By Sarah R. Anchors, YLD Board Member

Maricopa County has a museum for toys and dolls, and for firefighters, trolleys, beads, rock art and the Salt River Project, but there is no center to learn about the county's judicial history—yet.

For about eight years, Maricopa County Bar Association leaders have been working with Superior Court staff to create a Justice Learning Center and Museum on the sixth floor of the stately Old Courthouse at 125 W. Washington Street.

There are plenty of ideas for exhibits and information to be included in the museum, but due to the expense and difficulties of creating the museum—not least of which is the recent economic downturn—the center is still in the early planning and fundraising stages.

How Can You Help?
This year the Young Lawyers Division is making the Maricopa County Justice Learning Center and Museum the beneficiary for its annual Barristers Ball, set this year for March 7. The ball includes a silent auction, dinner and dancing, and is being held at the W Hotel on Camelback Road in Scottsdale. By attending, you can help make this missing piece of history come to life.

A Little (Criminal) History
In the early 1900s, Phoenix's population rapidly expanded and this growth required a larger building for the county's justice system. The Old Courthouse was completed in 1929, and in addition to the court system, it also housed the county sheriff's office, jail and a cafeteria for the inmates.

One of the highlights of the museum will be the old jail cells. The gray barred doorways are extremely narrow, and the cells, with their old toilets and sinks, are depressingly small. The scratched drawings of bored inmates adorn the several, hefty gray metal doors: a sketching of the Last Supper, a Native American face, a partly naked woman.

The judge relied on Oregon v. Tippett, 43 P.3d 455 (Or. App. 2002), in which the Oregon Court of Appeals reversed a smuggling conviction because the defendant had not voluntarily enter into a drug smuggling conspiracy. The court held that a person who is arrested has acted voluntarily.

The state charged Alvarado with promoting drug paraphernalia under A.R.S. § 13-2505, which occurs when a person knowingly takes drug paraphernalia into a correctional facility.

The judge relied on Oregon v. Tippett, 43 P.3d 455 (Or. App. 2002), in which the Oregon Court of Appeals reversed a smuggling conviction because the defendant had not voluntarily enter into a drug smuggling conspiracy.
MCBA Membership Promotes Stewardship

The MCBA facilitates its members’ stewardship by supporting public service endeavors that are vitally important to our profession and the local justice system. Not only does the MCBA provide financial support to charitable causes and access to justice programs (through its charitable partner the Maricopa County Bar Foundation and otherwise), it also facilitates its members’ ability to volunteer in these programs.

One example is the Volunteer Lawyers Program (VLP). The VLP is sponsored by Community Legal Services and the MCBA. Through VLP an attorney can devote whatever time and resources she or he has available to helping resolve the legal dilemmas of the impoverished of Maricopa County, whether it is the few hours of time to provide intake and advice regarding civil legal matters, or agreeing to represent a low income client for the entirety of a particular legal matter.

By being members of the MCBA, we also support the Children’s Law Center. VLP started the Children’s Law Center more than 10 years ago to address unmet legal needs of children in the community who are at risk. As such, the VLP again increases access to our civil justice system, especially to those who might not otherwise be served by charitable legal services due to limited resources. You can learn more about all of VLP’s access to justice programs at www.vlpmaricopa.org.

In addition, access to the legal system is further promoted by the MCBA’s Lawyer Referral Service (LRS). For a nominal fee, an individual can schedule a one-on-one consultation with a LRS panel attorney in the individual’s area of need. Again, these are individuals who might not otherwise qualify for pro bono or indigent representation, yet do not have access to a lawyer.

Membership in the MCBA supports these services which are even more important and in demand in tough economic times. Be a good steward of our profession—support membership in the MCBA, support access to justice in Maricopa County. We look forward to working with you.

Criminal Liability Requires Voluntary Act continued from page 1

unwittingly entered the prison. There was no voluntary act, the court ruled, because the defendant did not “initiate the introduction of the contraband into the jail or cause it to be introduced into the jail.” Instead, “the contraband was introduced into the jail only because the police took defendant (and the contraband) there against his will.”

The state appealed, and the Court of Appeals reversed in an opinion authored by Judge Philip Hall. Hall noted that under A.R.S. § 13-105(37), criminal liability requires a voluntary act. In turn, a voluntary act is “a bodily movement performed consciously and as a result of effort and determination.” A.R.S. § 13-105(37).

The rationale in Tippett was that criminal fault implies the ability to choose not to take the contraband into the jail. The Oregon court opined that an arrestee does not have that choice and his voluntary decision to possess the contraband did not carry over to entering the jail. The court also believed that the constitutional right against self-incrimination protects an arrestee from having to announce his crime of illegal possession in order to avoid being charged with smuggling.

Hall rejected Tippett’s reasoning. He noted that in Arizona, the statutory requirement of a voluntary act is merely a codification of the common-law requirement of actus reus, which requires a voluntary act in order to avoid convicting a person merely for having had criminal thoughts.

“If we were to adopt [Alvarado’s] interpretation,” Hall wrote, “the statute would only apply to non-inmates, such as employees or visitors, who ‘voluntarily’ enter the jail while carrying drugs. ‘The statute is not so limited,’” he declared, “and we decline, under the guise of interpretation, to modify the statute in a manner contrary to its plain wording.”

Hall noted that Alvarado had not heeded two warnings about additional charges resulting from bringing drugs into the jail. He rejected the notion that forcing Alvarado to fess up in order to avoid a smuggling charge violated his right against self-incrimination. He agreed with the Iowa Supreme Court that “[s]ometimes the choices faced by a defendant may have the effect of discouraging the exercise of constitutional rights but that does not mean such choices are prohibited.” He noted that Alvarado, having been warned and yet having chosen to remain silent, “was the author of his own fate.”

Joining Hall in reinstating the conviction were Judges Lawrence F. Winthrop and Patrick Irvine.

Belmontes v. Ayers

Appellate judges do not often reveal any personal umbrage at having their colleagues disagree with them. But some dirty laundry was aired in a recent Ninth Circuit decision, and perhaps most surprising was the apparent trigger of the judicial ire: a seemingly innocuous description of the case’s procedural history: Belmontes v. Ayers, No. 01-99018 (9th Cir. Dec. 30, 2008).

In Belmontes v. Ayers, 529 F.3d 824 (9th Cir. 2008), a split panel reversed the death sen-
eFiling and Online Subpoena Reminders

Clerk’s Corner
Michael K. Jeanes
Clerk of the Superior Court

Permissive eFiling Reminder

Supreme Court Administrative Order 2008-89 added to existing eFiling pilot programs by allowing attorneys and self-represented parties to electronically file certain documents in civil court cases in the Superior Court in Maricopa County, effective Dec. 1, 2008.

Documents that may not be electronically filed and must still be filed in paper are listed in the Electronic Filing Guidelines (eFiling Guidelines), maintained by the Clerk’s Office at https://efiling.clerkofcourt.maricopa.gov/eefilingguidelines/.

The pilot expanding electronic filing is a “permissive” eFiling initiative as, according to the Administrative Order and the eFiling Guidelines, attorneys and self-represented parties may choose to electronically file, but may also choose to file in paper or use a combination of electronic and paper filing methods.

Documents filed in the courtroom will continue being filed on paper and the Clerk’s Office will scan the image of those documents, making them available in the electronic court record. Civil court judges are prepared to accept electronic filings from attorneys and parties who choose to eFile in cases under the terms of the permissive eFiling pilot.

Permissive eFiling under Administrative Order 2008-89 and the eFiling Guidelines is not currently available in the following case types: family, probate, mental health, tax, juvenile matters, special actions, transfers of jurisdiction or lower court appeals cases. In addition, mandatory eFiling continues in limited civil case type divisions where general and complex civil cases are designated for eFiling by individual minute entries.

To verify a judicial division’s participation in eFiling, contact the division directly.

Subpoenas Online

In addition to the existing process of having subpoenas issued through the Clerk’s Office, the State Bar, clerks and the courts worked together to modify the court rules to allow an online subpoena process that began on Dec. 31, 2008. The Online Subpoena Program has since generated a number of subpoenas online for private practitioners.

Attorneys licensed to practice in Arizona who are in good standing can now access a secured website 24 hours a day, seven days a week that will issue subpoenas from the State Bar's member's website at www.myazbar.org/subpoenas. The online subpoena program is an optional process—the Clerks of the Superior Court will continue to issue subpoenas as before.

Once a subpoena is completed on the system, the user will be prompted to pay via credit card through a secure payment gateway. After their credit card has been successfully charged, the user will be taken to a new screen to download and print the subpoena. A screen transaction receipt will be displayed at that time, and another copy will be sent to the user via email.

A unique control number will be issued for each subpoena and the seal of the Superior Court will be applied electronically. The user will need to print and serve the subpoena. Traditional and electronic subpoenas are not served on behalf of attorneys.

The online subpoena program was initiated as a convenience to the membership and requires a convenience fee to sustain its operation, in addition to the current subpoena issuance fee. As a result, exempt attorneys who represent the indigent and currently do not pay for subpoenas will be required to either pay for electronically issued subpoenas and the applicable convenience fee or may continue to have subpoenas issued directly from the clerk without cost.

Public defenders and county attorneys must continue to obtain their subpoenas directly from the Clerks of the Superior Court. The State Bar anticipates making the online subpoena program available statewide and will further advertise dates and locations for future expansion.

Lawyer Referral Service Needs You

Potential clients can be yours with the MCBA Lawyer Referral Service. The LRS receives more than 100,000 calls per year from people seeking legal assistance as well as attorneys referring clients outside their practice area.

Among the areas needing coverage are: administrative law, SSI-SSD/Medicare law, workers’ compensation, and immigration. Spanish-speaking and West Valley attorneys are also needed.

It’s easy to join! Call Linda Peña at (602) 682-8590.

FORMER MARICOPA COUNTY SUPERIOR COURT
JUDGE STEVEN D. SHELDON (RET.)

Announces his availability to assist attorneys and litigants in a practice focused on case resolution including

Mediation, Arbitration, Private Judging, Settlement, and Discovery/Special Master services in Civil & Family Law Cases

TODD FRANKS, ESQ.

Continues to provide Family Law Representation and also is available to assist attorneys and litigants as a Mediator, Arbitrator, Special Master and Appellate Counsel

CONTACT
Franks & Sheldon, P.C.
at 602-230-1265
or 480-433-4238

After their credit card has been successfully charged, the user will be taken to a new screen to download and print the subpoena.
Paralegal Students: Education, Scholarships and Networking

I recently had the opportunity to tour the new electronic courtroom teaching facility at Phoenix College.

The electronic teaching facility is based on the Superior Court electronic court system here in Arizona. Students are able to use trial software and see how trial exhibits actually appear on the monitor system.

Maybe I am dating myself, but while I was touring the facility I was thinking – “Wow! I wish I had something like this when I was in paralegal school!”

Besides Phoenix College, there are two other ABA-approved paralegal schools located in Maricopa County: Lamson College and Everest College.

Lamson College includes a mock courtroom in their curriculum where paralegal students are exposed to trial software and given an introduction as to the capabilities of the software. Everest College offers computer software classes in their curriculum which teach paralegal students the capabilities and usage of trial and database software.

It is exciting to see these paralegal schools putting forth the resources and effort to ensure paralegal students have the opportunity to receive hands on training that will assist them with their preparation for a paralegal career.

There are two other ABA-approved paralegal schools in Arizona: Pima Community College and Yavapai College.

The MCBA Paralegal Division encourages and supports paralegal students each year by awarding scholarships to deserving students attending an ABA-approved paralegal school. The MCBA Paralegal Division scholarships have been given out each year since 2001; we have been able to increase the number and amount of the scholarships through the years.

The money for the scholarship is funded by the proceeds from the annual MCBA Paralegal Division Conference. By attending the annual conference each year, you are helping paralegal students further their education. Mark your calendars: the 10th Annual MCBA Paralegal Division Conference will be held on Sept. 25, 2009.

It is once again the time of year when scholarship applications are being accepted and the deadline for the scholarship applications to be turned in is rapidly approaching. All applications must be received by Feb. 20, 2009, at 5 p.m. Paul Martin, CP, is serving as this year’s Paralegal Division scholarship chair. Please contact Paul at martinp@mcao.maricopa.gov if you need additional information on ABA-approved paralegal schools and/or the scholarship application.

Scholarship information has been distributed to the ABA-approved paralegal schools and is available on our website. Paralegal students attending an ABA-approved paralegal school are encouraged to apply. The applications do take some time to fill out, as you will need to write an essay and obtain letters of recommendation. The scholarships will be awarded at the MCBA Paralegal Division’s Career Day on March 7.

The Paralegal Career Day 2009 theme is “Alternative Methods for Marketing Yourself as a Paralegal.” Paralegal Career Day offers the opportunity for all paralegal students, individuals interested in becoming a paralegal, as well as the established paralegals, to gather and learn more about paralegal career opportunities.

John Nicks, a recruiter from Biltmore Legal, will discuss the interviewing process and thinking outside the box when trying to obtain a paralegal job. There will also be a panel discussion regarding the differences between large law firms, small law firms, corporations and government agencies.

The event also includes a networking session where paralegals and paralegal administrators from various backgrounds are available for the attendees to make individual contacts. Many past attendees find this networking session to be extremely beneficial as they are able to ask questions on a variety of topics to people currently working in the paralegal field.

The Paralegal Career Day registration material is available on the MCBA website.
The MCBA Young Lawyers Division Invites You To The
2009 BARRISTERS BALL

SATURDAY ■ MARCH 7 ■ 2009

W HOTEL
7277 East Camelback Road, Scottsdale, Arizona
6 p.m. Cocktails and Silent Auction ■ 7:30 p.m. Dinner ■ Black Tie Optional

COST
$125 per seat ■ $1,250 per table

EARLY BIRD SPECIAL
Purchase a Table of Ten by January 31, 2009 and Receive One Free Ticket to the Ball (ten tickets for $1,125)

BENEFITTING THE JUSTICE CENTER AND MUSEUM
The Justice Center and Museum educates children and adults about bedrock principles in the American criminal justice system. The Museum will restore the historic Old Courthouse’s sixth floor and preserve Arizona’s past in an interactive and vibrant way. The Justice Museum will offer visitors an opportunity to learn about Arizona’s significant contributions to the criminal justice system (e.g., Miranda rights) through interactive displays and knowledgeable tour guides. The Justice Museum will be one more attraction that will help revitalize downtown Phoenix.

SPONSOR
THOMSON REUTERS

REGISTRATION
Please print clearly.

Name: ___________________________ Firm: ___________________________
Please reserve seats for _______________ # of guests _______________ Table host name: ___________________________
Address: ___________________________
City: ___________________________ State: ___________ Zip: ___________ E-mail: ___________________________

* Table hosts are firms or individuals who sponsor a table of 10. Please provide guest list along with payment.

Please charge my: [ ] Visa [ ] MasterCard

Total charge to my C.C. $ ___________________________ [ ] Enclosed is my check for $ ___________________________

Credit Card Number: ___________________________ Ex. Date: ___________________________

Name on Card: ___________________________

C.C. Billing Address: ___________________________

Thank You

Please return form to MCBA, Attn: Laurie Williams, 303 E. Palm Lane, Phoenix AZ 85004 or Fax to 602-682-8601
A Chat with 2009 MCBA President Kevin Quigley

By Cindy Bennett

Q: I see that you went to school here locally for your undergraduate and juris doctorate. Are you a homegrown Arizonan?
A: I consider myself a native since I moved here from Chicago at one year old.

Q: How long have you been a member of the MCBA and which divisions?
A: I have been an active member since 1994 and six to seven years on the MCBA board. The board consumes most of my time with the MCBA. I have been a part of the Litigation and Administrative Law sections, and the CLE Committee of the MCBA. I have been a big part of revamping the CLE Committee, along with the great help of Laurie Williams [MCBA director of CLE]. In addition, I serve as the chair of the Commercial Litigation Group at Quares & Brady, LLP.

Q: Why is being the president of the MCBA a vital role in your career?
A: First of all, the MCBA is a very good organization. As a member of the MCBA, I have been exposed to all walks of life and different practice areas. I now have a better understanding of other practice areas in Maricopa County. I have been able to meet judges, public defenders, criminal law attorneys. This diversity of attorneys and listening to their thoughts and opinions benefit me on how to approach life, my interaction with my colleagues and other professionals. It colors my perspective in my professional life.

Q: Describe your formative years as a young associate?
A: I have finished them! My career has been at Quares & Brady. When I was looking for a position, I had to like the people and the work. I found it at Quares & Brady. The people at Q&B have helped me succeed. Q&B cares about their community. In the first year, I was just scared. In the second segment of my career, I learned how to operate better and take care of my clients more, and fine tune. As a partner, my career is about refining and perfection. I have incorporated my mentors at Q&B in my career.

Q: What keeps you motivated professionally?
A: Family and friends, in numerous ways. I always want to make sure I set a good example and that they’re proud of me, in everything I do. I want to make sure I take care of my family and friends, as my family and friends have taken care of me.

Q: What is the proudest moment of your life?
A: Hearing from my kids that I’m a good dad. My kids are Cormac (age 6), Addie (age 4), and Finn (7 months). My wife is Julie Quigley.

Q: What is your greatest achievement?
A: I was able to help my brother Tom in his battle with cancer during his time on Earth.

The Standards for Defining Terms

By Tamara Herrera

A legal writer defines terms in a drafted document in order to avoid ambiguity and aid clarity. Generally, a legal writer chooses to define a term that has a specific meaning in the document or that departs from the normal dictionary definition.

A definition of a term can occur in a separate “Definitions” section at the beginning of the document or within the body of the document itself at the spot the document uses the term. Regardless of the definition’s placement, a writer should adhere to the following standards to ensure clarity.

- Highlight the defined term in a Definitions section. Potential highlights include bold face type, quotation marks, italics, and underlining.
- Capitalize each word in the defined term in every spot the document uses the term.
- When giving an exclusive, finite definition, use the verb “means.” Do not use “means and includes” because this construction is ambiguous; the two verbs have different meanings.
- When giving a non-exclusive definition (like a list), use the verb “includes.” In Arizona, as in many jurisdictions, a writer does not need to say “includes,” but is not limited to” to show the term’s non-exclusivity when drafting legislation. A.R.S. section 1-215 provides that the term “includes” or “including” means not limited to and is not a term of exclusion.
- Ex. “Non-Cause” includes business insolvency, elimination of position, and change in business structure.
- Do not define a term by using that same term in the definition. This is a circular definition.
- Do not express a duty, right, responsibility, or other substantive provision in a definition. “Clear Definition” means an explained term that follows consistent drafting standards.

YLD Promotes Equality and a ‘Justice Learning Center and Museum’ For All

Most of us are familiar with Dr. Martin Luther King, Jr.’s famous “I Have a Dream” speech. At the heart of Dr. King’s dream was a commitment to service, for he once said: “We are prone to judge success by the index of our salaries or the size of our automobiles, rather than by the quality of our service and relationship to humanity.”

In January, the YLD helped to make Dr. King’s dream a reality by participating in Arizona’s first MLK Day of Service campaign. As the name suggests, the MLK Day of Service campaign focused on promoting the King holiday as a day of service versus just another day off.

Through the Social Engineer Committee, the YLD worked with the Governor’s Commission on Service and Volunteerism to coordinate and host a forum and service project entitled They Had a Dream Too. After participating in the MLK Day march, nearly 200 people convened at the Kenilworth Elementary School gymnasium to participate in the forum which featured an address from yours truly; a presentation of the film They Had A Dream Too (www.they-hadadreamtoo.org); outstanding speeches from teens on the topic of the future of civil rights; a panel discussion on current civil rights issues from community activist and scholars; and a commitment to non-violence by all in attendance. In addition to promoting the core values of unity, justice, and non-violence, the forum provided a great opportunity for the public to interact with the legal community (outside of the courtroom).

This month, the YLD will continue to promote equality, and a Justice Learning Center and Museum for all, through our annual Barristers Ball! This annual gala is an opportunity for the legal community to meet, greet, and enjoy the company of other lawyers in a non-adversarial atmosphere (because courtroom deputies and security will be on hand to keep the peace). The ball will be held on the evening of March 7 at the brand new W Hotel in Scottsdale.

Tickets are $125 for individuals and $1,250 for a table of 10. In addition to enjoying great food, drinks and music, you will have the chance to bid at the silent auction on rare items, such as dinner for two at Lo Lo’s Chicken and Waffles, an infamous painting from an unknown artist (or could it be the artist formerly known as Prince?), and many other must have items! Okay, there will likely also be great golf packages, exotic trips, and great clearance items from Circuit City, so take your mark now!

The coolest thing is that the net proceeds of the ball will benefit the Justice Learning Center and Museum, which will be located on the sixth floor of the Old Courthouse Building in downtown Phoenix (see article by Sarah Anchors on the front page for more information on the museum).

Whatever your motivation, pencil in the ball, turn on your out-of-office message for that night (yes, we know you turn it on every weekend), and edit your status on MySpace, LinkedIn or Facebook, to alert the world that you, my friend, are ensuring that future generations can study and appreciate the system of justice and equality that we have dedicated our lives to preserving.

Together, we can enhance the legal community, and make a positive contribution to society above and beyond that for which we receive a salary. In addition to the Barrister’s Ball, please check out the MCBA E-News for additional YLD events this month, and endeavor to participate.

If you are interested in supporting the YLD in any respect, please do not hesitate to contact me at jenkins@quarles.com (please include YLD in the subject line) or (602) 229-5200.

THE LEGAL PLACEMENT FIRM

Looking for professionals who:
- Can affect the bottom line
- Help build a practice
- Are on the partnership track

4530 E. Shea Blvd.
Suite 120
Phoenix, Arizona 85028
602.279.5662
legaljobs@mortongrp.com
www.mortongrp.com
Brnovich, Gass Appointed to Superior Court

Gov. Janet Napolitano named Maricopa County Superior Court Commissioner Susan Marie Brnovich and David Bruce Gass to the Maricopa County Superior Court.

Susan Brnovich, a Republican, has served five years as a court commissioner. During that time she served as judge pro tem of the Family Violence Bureau and the Training Division.

Susan B. Gass Appointed to Superior Court

Susan B. Gass, a Democrat, is currently the director of legislative affairs to the Attorney General's Office and a judge pro tempore. She previously served as a legal counsel for the Arizona House of Representatives. Gass was also an associate at Lewis & Roca and a law clerk for the Court of Appeals Judge Ruth McGregor.

Gass received a bachelor of science degree in business administration, and a masters of arts in communications from Bloomsburg University of Pennsylvania. He received his juris doctorate from Arizona State University.

Filling in the Missing Piece of History

The museum is also intended to honor the inductees to the Maricopa County Bar Hall of Fame, which was initiated by the MCBA in 2008. In addition, it will house drawings, tape-recorded readings, and artifacts collected from archives and from long-time members of the legal community to demonstrate the history of the justice system in the county.

Remembering the County's Legal Lights and Highlights

The museum will also have a display about In re Gault, 387 U.S. 1 (1967), where the U.S. Supreme Court found that juveniles must be accorded due process in delinquency proceedings. The case stemmed from a Maricopa County Superior Court case where Gerald Gault, age 15, was taken into custody and placed in a juvenile detention home for making a lewd telephone call while on probation for committing another offense.

NOW INTRODUCING OUR PRIVATE DINING AREA 'THE CARDINAL ROOM'

SEATS UP TO 100 GUESTS FOR COCKTAIL PARTIES, DINNER PARTIES & COMPANY MEETINGS

Open Nightly • Carry Out • Private Dining

Championship Dining

7501 East Camelback Road • (480)990-0900
Ask for Katie • www.donandcharlies.com
FEBRUARY 2009

All events are held at the MCBA headquarters at 303 E. Palm Lane, Phoenix, unless otherwise noted. Also check www.maricopabar.org or call (602) 257-4200.

<table>
<thead>
<tr>
<th>Event</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Law Section Board</td>
<td>12 p.m.</td>
</tr>
<tr>
<td>Estate Planning, Probate &amp; Trust Section Board</td>
<td>7:30 a.m.</td>
</tr>
<tr>
<td>Paralegal CLA Review Class</td>
<td></td>
</tr>
<tr>
<td>Young Lawyers Division Board</td>
<td>12 p.m.</td>
</tr>
<tr>
<td>Paralegal Division Board</td>
<td>5:30 p.m.</td>
</tr>
<tr>
<td>Public Lawyers Division Board</td>
<td>12 p.m.</td>
</tr>
<tr>
<td>CLE: Professionalism and the Ethics of Impeachment</td>
<td>12-1:30 p.m.</td>
</tr>
<tr>
<td>Environmental &amp; Natural Resources Law Section Board</td>
<td>12 p.m.</td>
</tr>
<tr>
<td>CLE: Fascinating Jewish Trials That Changed History: The Dreyfus Affair</td>
<td>12 p.m.-1 p.m.</td>
</tr>
<tr>
<td>MCBA Office Closed</td>
<td>12 p.m.</td>
</tr>
<tr>
<td>Presidents Day – MCBA Office Closed</td>
<td></td>
</tr>
<tr>
<td>CLE: eFiling for the Panicked and Unwilling</td>
<td>8 a.m.</td>
</tr>
<tr>
<td>CLE: Fascinating Jewish Trials That Changed History: The Dreyfus Affair</td>
<td>12 p.m.-1 p.m.</td>
</tr>
<tr>
<td>MCBA Office Closed</td>
<td>12 p.m.</td>
</tr>
<tr>
<td>Presidents Day – MCBA Office Closed</td>
<td></td>
</tr>
<tr>
<td>CLE: eFiling for the Panicked and Unwilling</td>
<td>8 a.m.</td>
</tr>
</tbody>
</table>

*Please watch your MCBA E-News for updated information about meetings and events.

---

APRIL 3–4, 2009
sandra day o’connor college of law
arizona state university
tempe, arizona

http://LST.law.asu.edu

The National Academy of Sciences is expected in January to release its report about the future of forensic science. Leading scholars of forensic science, criminalistics, and scientific evidence will gather at this international conference to issue the first major response to the Academy’s report, and to discuss its relationship to the legal system.

Sponsored by:

---

INTRODUCING exclusively for attorneys and law firms

JURIS banking from Alliance Bank of Arizona

Now, a banking program designed exclusively for you:

- A relationship manager who is your single point of contact.
- Our JURIS Rewards Visa® Card with 24/7 Concierge Service.
- Valuable banking tools to make your time and money even more productive.


Discover why Alliance Bank of Arizona is the Bank of Choice for more Arizona attorneys—contact us today.

Alliance Bank of Arizona

www.alliancebankofarizona.com
2008 President and Board Thanked for Service

The 2008 MCBA Board of Directors were (standing from left): David Funkhouser, III, Kathryn Bunch, Hon. Keelan Bodow, Jenny Pelton, Hon. Louis Araneta, Jennifer Ratcliff, Dan Lowrance, LaShawn Jenkins, Rod Galarza and T.J. Ryan. Sitting from left are: David Benton, Jennifer Green, Hon. Glenn Davis, Kevin Quigley, and Executive Director Allen W. Kimbrough.

Board Retreat facilitator Rory Gilbert writes down board members’ responses, which will aid the Strategic Planning Committee in drawing up a comprehensive strategic plan.

2009 President Kevin Quigley prepares to present the golden gavel to Hon. Glenn Davis, outgoing MCBA president. Executive Director Allen W. Kimbrough is in the background.

2009 Board ‘Retreats’ to Work on Strategic Plan

Board Retreat facilitator Rory Gilbert writes down board members’ responses, which will aid the Strategic Planning Committee in drawing up a comprehensive strategic plan.

Board members Rod Galarza and Jennifer Green at the retreat.

Maureen Zachow makes a point at the Board Retreat. Behind her (from left) are Camila Marcon, Naoma Gault and William Kastin.

Holly Davies, appointed to the board for one year at its first meeting when Jennifer Ratcliff was elected secretary and vacated her board seat, talks with David Benton during a break at the Retreat.

From left, Hon. Glenn Davis and Kevin Quigley, immediate past president and president, respectively, David Funkhouser, T.J. Ryan, and Jennifer Green.
Phoenix School of Law Appoints New Academic Leader

Phoenix School of Law announced that Dean Eugene Clark of Charlotte School of Law has been appointed the institution’s interim dean, effective immediately. He succeeds Dean Dennis Shields, who continues with the school as a tenured faculty member. Both schools are members of the InfiLaw System, a consortium of independent law schools committed to making legal education more responsive to the realities of new career dynamics.

“Under Dean Shields’ leadership, PhoenixLaw has achieved key milestones, which include first securing provisional ABA approval, exceeding national and state averages for first-time bar examination pass rates (while achieving the state’s highest pass rate), and transitioning to our current education more responsive to the realities of new career dynamics,” said Rick Inatome, InfiLaw CEO. “We want to expand on successes like these as we move in the next phase of the school’s development, building upon the foundation Dean Shields has established with the faculty and senior management team.

“Dean Clark’s achievements in leading CharlotteLaw’s accreditation process, developing its faculty and management teams and establishing strong student outcomes have proven invaluable,” added Inatome. “His leadership is now needed to guide PhoenixLaw through a critical stage in gaining full ABA approval.”

Clark joined Charlotte Law in 2006 where he has helped build an engaged, student-centered culture that earns high Baldridge award criteria quality ratings for teamwork and faculty dedication to the school’s mission, vision and values. He practiced law for three years in the U.S. prior to embarking on an international career that has taken him to Australia, China, Thailand, and the South Pacific. Before coming to CharlotteLaw, Clark was professor of law and dean of the Faculty of Law, Business and Arts at Charles Darwin University in Australia. He has also served as a visiting professor at the University of New Mexico Law School. In addition as a teacher, Clark has won university and national teaching excellence awards, and as a scholar, has published 20 books and over 100 journal and professional articles. Clark earned five degrees, including his juris doctorate with honors from the U.S., his doctorate of philosophy in law from Australia and two master’s degrees in education, one in curriculum and the other in educational administration.

Language Raises Judges’ Hackles

continued from page 2
tence of Fernando Belmontes following his murder conviction, holding that defense counsel had rendered ineffective assistance at the sentencing stage. The majority ruled that counsel should have produced evidence that Belmontes had mostly risen above a deplorable upbringing. Had this evidence been presented, the majority held, there was a reasonable possibility that the jury would not have chosen a death sentence.

The State of California petitioned for rehearing en banc. When the court refused, Judge Consuelo Marta Callahan wrote a dissenting opinion in which seven other judges joined. She asserted that the panel had ruled incorrectly because it had failed to properly analyze whether prejudice had resulted from counsel’s choice.

Callahan pointed out that Belmontes’ defense attorney had made a conscious choice not to produce the evidence of his upbringing. She believed that this was wise because presenting the evidence would have opened the door to far more damning evidence: a previous murder. She wrote that the majority had performed a “myopic” reading of the record by its failure to recognize the strategic advantage of counsel’s choice.

“The majority is able to develop its analysis only by ignoring or minimizing the fact that Belmontes’ attorney . . . had managed to exclude from the jury’s consideration all evidence that Belmontes had not only previously committed a cold-blooded, execution-style murder, but had also told several people that he had done so.

“Any further effort to promote Belmontes’ childhood experiences as a mitigating factor,” Callahan wrote, “would have resulted in the jury learning that Belmontes had committed a prior murder and had basically gotten away with it.” Consequently, she opined, “counsel’s failure to explore the mitigating evidence was not prejudicial.”

In 14 printed pages, Callahan outlined her disagreement with the panel majority’s opinion, but it was her introductory language that raised the hackles of Judges Stephen R. Reinhardt and Richard A. Paz, who composed the panel’s majority.

Reinhardt, joined by Paz, wrote an opinion concurring with the decision to decline en banc review. He did not concentrate on whether the panel’s decision was correct. Rather, he wrote of his displeasure with some introductory words in Callahan’s dissent.

Callahan had written: “This is the third time that a panel of this court has set aside Belmontes’s death sentence.” She referred to a procedural history in which the United States Supreme Court had rejected two previous decisions in the case.

Reinhardt took her to task: “[T]he implication . . . is that we have floated the will of the Supreme Court, and attempted to set aside Belmontes’s death sentence on three separate occasions, or for three separate reasons.” He asserted that this “sentence can serve only to bias the reader who reaches the merits of the constitutional question later in the dissent.”

Reinhardt charged that Callahan had unfairly distorted [ed] her dissent in the precedent for this court’s active judges have declined to sign their names to Judge Callahan’s dissent,” he concluded.

“With the assurance that we have faithfully upheld the Constitution, and that we have done nothing less than give the most deliberate consideration to each claim presented to us, we respectfully find it necessary to file this concurrence in the denial of the petition for rehearing en banc.”

Callahan did not respond to Reinhardt’s accusations in her own opinion.
Bad Direction Leads to Wrong Destination

continued from page 1

And here we are.

The economic crisis we face is devastating to a tremendous number of individuals and families. It is made worse by the flood (or tsunami) of misinformation and bad advice sweeping many away into a sea of bad mistakes. Not unlike looters during a natural disaster, economic ruin presents an opportunity window for opportunists disguised as experts.

Experts in loan modifications, short-sales, and evictions, and governmental entities. If you possess a license to practice in Arizona and are interested in representing individuals and businesses when they have been harmed by others or when they face criminal prosecution or administrative sanctions, seeks an associate with one to five years experience in white collar criminal defense or commercial litigation. If interested, please fax resume to 602-265-2628 or e-mail ddoby@azlawyers.com.

ATTORNEY/FIRM WANTED

Rake Petti, P.C., a Phoenix law firm specializing in representing individuals and businesses when they have been harmed by others or when they face criminal prosecution or administrative sanctions, seeks an associate with one to five years experience in white collar criminal defense or commercial litigation. If interested, please fax resume to 602-265-2628 or e-mail ddoby@azlawyers.com.

The economic crisis we face is devastating

continued from page 1

And here we are.

The economic crisis we face is devastating to a tremendous number of individuals and families. It is made worse by the flood (or tsunami) of misinformation and bad advice sweeping many away into a sea of bad mistakes. Not unlike looters during a natural disaster, economic ruin presents an opportunity window for opportunists disguised as experts.

Experts in loan modifications, short-sales, and evictions, and governmental entities. If you possess a license to practice in Arizona and are interested in representing individuals and businesses when they have been harmed by others or when they face criminal prosecution or administrative sanctions, seeks an associate with one to five years experience in white collar criminal defense or commercial litigation. If interested, please fax resume to 602-265-2628 or e-mail ddoby@azlawyers.com.

ATTORNEY/FIRM WANTED

Rake Petti, P.C., a Phoenix law firm specializing in representing individuals and businesses when they have been harmed by others or when they face criminal prosecution or administrative sanctions, seeks an associate with one to five years experience in white collar criminal defense or commercial litigation. If interested, please fax resume to 602-265-2628 or e-mail ddoby@azlawyers.com.

The economic crisis we face is devastating to a tremendous number of individuals and families. It is made worse by the flood (or tsunami) of misinformation and bad advice sweeping many away into a sea of bad mistakes. Not unlike looters during a natural disaster, economic ruin presents an opportunity window for opportunists disguised as experts.

Experts in loan modifications, short-sales, and evictions, and governmental entities. If you possess a license to practice in Arizona and are interested in representing individuals and businesses when they have been harmed by others or when they face criminal prosecution or administrative sanctions, seeks an associate with one to five years experience in white collar criminal defense or commercial litigation. If interested, please fax resume to 602-265-2628 or e-mail ddoby@azlawyers.com.

ATTORNEY/FIRM WANTED

Rake Petti, P.C., a Phoenix law firm specializing in representing individuals and businesses when they have been harmed by others or when they face criminal prosecution or administrative sanctions, seeks an associate with one to five years experience in white collar criminal defense or commercial litigation. If interested, please fax resume to 602-265-2628 or e-mail ddoby@azlawyers.com.
Be a Shortcut: The Secret Fast Track to Business Success

By Scott Haldorf

Due to economic conditions, a sort of “Business Darwinism” is taking over in most organizations—survival of the fittest—as excess is trimmed and only the necessary survive. This means companies are making decisions about who will keep the organization afloat during lean times, and now, more than ever before, employees have the ability to secure their own futures. That is, if they are those who are the indispensable, go-to resource their company can’t live without: a Shortcut.

It makes good sense to take stock of your worth and influence as a business professional during these scary times, and as you do, take notice of those who are making it and living the lives they want. Chances are they’re all remarkable Shortcuts to their internal and external clients… not shortcuts of the easy-way-out variety, shoddy quality or questionable ethics, but rather Shortcuts with a capital “S”: Individuals who are the professionals their company can’t live without.

We Need You!

There is an enormous need for Shortcuts because employees are being asked to do the added work of those laid-off in this recession. Shortcuts are the ones called upon because they were willing, during better times, to work at a few things very passionately and person-ably.

Consider that more people have access to more information than any other time in his-tory. The astonishing level of information over-load, while still needing to act and react with speed, brings about intense worldwide compe-tition and more constantly stressed-out lives as a by-product. It’s more difficult to even be an average competitor.

Enter you—the Shortcut. As one, you: Carve out your only little fiefdom—coddle it, study it, write about it, talk about it and get up the next morning and do it again. You become consist-ently good and gracious at what you do and others trust you. You are reliable lawn serv-ice; the Grease Monkey down the street; the administrator who predicts her boss’s needs and then exceeds them; the vice president who mentors a team by teaching individuals what she knows and then encourages them to go beyond that point. You are who others instant-ly think of when they need a particular skill or service or to find a specific piece of valid infor-mation at the right time to the right people in the right way.

The need for Shortcuts is high and there is a formula that you can follow to help you think about how to be a better Shortcut.

The Shortcut Formula

There are a few simple things to consider in terms of being an invaluable Shortcut. Here’s the first part of the formula. People use Shortcuts most when:

1. Their desire to do something is low
2. Lack of time, talent and/or desire indicates a good opportunity for a Shortcut. Ask if your service or job falls into one of these areas. The other part of the formula is when, as a Shortcut, you make other’s lives:
3. Easier, because they don’t have to do the legwork
4. Better, because the quality of their life goes up, or they look good to those they wish to impress
5. More money, because they make more money

Frame your job, service or product in a way that it addresses this part of the formula and your influence and value grow up. Of course, you have to add a big dose of positive attitude and emotional intelligence that make dealing with you such a pleasure. Let’s take a look at the two ingredients of a Shortcut: expertise and emo-tional intelligence.

Be ‘The Expert’

The Shortcut understands intuitively what trend-forecaster, John Naisbitt, predicted in the late 1980s about success in the millennium. He said the individuals and organizations that can organize and make useful the proliferation of information will be the most successful and profitable of the 21st century.

Naisbitt was right—he was talking about being the Shortcut, the expert, the go-to per-son in his or her own little corner of an indus-try who can find and distill the right informa-tion at the right time to the right people in the right way.

These people create the lives they want because they’ve done something the average professional isn’t willing to do: They commit themselves deeply and with fierce focus in a very specialized area. They strive to become experts, no matter the topic area. They essen-tially become the Google of their business.

The first step is to find what you love to do and then research it and practice it so you’re the “household” name where you work.

Be Emotionally Intelligent

Expertise is only a part of the equation; Shortcuts also have high emotional intelligence (EI). EI is the set of attributes that predict a person’s workplace and life success better than IQ and technical expertise, and like IQ, your EI can be measured.

But, unlike IQ, you can grow your EI through practice and coaching. Don’t misun-derstand; IQ and expertise are necessary to get you in the door, but think about it—the people you work with are about as smart as the next person, so intelligence isn’t the differentiator.

Research in human performance conclu-sively shows the big difference is in being able to deal well with the day-to-day hassles and adverse events that come your way. Those who don’t cope well usually have bad attitudes and inappropriate approaches to even the simplest requests. There’s nothing worse than a really smart person who makes you feel like an idiot.

Shortcuts understand their purpose in life.
Be a Shortcut
continued from page 12

isn’t to show off their knowledge and expertise, but rather to use them to teach others and to create simplicity in others’ lives. In doing so, they use excellent common sense and the social graces that make them magnetic.

All things equal, most people will use a subject matter expert who exhibits excellent emotional intelligence in difficult situations over the creepy expert who blows his top over a simple request for services. Be a Shortcut. When you are, you’ll build the life you want because you’re giving time and peace of mind back to others so that they can build the life they want. In this economy, that’s the surest bet you can make.


Court Appointed Receiver
Real Estate Consultant
Property Manager
Expert Witness
Developer

Richard K. Olsen
WWW.TESTIFY.COM
WWW.RECEIVER.COM
Email: rko@cox.net Tel: (602) 216-6600

Volunteer Lawyers Program
Thanks Attorneys

The Volunteer Lawyers Program thanks the following attorneys and firms for accepting 31 cases during the past month.
The VLP supports pro bono service of attorneys by screening for financial need and legal merit and providing primary malpractice coverage, donated services from support professionals, training, materials, mentors, and consultants. Each attorney receives a certificate from the MCBA for a CLE discount.

For information about cases and other ways to help, please contact Pat Gerrich at the VLP at (602) 254-4714 or pgerrich@clsaz.org.

VLP ATTORNEY OF THE MONTH
Jim Craft Gains Fresh Perspective from Assisting Those with Civil Law Problems

For more than a decade, Jim Craft has been actively engaged in pro bono representation of individuals with civil law problems. For his outstanding advocacy on behalf of low-income residents of Maricopa County, the Volunteer Lawyers Program has recognized Craft as “Attorney of the Month.”

Before attending law school at the University of Arizona, Craft majored in economics. After completing his juris doctorate, he worked at the Department of Justice in Washington, D.C., and obtained an M.B.A. from the Stanford University Graduate School of Business. Craft is a partner at Gammage & Burnham, PLC.

To assist VLP in the review of requests for legal assistance, Craft participates in an intake clinic where he interviews applicants to gather facts, and help evaluate legal merits and possible remedies in each case. Those seeking help are often facing problems associated with debt.

“In conducting initial interviews with people seeking help at VLP, I’ve spoken to people who’ve been victimized by identity theft and problems related to errors in credit reports. Those errors affect credit scores, which have become an important factor in the terms offered by creditors,” Craft commented. “It’s more important than ever to address these problems.”

Craft has also helped VLP clients with housing problems, including some clients who could not afford alternate housing, but were enduring difficult, and in one case, even uninhabitable conditions.

In the past four years, especially, Craft has handled residential real estate cases in which he has obtained judgments clearing title for rightful owners.

“You can build the life you want because you’re giving time and peace of mind back to others so that they can build the life they want. In this economy, that’s the surest bet you can make.”

If you would like further information about pro bono opportunities, contact VLP Director Patricia Gerrich at (602) 258-3434, ext. 2630.

WE BUY
Bankruptcy, Probate, Divorce and Foreclosure Property

No Value, No Equity—No Problem
and we pay referral fees
www.bestgetmeoutofforeclosure.com
602-493-2016
www.mylegalhelpusa.com
Fascinating Jewish Trials that Changed History
12-1 P.M. (Lunch included)
FEB 13 ■ The Dreyfus Affair
MARCH 16 ■ The Leo Frank Case
APRIL 20 ■ The Jonathan Pollard Case
1 credit hour EACH
The Dreyfus Affair (1894-1906) - A case of French military espionage that mobilized the people of France and divided them politically, militarily, religiously, and socially for more than a decade. The Leo Frank Case (1913-1915) - The murder of 13-year-old Mary Phagan in Atlanta that was blamed on a highly-assimilated Jewish factory owner, whose conviction resulted in death by lynching. The Jonathan Pollard Case (1985-1990) - The controversial espionage case of a former U.S. Navy intelligence analyst charged with spying on the U.S. for Israel, who plead guilty and received a life sentence for which he remains in prison to this day.

The Jonathan Pollard Case (1985-1990) — The controversy of the time at which the case was handled, and the lenient sentence that Pollard received, compared to other espionage cases.

The Leo Frank Case (1913-1915) — The murder of 13-year-old Mary Phagan in Atlanta that was blamed on a highly-assimilated Jewish factory owner, whose conviction resulted in death by lynching. The controversy of the time at which the case was handled, and the lenient sentence that Pollard received, compared to other espionage cases.

The Dreyfus Affair (1894-1906) — A case of French military espionage that mobilized the people of France and divided them politically, militarily, religiously, and socially for more than a decade.

To register, use the registration form on this page, go to www.maricopabar.org, or call Jennifer Deckert at (602) 257-4200. Unless otherwise specified, all CLE programs will be held at the MCBA office: 303 E. Palm Lane, Phoenix, AZ 85004.
**THE BULLETIN BOARD**

**News from the legal community**

The *Maricopa Lawyer* invites members to send news of moves, promotions, honors and special events to post in this space. Photos welcome.

Send your news via e-mail to maricopalawyer@maricopabar.org.

---

**Moves and New Hires**

Jennings, Strouss & Salmon, PLC, is pleased to announce that L. Edward Humphrey has joined the firm as an associate in the firm’s Phoenix office. Humphrey will practice in the Bankruptcy, Reorganization & Creditor’s Rights Department as well as the Litigation Department.

L. Edward Humphrey

Lindsay E. Jones, a partner in Gust Rosenfeld’s Education Law practice, has accepted a position as senior director of Public Policy with the Council for Exceptional Children (CEC). Located in Washington D.C., the organization is an international community of more than 40,000 professionals who embody the voice and vision of special and gifted education.

Jones will focus on lobbying Congress on behalf of students, parents and educators within the special education community; building coalitions and energizing the organization’s membership base; drafting and interpreting proposed legislation; and representing the organization at conferences and other events.

Lindsay E. Jones

Scott Ames has joined the Phoenix office of Fenimore Craig as of counsel. Ames practices primarily in the areas of environmental and natural resources law, toxic torts and business torts.

Scott Ames

Steptoe & Johnson, LLP, announced that two of its attorneys have been named to partnership in the firm. Jon T. Neumann in the firm’s Phoenix office and Patrick Menasco in the Washington, D.C. office were elevated to partner status as of the first of the year. Both were Of Counsel at Steptoe prior to being elevated to partner.

Neumann focuses his practice on complex commercial litigation in federal and state courts as well as various arbitral forums, with an emphasis on reinsurance litigation, insurance bad faith and coverage litigation, and banking and financial services litigation. Menasco represents a diverse range of clients regarding the investment of employee benefit capital and the management of single and multiemployer plans.

Jon T. Neumann

Matthew L. Cates

David W. Elston

David W. Elston

The Haller Law Firm, PLC, is pleased to announce that Jodie D. Caccuccullo is now of counsel to the firm. Caccuccullo is a certified mediator and judge pro tem of Maricopa County Superior Court, and will focus her practice on mediation and arbitration.

Jennings, Strouss & Salmon, PLC, is pleased to announce that Matthew L. Cates and David W. Elston have been elected Members (Partners) of the firm.

Cates focuses his practice on civil litigation, and has represented clients in insurance defense, insurance bad faith cases, and in civil appeals. Elston focuses his practice on real estate and commercial transactions, corporate securities and corporate formation, zoning issues, and sports representation.

Matthew L. Cates

David W. Elston

Lewis and Rocca is proud to announce that Julie Arvo MacKenzie has been elected Secretary of the Desert Mission Board. She has served on the Board of Directors since 2006. Her term as secretary filled an existing vacancy and will continue through December 2009.

Arvo MacKenzie is of counsel in the firm’s Phoenix office and is a member of the Business Transactions Practice Group. Desert Mission is a community organization affiliated with the John C. Lincoln Health Network whose goal is to address the underlying issues that keep people bound to a life of poverty and vulnerability.

Julie Arvo MacKenzie

The Phoenix law firm of Osborn Maleden, PA, has announced the return of a former partner and the addition of a new associate.

The partner is Douglas Dalton, a litigator who has practiced for 31 years. Dalton was a sole practitioner before returning to the firm. His experience ranges from representing a corporate defendant in a medical malpractice case that resulted in what was then the longest jury trial in Arizona history (8 1/2 months) to representing the plaintiffs in a medical malpractice case that resulted in the largest personal injury jury verdict in Arizona history ($28 million jury).

The new associate is Erick Otteson, an intellectual property attorney who focuses primarily on patent litigation.

Erick Otteson

---

**Honors and Awards**

Phoenix Soroptimist International (SI) club members gathered with friends and business associates on Dec. 18, 2008, for lunch and to hear a former member. U.S. Supreme Court Justice Sandra Day O’Connor (Retired), gave an unscripted biography of her life and career.

More than 250 guests attended the lunch meeting that was held at the Arizona Club including Soroptimist International of the Americas (SIA) president Alice Wells, Golden West Region District 4 Director Penny Babb, 50 SI Phoenix club members, and 30 Soroptimists from other clubs in District 4.

Arizona legislator, Jennifer Burns, was also in attendance at this event.

As part of the program, current club president Patty Thompson and past president Lori Reed presented Justice O’Connor with a past president’s pin and certificate from the Phoenix club. In 1981, Justice O’Connor was vice-president of SI Phoenix, when then President Reagan announced on July 7 that she was his appointee to fill the vacancy on the Supreme Court left by Associate Justice Potter Stewart’s retirement. As vice president, Justice O’Connor was in line to assume the presidency of the Phoenix club the following year. After her confirmation hearings, Justice O’Connor resigned from SI Phoenix and became the first female justice of the U.S. Supreme Court.

---

**Fresh Start For Good People in Bad Situations**

continued from page 11

Now, I have known this person for a number of years. She has suffered through a tragic divorce and has struggled to raise four children on her own. She faces insurmountable debt related to rescuing her two teenage boys from the devastating consequences of their poor choices. She has held her family together and her boys are finally back on safe social paths. But the financial damage is done. Now, she needs to be rescued.

The bankruptcy laws were designed to give a fresh start to good people caught in bad situations. It replaced a savage system of severe punishment including debtor’s prison. The bankruptcy laws contain multitudes of safeguards against abuse and abusers. It is not dishonest to take advantage of every benefit contained in the bankruptcy laws. For example, if a debtor has a large sum of cash, which is not exempt from the trustee’s authority to take, the debtor may, even on the day of filing bankruptcy, convert the cash to the debtor’s homestead exemption by paying down the mortgage. See In re Addison, 540 F.3d 805 (8th Cir. 2008).

Likewise, the noblest of clients can, without blemish to their integrity, wait for their tax return and convert those much-needed funds into an exempt asset to benefit their families.

As frightening and overwhelming as bankruptcy is, it is wonderful to provide a fresh start to the many good people caught in devastating circumstances.
Robert Half Legal contacts over 20,000 legal hiring managers each week – gaining the experience and perspective necessary to create the profession’s authoritative salary guide. It is your essential resource for national salary ranges, in-depth regional salary analysis, top specialties in demand and more.

Call 602.977.0505 today for your FREE 2009 Salary Guide.
2375 E. Camelback Road, Suite 290, Phoenix, AZ 85016