked if she wants to be a lawyer like her dad. Until recently she would always proudly respond, "Yes, I want to be a trial lawyer."

But she had a different answer the other day when we were sitting on the couch watching the evening news together. President Bush was lambasting trial lawyers, blaming them for many of our country's woes. Savanna turned to me and said, "Dad, you know, I hear a lot of lawyer jokes about how lawyers are greedy and cheat. My friend's dad is a doctor and he says lawyers are driving him out of business. Now the President says lawyers are bad. Why would I want to be a

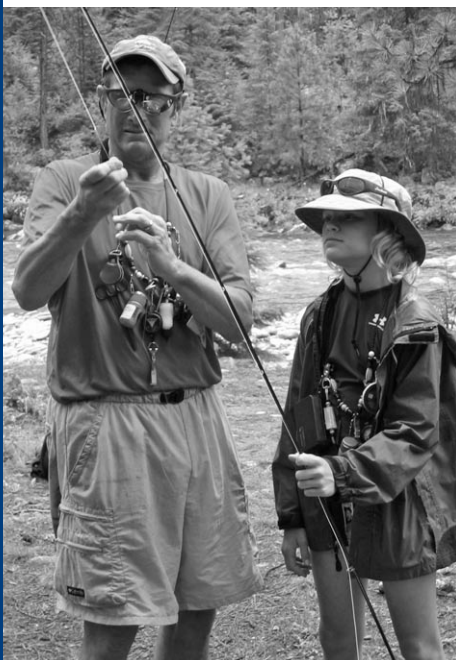
lawyer? Why are you a lawyer?"

This is what I told her.

Through all of time, especially in free societies, lawyers have been the object of ridicule. This may be more true today than ever, but it has always been true. As long as those with wealth and power can be forced to treat even the poorest and most disadvantaged members of society fairly, those with power and money will use

their wealth and influence to attack lawyers.

I told Savannah that good lawyers wear this disdain as a badge of courage. We know the importance of what we do, we are proud of it and understand that good and ethical lawyers can stand proud in the face of attack because their purpose is pure.



How to Choose the Right Nursing Home



The great strides in medical science over the last fifty years have given us all the luxury of a much longer life span. This longer life span has been coupled with the unfortunate tendency of families to neglect the "hands on" care of their elderly family members. We all face the reality that we, or members of our families, are going to face the need for nursing home care at some point in the future. Fortunately, there are a number of excellent resources at our fingertips to help us select a quality nursing home facility.

Start your search by logging into www.medicare.gov, and click on the "Long-Term Care" link in the column on the left-hand side of your screen. This will take you to the Long-Term Care page, where you should then click on "Steps to Choosing Long-Time Care". If you then click on step 4, "Find Out About Quality", and then choose the "Nursing Home Compare" option, you can obtain a complete list of nursing homes in your area. This list will give you important information, including the name

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www.kbsds.com

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Yes Savanna, continued from page 1

Just last month, the world celebrated the 60th anniversary of the liberation of Auschwitz. Not everyone remembers, but when Adolph Hitler invaded Poland, the first thing he did was round up all of the lawyers and have them executed. Why? Because whenever anyone seeks to abuse power and take advantage of those who are weaker, the only thing standing in their way is the rule of law. Without lawyers, citizens' rights cannot be defended, the rich and powerful cannot be made to toe the line or treat all with dignity, respect and justice.

The very foundation of our country, the most fundamental principle that makes all free countries great, is the rule of law: the simple principle that a country is governed by laws and not men; that our leaders in government and industry must comply with the written law that requires all people be treated fairly and justly regardless of their religion, race, gender or financial ability. Lawyers are the guardians of this most sacred tenant of our society.

So, yes Savanna, I am proud to be a lawyer and I am not afraid to ask everyone, when the lawyers are under attack, to take a moment to examine the true motive of the attack. When you are told that medical malpractice lawsuits are the cause of the high costs of medical care, take a moment to look at the facts and don't just listen to the canned quotes.

When you are told that product liability lawsuits make products unaffordable, examine who benefits and who is hurt by limitations on your right to sue for injury and death when a product is unreasonably dangerous or defective. Look at the wealth of the industry seeking the limitations and ask yourself again who really stands to lose the most if this propaganda is believed.

We at Kinerk, Beal, Schmidt, Dyer & Sethi are proud of our profession, and we are privileged to protect your rights within the greatest legal system ever conceived by man. We hope that this newsletter will serve to properly inform you so that you will not be misled into giving away any of these valuable rights.

—Ted Schmidt

KBSDS Fellowship Program has first "fellow."

Jessica Feingold, a recent graduate of the University of Arizona College of Law, has joined our firm as a KBSDS "Fellow." Our Fellowship Program provides funding for extraordinary individuals who have, even early in their career, exhibited a clear understanding of the rights of individuals within a context of broader legal issues.

Congratulations!

DEV SETHI was honored by the University of Arizona Alumni Association and the University of Arizona James E. Rogers College of Law when he was named the 2004 Outstanding Young Alumni. This honor recognizes Dev's continued involvement with and contributions to the Law College, including his work as an Adjunct Professor.



Dev Sethi

JIM DYER was recently named to the State Bar of Arizona's Committee on Character and Fitness which screens new applicants for admission to the profession. He was also recently chosen to serve as President-elect of the Pima County Bar Association and President of the Pima County chapter of the American Board of Trial Advocates.



Jim Dyer

TED SCHMIDT will be honored at the 31st Annual Law College Association Appreciation Dinner where he will be presented with the prestigious Arizona Alumni Association's Sydney S. Woods Alumni Service Award which recognizes Ted's career-long dedication to and support of the University of Arizona.



Ted Schmidt

Why you should keep a camera in your car.

You should always keep a disposable camera in your glove box. You will be surprised at the many occasions that you will have an opportunity to use this camera to preserve evidence that may help you, or others.

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Retiring ref Beal unknown, unfazed

By Greg Hanson

(Reprinted with the permission of The Arizona Daily Star from an article published 12/11/04)

For three hours the other day, I tore through this newspaper's archives, looking for mention of Bob Beal, football referee.

Surely he blew a call somewhere, some year, that brought down thunder and produced angry words. Thirty years in the officiating business, from the Bisbee-Douglas high school game to the Michigan-USC Rose Bowl, there had to be something.

Here's what I found: Several mentions of Beal, a prominent Tucson trial lawyer, working high-profile cases. Another story or two connected to his business deals with the late Brian Williams, a 1990s UA-NBA basketball player of note. But not a syllable about Beal's officiating career.

Beal was not involved in the four-lateral, Cal-Stanford, band-on-the-field fiasco of 1982. He did not allow a fifth down in a goal-line stand that meant a conference championship. His integrity was never challenged, not even as a former UA offensive lineman who worked four UA-



ASU games, including the classic 1986 Chuck Cecil game at Arizona Stadium.

Beal has been part of a golden era of Tucson football officials that produced Ed Hochuli, perhaps the NFL's leading crew chief, and recently retired Pac-10 officials Bobby Rauh and Jim Fogltance, among others.

One of the most memorable games of Beal's career came at the Rose Bowl in '89. Michigan led 15-14, fourth down at the goal line, two minutes remaining. Tailback Leroy Hoard runs wide, to Beal's side.

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How to Choose, continued from page 1

and address of the nursing home, the number of beds in the facility, and whether or not the facility accepts Medicare.

The Medicare site does not contain any ratings of the nursing homes that are listed, nor does it provide any information regarding complaints or any inspection deficiencies which may have been found by the Arizona Department of Health Services but, it does provide contact



information for state and local agencies to help you with your nursing home choice.

You can also find a list of nursing homes in your area by logging onto www.myziva.net or the Arizona Healthcare Association web site www.azhca.org.

Once you have found what looks like some suitable nursing homes in your area, you should then log onto www.memberofthefamily.net. You should click on the "National Watch List" option, and then a map of the United States will appear. Click on "Arizona" to obtain information on nursing homes. You can also select the "Registry of U.S. Nursing Homes" option on the home page, and then click on "Arizona" to get an up-to-date list of Arizona nursing homes with details of any violations that were reported by the Arizona Department of Health Services. Please remember that just because a nursing home may have violations, it does not mean that the nursing home is unsafe. Many violations are not related to patient safety. As an informed consumer, you need information regarding violations by the nursing home so that you can discuss these violations with the administrator prior to making a final decision.

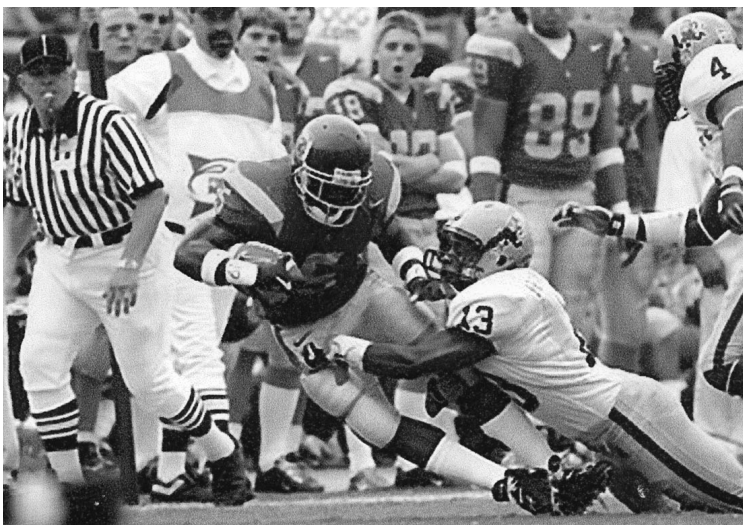
Finally, we cannot stress the value of getting as much information as possible about the nursing homes you're considering. You'll feel better and so will your loved one.

—Jim Dyer





Retiring ref, continued from page 3



"It was so close that you couldn't tell definitively, even on TV replays," Beal recalls. "But I saw him penetrate the goal line – it's four inches wide, you know – and I raised my arms. Touchdown!"

"Once we called 'touchdown!', the USC fans let loose with thousands of frisbees (seat cushions), and I was pelted," Beal said, laughing. "The field was littered. I bent over and started cleaning up, but our crew chief, Gordon Riese, said, 'Let's do the game; there's 52 seconds left. The stadium officials can clean it up.'"

Beal spent 30 years in harm's way, 22 players going 22 directions in a confined space, but was knocked down just three times. His most damaging injury? A set of black eyes and a little blood when hit by a USC linebacker's helmet in a 1997 USC-Wazzu game.

"By the time they stopped the bleeding and I got back in the game, I had missed seven plays," Beal said. "That's it over 30 years. Seven plays."

A college football official's workload can be burdensome... and...if you are a trial lawyer, as is Beal, free time is only a rumor. His life is further complicated because he and his wife Kelly have 9-year-old twins, Madison and Tyler. Beal also has three adult children.

"The sacrifice my wife and children have made is phenomenal, but that's all going to change now," he said. "I chose not to pursue a career in the NFL; the demands on my time were already great enough."

"Next year, for the first time in 30 years, we'll be able to go to Arizona Stadium as a family and be football fans. Until now, I've only been able to be a Wildcat during basketball season."

Keep a camera in your car, continued from page 2

If you're in a motor vehicle accident, or if you witness one, take your camera out and take the entire roll of film. Photograph the vehicles directly toward the side of the vehicle, the front of the vehicle, or the back of the vehicle (not at an angle). Be sure to take several distance photographs of the scene of the accident from various angles. If possible, you should also photograph injuries.

You will be amazed at how important these photographs will be in your case, or to help some other unfortunate accident victim.

Sometimes products malfunction – a tire may blow out, for instance. Preserve the evidence! You need to preserve every piece of the tire that you can find until it can be inspected by experts. If the car is totaled, you need to make arrangements to keep the damaged vehicle in storage until it can be examined by experts.

The same goes for any product that you feel is defective. In order to prove your case, you must preserve the defective product, and all of its pieces or parts.

—Jim Dyer

WE'VE MOVED!

KBSDS is thoroughly enjoying its new offices at The Cambric Corporate Center, in the southwest quadrant of River Road and Campbell. We welcome your visit. Stop by. Anytime.

