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Much of what the panelists forecasted took place to some extent, including Bolton allowing some parts of the law to move forward and not others and that the doctrine of preemption would be a key factor in the ruling.

Pace said she thinks Bolton made the right decision to preliminarily enjoin four main provisions of the law and that it will be upheld in the 9th Circuit Court of Appeals in San Francisco. “I don’t think it will be overturned because it’s [the law’s] so clearly preempted. I think it went over that line” of the federal government’s jurisdiction versus the state’s jurisdiction on immigration enforcement, she said.

Cole said he thought Bolton was thorough in how she made her ruling. “She did what she was supposed to do. In Arizona v. Gant, 129 S. Ct. 1710 (2009), the United States Supreme Court backtracked on more than a quarter century of search-and-seizure law. In a departure from New York v. Belton, 453 U.S. 454 (1981), the court concluded that police may “search a vehicle incident to a recent occupant’s arrest only when the arrestee is unsecured and within reaching distance of the passenger compartment at the time of the search.”

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Gearing up for a Busy Fall

Welcome to September. Welcome back football, kids in school, and (hopefully) crisper mornings and evenings.

Strategic Plan

When we set out in January, goal numero uno was to start and finish a strategic plan, a task that hadn’t been addressed in about 20 years from what past presidents and others can recall. Thanks to two fine board members for heading up the charge to complete our strategic plan: David Funkhouser III and Richard Siever. We met over the span of six months to develop goals for the Association, one, three, and five years out. The Executive Committee (EC) participated in all of the Strategic Plan meetings, which was extraordinarily helpful because, although we currently fill the titles of president, president-elect, secretary, and treasurer, each is in line to become president and each will eventually be tasked with carrying out the Strategic Plan. We hope that by including all soon-to-be presidents in this process that we will maintain consistency in executing the goals set forth in the plan from president to president. Our Executive Director Allen Kimbrough contributed substantially, as he will be steering the MCBA from year to year as we cycle through volunteer leadership on the EC.

We chowed on everything from offering CLE online to increasing membership in our 100% Club to improving the quality of our Lawyer Referral Service. One of our most fiery topics was technology and how to stay current with emerging and ever-changing technology. I just attended the National Conference of Bar Presidents in San Francisco, where a techie I met insisted we all be using our handheld smart phones instead of laptops or desktops, and if something didn’t have an “app” it would become irrelevant in two years. (I may be a holdout as I am currently typing this article on a giant desktop with a full keyboard and a monitor the size of Avondale. No chance of fitting in my pocket, but my eyes are happy.) Interesting.

After the MCBA Board of Directors considers and approves the Strategic Plan in its final form, we will post it on our website, www.maricopabar.org. I encourage you to click on it to see where we’re headed over the next five years.

Race Judicata

Lace up your running shoes for the 6th Annual Race Judicata on Sunday, October 3rd (once referred to by my non-lawyer brother as “Race Jude LaCava? Is he a lawyer?”). Race Judicata is a 5K run/walk around Kiwanis Park in Tempe. Kids can participate in a Kids Dash after the 5K, and watching the wee ones run their hearts out around the oval might be the best part of the race. The Young Lawyers Division does an outstanding job setting up this race, and moving it to October has proven savvy to avoid chilly November and December mornings. Race Judicata offers awards for Fastest Judge, Fastest Civil Attorney (partner), Fastest Civil Attorney (associate), Fastest Criminal Practitioner, Fastest Legal Assistant/Secretary, Fastest Law Student or Law Professor. You can also register as part of a team, and the YLD has awards for Fastest Team and Biggest Team (happily, no stopwatch here).

Annual Meeting/Hall of Fame Luncheon

Mark your calendars for Wednesday, October 20th for our annual luncheon meeting at the Hyatt Downtown. This year we induct our third class into the MCBA Hall of Fame, and we thank the hardworking Hall of Fame committee for their efforts this summer to select another fine class. The best part of the presentation is hearing words of wisdom from our inductees, which has been a wonderful opportunity to hear from the lawyers and judges who practiced in a small town called Phoenix surrounded by a rural area known as Maricopa County. If you come to one MCBA event this year, make it the Hall of Fame luncheon.

Congratulations Justice Ryan

I end this column by saluting the retirement of one of Arizona’s finest judges and human beings, Justice Michael D. Ryan. I had the honor of attending his retirement celebration in the Arizona Supreme Court building in August. Justice Ryan served on the Arizona Court of Appeals when I clerked there many moons ago, and he left an impression in the hearts of many law clerks, especially those of us who wanted to be prosecutors instead of civil practitioners (a rare choice back then). Thank you Justice Ryan, not only for all of your years of service to the profession (especially to our own MCBA and MCBA Board), but also for your service to the people of Arizona as an exemplary judge and justice. You’ve earned a wonderful retirement and we wish you well.

PHOTO CREDITS

Gearing up for a Busy Fall Photograph by Allen W. Kimbrough, CAE

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Does it feature no out-of-pocket fees to your firm?

Is your firm’s 401(k) part of the member benefit package of 35 state and national bar associations?

If you answered no to any of these questions, contact the ABA Retirement Funds to learn how to keep a close watch over your 401(k).

MCBA P R E S I D E N T

Jennifer E. Green

The Maricopa Lawyer is published monthly on the first of each month and mailed to members of the Maricopa County Bar Association, 303 E. Palm Lane, Phoenix, AZ 85004-1532. Please send address changes to the MCBA at the above address or to cquinonez@maricopabar.org or (602) 257-4200. The MCBA website is at www.maricopabar.org and pdf copies of past issues are available for viewing. Please send editorial submissions to Laura Swendsied at lwswendsied@maricopabar.org. The editorial and other views expressed in the Maricopa Lawyer are not necessarily those of the Association, its officers or its members. Advertising rates and information are available from Sandra Hamlin at shamlin@maricopabar.org or (602) 257-4200.

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The Maricopa Lawyer welcomes letters to the editors or opinion pieces for publication. Letters and opinion pieces should be typed and preferably submitted electronically. Opinion pieces are limited to 1,500 words and letters to 500 words. The editors reserve the right to reject submissions or condense for clarity, style and space considerations. Letters and opinion pieces must be signed to verify authorship, but names will be withheld at author’s request.

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Arizona Supreme Court Seeking Comments on 13 Judge Applicants

The Arizona Supreme Court is requesting comments on 13 applicants seeking the position of judge after the retirement of Justice Michael Ryan on August 6.

The applicants are James P. Beene, Robert M. Brutinel, Kent E. Cattani, John C. Gemmill, Andrew W. Gould, Diane M. Johnsen, Drue A. Morgan Birch, Kenneth E. Moyer, Regina L. Nassen, Maurice Portley, Ann A. Scott Timmer, Lisa G. Tewksbury Hauser, and Lawrence F. Winthrop. Their applications for the position can be viewed online at http://www.supreme.state.az.us/jnc.

The Commission on Appellate Court Appointments will review the applications and hear comments at a public meeting on September 13. The meeting will be held at the Arizona State Courts Building in Phoenix, 1501 W. Washington, Conference Room 345, starting at 10 a.m. Citizens may address the commission at that time or send written comments to 1501 W. Washington, Suite 221, Phoenix, AZ, 85001 or to jnc@courts.az.gov. Comments must be received by September 6 to be considered. Anonymous comments cannot be considered. At the September 13 meeting the commission will decide which applicants will be interviewed for the opening. The selected applicants will be interviewed on September 30. After the interviews the commission will recommend at least three nominees to Governor Jan Brewer, who will appoint the new justice.

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*Excluding drinks, tax and tip.

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Whether it’s introducing kids to a legal career or teaching them about the law so they don’t end up on the wrong side of Arizona’s judicial system, volunteering to become a court guide in Maricopa County Superior Court’s Courthouse Experience program has many benefits.

To help children learn about accountability and expose them to the judicial system, Maricopa County Superior Court is launching its 20th year of the Courthouse Experience. For 19 years, Courthouse Experience has given Maricopa County students an opportunity to see and understand what really goes on behind courtroom doors.

But to reach these children and make a difference in their lives, Superior Court needs the help of volunteer attorneys. The program’s success is due greatly to volunteer attorneys who provide valuable time to lead student groups varying from 6th grade through college age on a personal tour of the court. A Courthouse Experience often includes visits with judicial officers and staff, observations of court proceedings including trials, visits to the jury assembly room, the law library, and informative question-and-answer periods.

Traditionally, the program has taken place in the downtown court complex but visits can be arranged to any regional Superior Court location.

An information packet, offering valuable guidelines and suggestions, is given to all volunteer attorneys to help make the tours well paced and valuable. If you are interested in becoming a volunteer for this program, please call Patricia Seguin, Community Outreach Director, at (602) 506-3206, or e-mail seguinp@superior-court.maricopa.gov.

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Everyone knows the importance of work and personal life balance. We have heard the statistics about legal professionals and an increasing level of burnout, insomnia and other stress-related illnesses. Bar associations frequently report the lack of time to meet personal needs as the top reason lawyers consider leaving the profession. Even though we know this, it doesn’t mean we actually ensure work-life balance in our own world. Particularly for younger attorneys, who in school may have grown accustomed to greater flexibility in their daily lives and an opportunity to exercise and eat healthily, work pressures seem to take precedence.

One of the best things I ever did for my professional life was running. It was not always easy given my work schedule and the blasted heat of the Valley. But over time it has become a hobby and release—something to balance the stress of work. I was not (and by no means am I now) a skilled runner. But a little goes a long way. Although jogging alone can be therapeutic, it couldn’t be easier to find a running group or partner. In fact, the MCBA played a significant role in my running efforts, where I met other lawyers like Shauna Yoder and Lynne Ingram and joined their running group along the Bridle Path. Physical exercise, even an evening stroll, when incorporated into our daily routine, may ease so many of the pressures we face in the office. Don’t wait until next year, when you “might have more time” to devote to keep fit. With the end of the summer and dropping temps, get started this year.

And I just happen to know of a great opportunity to get on track. Start your training for the Sixth Annual Race Judicata 5K and 1 mile run. Race Judicata is a wonderful way to connect with others and, if nothing else, the perfect way to start a Sunday. The run will take place at Kiwanis Park in Tempe at 7 a.m.

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Balance Work and Personal Life – Start with Race Judicata

on Sunday, October 3rd. Each year the MCBA Young Lawyers Division invites the Arizona legal community and community at large to lace up and join in the festivities, and each year the event grows. We anticipate even greater turnout in October and ask that you help us register those outside the legal community to make this year’s event an even greater success.

Race Judicata includes music, vendors, balloons, a moon bounce for the little ones and a Kids’ Dash immediately following the 5K race. It also includes a one-mile fun run/walk for those who prefer a mid-distance challenge, starting at 7:05 a.m. In addition to enjoying the health and networking benefits of the race, participants receive goody bags filled with items such as water bottles, key chains and gift certificates. We also offer the infamous “sleep-in” category, where you can make a donation and forget about it—although we’d love you to join us on October 3rd. Remember, too, that the event is dog friendly.

Most importantly, the money raised from the event helps support YLD projects such as Law Week, the Domestic Violence (DV) Necessities Drive, and the DV Legal Assistance to Women in Shelters (LAWS) Program. As always, we will be collecting toothbrushes and toothpaste for domestic violence shelters across the Valley.

Awards for the 5K will be given for the three fastest females and males in each five-year age group (under 14, 15-19, 20-24, 25-29, 30-34, 35-39, 40-44, 45-49, 50-54, 55-59, 60-64, 65-69, 70+); fastest team; and biggest team. Golden Gavel certificates will go to those in the legal profession who are fleet of foot: Fastest Judge, Fastest Criminal Practitioner, Fastest Paralegal, Fastest Secretary/Assistant, Fastest Civil Practitioner (Partner), Fastest Civil Practitioner (Associate), and Fastest Law Student or Law Professor. Awards for the one-mile will be given for the three fastest females and males in each 10-year age group (under 19, 20-29, 30-39, 40-49, 50-59, 60-69, 70+). (And, of course, a free lunch will be provided by the YLD to any MCBA member that beats LaShawn Jenkins, our past president who purports to hold Race Judicata records.)

Please join us at this fun and worthwhile event. Family and friends are a must! Registration is available on-line at www.active.com or info@arizonaroadracers.com. Special thanks to Rachel James, our committee chair; Megan Hardman Jury; and the rest of the Race Judicata committee for all their hard work to make this another special event.
Technology in the Clerk's Office allows attorneys to submit one notice when they change addresses or need to update their contact information. The Clerk's Office maintains one attorney database in the Superior Court automated system. The attorney database automatically updates each case associated with an attorney. This feature saves the attorney from filing a notice in each of their cases when address or contact information changes. This process does not apply to substitution or withdrawal of counsel, however, as those reporting requirements are covered in other court rules.

Arizona Supreme Court Administrative Order 2009-43 requires that every attorney practicing in a state superior or appellate court must designate and maintain an e-mail address with each court and Clerk's Office in which they practice. In Maricopa County, updating an email address with the clerk also satisfies the requirement of notifying the Superior Court Administrator, as the court and clerk are connected to one unified attorney database. To assist with submitting an email address for electronic receipt of minute entries, the Clerk's Office maintains a registration page on its website. To complete the registration process for the Superior Court in Maricopa County, please go to: http://www.clerkofcourt.maricopa.gov/atty-distributionchange_form.asp.

Certain minute entries and Court Administration notices are still sent via first class mail. In accordance with Civil Procedure Rule 5.1(b) and Family Law Procedure Rule 9(C), “...[u]pon relocation, each attorney shall advise the clerk of court and court administrator...of the attorney’s current office address and telephone number.” To comply with these rules, the Clerk's Office needs the following information:

- Effective date of the change;
- Six-digit state bar number;
- Name as used in court: Last name, First name, Middle Initial;
- Old address;
- New address;
- Telephone number;
- Fax number;
- E-mail address;
- Agency/Firm association; and
- Name of person submitting the information.

If the information is for a new firm, or a change for an entire firm that has moved, please include each attorney member and individual state bar number to ensure a complete update.

Attorney updates can be submitted in one of the following ways:

- From the clerk's website, fill in the information and submit electronically: www.clerkofcourt.maricopa.gov/court-forms/attorneyaddresschangeform
- Mail the information to the clerk's distribution center at 111 S. 3rd Ave, Phoenix, AZ 85003
- Fax the information to the clerk's distribution center at (602) 506-6690
- Hand deliver the information to any file counter clerk with a request to forward it to the distribution center

Your partnership in promptly updating attorney contact information is the best way to help the clerk maintain an accurate record and to distribute court-related information as quickly as possible. For further assistance with location or contact changes or questions on minute entries by email, please contact the clerk's distribution center by phone at (602) 506-7773.

Lunch. Vincent's. Delivered to your desk.
Legal Briefs

Legislative Updates for Lawyers

New bills, including firearms and stem cell research, were signed into law this year.

Much has been reported on the controversial immigration law (SB 1070) passed during the second session of Arizona’s 49th legislature (2010). In addition to SB 1070, a number of other bills of interest to the legal community passed this session and were signed into law. Some of this new legislation is summarized below. New legislation has a general effective date of July 29, 2010 unless otherwise noted.

Campaign Contributions
Ch. 4, HB 2788
Following the United States Supreme Court’s January 21, 2010 ruling in Citizens United v. Federal Election Commission, in which the Court ruled that it violates the First Amendment to prohibit corporations to use money from their general treasury for the purpose of express advocacy, this law eliminates the ban on corporations from making independent expenditures in an attempt to influence an election. An emergency measure, this legislation became effective upon signing by the Governor.

Firearms
Ch. 10, HB 2007
In reaction to a dispute between Montana federal firearms licensees and the federal Bureau of Alcohol, Tobacco, Firearms and Explosives over Montana’s “Firearms Freedom Act” exempting certain firearms from federal regulation via the federal Commerce Clause, this legislation also expressly exempts personal firearms, firearm accessories or ammunition manufactured in Arizona from federal laws and regulations. This law contains a general effective date of October 1, 2010.

Ch. 19, HB 2543/SB 1168
This law modifies current statute prohibitions pertaining to the firearms-related ordinances, rules or taxes that may be enacted or enforced by a political subdivision of the state. It prohibits a political subdivision from enacting any firearms-related ordinance or rule that is more prohibitive than state law and carries a penalty greater than any penalty prescribed by state law.

Ch. 29, SB 1108
With specified exceptions for the commission or attempted commission of a serious or violent crime, failure to answer police inquiry concerning the carrying of a concealed weapon, or carrying or transporting a concealed weapon while under 21 years of age, this law removes the classification of misconduct involving weapons for the carrying or transporting of a concealed deadly weapon without a permit.

Immigration
Ch. 74, SB 1027
This law requires the Department of Public Safety to seek grants to implement a one-year pilot project that would use screening sensors to monitor rural airport runways and areas where illegal drug trafficking, illegal alien trafficking or human smuggling are likely to occur.

Abortion
Ch. 111, SB 1104
This legislation establishes abortion and complications from abortion reporting requirements for hospitals, medical facilities and health professionals performing abortions and requires the Arizona Department of Health Services to prepare an annual statistical report. Additionally, the law prescribes penalties for willful failure to report, disclosure of confidential report information and false reporting.

Federal, State, and Local Government Cooperation
Ch. 109, SB 1398
This law requires local political subdivisions to demand by any lawful means that federal or state governments coordinate with local government before implementing, enforcing or extending federal regulations that are more restrictive than local government laws, regulations, plans or policies.

Public Accommodation for Non-English Speakers
Ch. 219, SB 1183
With the exception of public accommodation requirements provided for in federal public accommodation law, this legislation changes existing state law so that it is not unlawful for a person to fail to provide a trained and competent bilingual person to assist a person seeking services at a place of public accommodation nor is it unlawful to fail to provide the person seeking services at a place of public accommodation with any form or documentation in the person’s native language.

Stem Cell Research: Human Eggs/Human Embryos
Ch. 280, SB 1306
This law requires informed consent for egg donations, including a description of drugs, procedures, effects and potential risks, and prohibits the purchase of human eggs except under certain circumstances.

Abortion
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Government Transparency
Ch. 208, HB 2202
This legislation requires local governments to establish and maintain an official Internet website that contains a comprehensive reporting of all revenues and expenditures over $5,000.

Retired Judge Comes Full Circle as PSL Professor

By Laura Swendsen

As an early age, retired trial judge and former Community Legal Services chair, Penny Willrich, dreamed of being like Perry Mason. But it was gaining an education and the teachers in her life that inspired her towards a career in law that has been multifaceted, exciting and rewarding.

Now a professor at Phoenix School of Law, Willrich is inspiring her students to believe in themselves and work hard to achieve their goals.

When she began teaching as an adjunct professor in 2005, the school had a mere 30-student population. This year, it expects to enroll approximately 700 students.

In another several years, Willrich, who was invited to teach full time in May of 2005 and retired from the bench just one month later, said PSL will likely overgrow its home at Indian School Road and Central. That’s excellent news for the young school, which received full ABA accreditation in June – only the fourth for-profit law school in the country to do so in less than six years.

Willrich said she loves passing on what she’s learned to her students and watching them perform well in school or have successful careers.

“It makes you very proud of your students and what they’ve accomplished in their career. And then to see students who transform ‘is exciting,” she said.

In one of her classes, students have to perform as if they’re in a trial. Some students object to participating, saying they have no plans of being trial attorneys. Later on though, after Willrich’s encouragement, some graduates have come back and told her the good news: they landed jobs as trial attorneys.

“Just to see that transformation in them is like, ‘Okay, I knew you had it in you...I knew you’d get the bug.’

Other success stories include one of Willrich’s first students, who became a law clerk for former Arizona Supreme Court Chief Justice Ruth McGregor. Another student recently did an externship for the Maricopa County Attorney’s Office Juvenile Crimes Division and was asked by an attorney to write a response to the defense’s motion to suppress evidence. The attorney later told the student that she had written an A-plus motion – kudos she excitedly relayed to Willrich, her Lawyering Process I and II professor.

Willrich is also proud of the variety of moot court competitions the school has won. “Just to know that your fingertip was in that [which] helped that person to move to a level where they can compete and win in national competitions. Those are proud moments for me with respect to the school,” she said.

In addition to teaching, Willrich has a long and varied list of professional accomplishments. For several years she worked in private practice representing clients with legal problems in family, criminal, probate, juvenile, immigration and commercial law.

*“He who has gone, so we but cherish his memory, abides with us, more potent, nay, more present than the living man.”* ~ Antoine de Saint-Exupéry

THOUGH A PERSON DIES, HIS MEMORY LIVES ON.

If someone you know passes away, and they are a member of the Maricopa County Bar Association, please let us know. We will publish an announcement in the Maricopa Lawyer. For information, please contact us at (602) 277-4200.

See Retired Judge Comes Full Circle page 17
Election Time is Here!

January 1, 2002, which resulted in the creation of the division. The hard work and dedication of our founding members led to the division's implementation and continued to build the division through its current membership as we strive to stay true to our mission statement by promoting the advancement of the paralegal profession, providing access to information and education for and about paralegals; and providing a forum for interested paralegals, attorneys, educators, students, and business and government professionals to become more involved in, and aware of, the paralegal profession. The division encourages paralegal students to become involved in their chosen profession while also giving them the opportunity to be mentored by established paralegals.

The division offers many benefits to our members. Just to name a few:

Networking: The chance to meet and talk with other paralegals in all types of positions and law firms – from solo practitioners to large, corporate and government.

Job Bank: List of job openings received from the legal community.

Mentoring program: Experienced paralegals giving guidance to paralegal students, new paralegals or any paralegal needing assistance.

CLE: Opportunities to earn six credit hours by attending the Annual Arizona Paralegal Conference; earn three hours of CLE by attending the Paralegal Division’s quarterly meetings; and receive a discounted rate on MCBA-sponsored CLE.

Review Classes: The opportunity to enroll in CLA/CP review courses.

Maricopa Lawyer: Receiving the monthly newspaper featuring “Inside the Paralegal Division.”

Giving back to the community: The Paralegal Division sponsors a variety of charitable events throughout the year, including the Dental Drive benefiting the John C. Lincoln Dental Clinic, and Christmas toy collections for children in need.

The future of the Paralegal Division depends on the continued growth of our membership and the active support and commitment of our members to make the division responsive to the needs of the paralegal community.

Don’t miss your opportunity to have an active role in the MCBA Paralegal Division. Please nominate individuals or yourself for the 2011 MCBA Paralegal Board of Directors. The following positions are open: president-elect, secretary, treasurer, and director. Please send your nominations to Stacy Palmer spalmer@swlaw.com or Maureen Zachow mzachow@swlaw.com

For more information, please visit our website at www.maricopabar.org and click on the For Paralegals link on the left sidebar.

11th Annual Paralegal Conference Features Timely Programs, Networking Opportunities

The Arizona Paralegal Conference enters its second decade with another great full-day of programming, networking opportunities, and an array of exhibitors. It’s all happening on Friday, Oct. 1, 2010, at the Phoenix Hyatt Regency.

Programs run throughout the day with plenty of breaks for meeting and greeting and visiting exhibitors. This year, four timely programs with outstanding presenters are featured:

- The Arizona Jury—Past, Present and Future Reform – Speaker, Hon. Michael Tarnell, Phoenix School of Law
- Criminal and Civil Investigations and Witness Interviews – Speakers, Craig A. Logsdon, Snell & Wilmer, LLP, and Paul Stoller, Gallagher & Kennedy, PA

The registration fee is $185 for MCBA members and $250 for non-members (special fees for students available). Included are comprehensive educational materials on CD; 6.0 hours of CLE, including 1.5 hours of ethics, a full breakfast and lunch, plus refreshments, interactions with vendors who serve the legal community, and a chance to win numerous door prizes— including a laptop. Regular registration rates apply through Wednesday, Sept. 29. A late fee of $25 is added after that date.

Registration is available at www.maricopabar.org, where you may register online or download a brochure. If you have any questions, please call Laurie Williams at (602) 257-4200.

Calendar of Events

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All Board of Director meetings are held at 12pm unless otherwise specified.

All Conference Committee meetings are held at 5:30pm unless otherwise specified. All Board of Director, Conference Committee and Quarterly Division Meetings are held at the MCBA Offices unless otherwise specified.

For more information on Paralegal Events please visit our web site at: www.maricopabar.org click on the “Paralegal Link”.

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 • immigration
- Spanish-speaking and West Valley attorneys are also needed.

It’s easy to join! Call Don Burns at (602) 682-8590.
MCBA PARALEGAL DIVISION

MEMBER OF THE YEAR

Award Nominations

NOMINATIONS DEADLINE: SEPTEMBER 10, 2010

Thank you for your participation in the MCBA Paralegal Division’s award process. The attached forms provide criteria and nomination information. Please help us honor exceptional paralegals in the Arizona community. Awards will be announced and presented at the 2010 Arizona Paralegal Conference.

Friday, October 1, 2010

The Phoenix Convention Center, Phoenix, Arizona

RETURN COMPLETED NOMINATION FORMS TO:
Maricopa County Bar Association
Paralegal Awards, c/o Stacy Palmer
Snell & Wilmer L.L.P.
One Arizona Center, 400 East Van Buren, Phoenix, AZ 85004
Phone: (602) 382-6829  •  E-mail: spalmer@swlaw.com

The MCBA Paralegal Division President and/or the MCBA Paralegal Division Board of Directors may, from time to time, give additional, separate recognition for special services to the Division.

NOMINATION FORM

Please use one form for each nomination

Year of Award: 2009  •  Application Deadline: September 4, 2007

Nominee: ___________________________ Division Member: yes __ no __

Name: ______________________________ Position/Title: ______________________________

Employer: ____________________________________________________________

Address: ______________________________________________________________________________

Telephone: __________________ Fax: __________________ Email: _______________________

Nominated by: ____________________________

Name: ______________________________ Position/Title: ______________________________

Address: ______________________________________________________________________________

Telephone: __________________ Fax: __________________ Email: _______________________

NARRATIVE STATEMENT

How the Nominee meets the criteria for the award.

Please provide a general statement below. In addition, please submit specific supporting information and documents, such as news clippings, articles, photos, etc., on a separate page(s) for review and consideration. (Please note that the MCBA Paralegal Division is unable to return any documents or items submitted with the Nomination Form.)

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MCBA PARALEGAL DIVISION AWARD CRITERIA

This award shall recognize a MCBA Paralegal Division Member who has made extraordinary contributions during the year that have had a positive and demonstrable impact on the MCBA Paralegal Division and have furthered the mission of the Division, as outlined in our Mission Statement.

A candidate may have made contributions in a variety of ways including, but not limited to:

Providing instruction, information or mentoring related to the paralegal profession on behalf of the Division.

Demonstrating exceptional service to the Division through specific committee work.

Assisting the Division with fundraising efforts and obtaining monetary support for the Division and its sponsored activities.

Criteria for Recipient: Must be a current member of the MCBA Paralegal Division and must have been a Division Member for at least two years prior to the year of nomination.

Nominations for this award may only be submitted by current members of the MCBA Paralegal Division.

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

Message from the Presiding Judge Norman Davis

Court Committed to Justice For All Amid Recession’s Challenges, Economic Concerns

The Maricopa County Superior Court is a court of excellence, and serves the fourth most populous county in the United States. The court’s national reputation for excellence and innovation has been earned over many years and is a tribute to the combined commitment, dedication and hard work of those that have served the court previously. We will miss Judge Mundell and the professionalism and courage she displayed in leading the court over the last five years. Now it is up to all of us to move forward, not knowing exactly what challenges will be presented, but committed to responding to those challenges with integrity, innovation and an unwavering commitment to constitutional principles and the rule of law.

I have been asked many times why I wanted to do the job of Presiding Judge. My response has consistently been: “Who wouldn’t want to do this job? We have the best bench in the country. How could anyone not want to do the next five years. I feel honored and privileged to support your efforts. We have great leaders in this court. My job will be presented, but committed to responding to those challenges with integrity, innovation and an unwavering commitment to constitutional principles and the rule of law.”

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Q & A with New Judge, Thomas L. LeClaire

Q. You own an IPOD and, if so, what kind of music is on your playlists?
A. Yup, I have a Nano. Classic rock, good guitar hard rock, Frank Sinatra and Tony Bennett, Andrea Bocelli, with Mozart and Bach thrown in to ease the traffic tension.

Q. What’s your favorite quote? (This can be something one of your children said to you, what you said to them, a line from poetry or something you wish you hadn’t said).
A. “Getting older is no problem. You just have to live long enough.” Groucho Marx.

Q. If you had a day to spend with anyone (living or dead, real or fictional), who would it be and what would you do?
A. I would love to spend the day with Ernest Hemingway. I would listen to him tell stories, eat in a café, spend the afternoon fishing, and let him guide me through pre-Communist Havana.

Q. You spent a large portion of your legal career representing Native Americans and working with various tribes around the country. How do you feel this area of law prepared you for your judicial appointment?
A. Much of my work with tribes focused on building or revising tribal governmental infrastructure, which often included creating judicial systems where no such system existed. I studied and observed many judicial systems—state and federal courts, peace-making courts, council courts, and even foreign courts—to help craft a workable system that took into account the traditional tribal dispute resolution processes. This helped me look at judicial systems from a variety of perspectives, not just from an advocate’s viewpoint. That was enormously helpful in expanding my perspective of the role of courts and judges.

Q. You are an enrolled member of the Mohawk Nation. Was there any person in your community or family who influenced you in becoming a lawyer?
A. Two people influenced me in that direction. First was my 7th grade English teacher Sidney Held. He talked to me about the importance of taking personal responsibility for my education and setting goals. His advice, which I did not immediately adopt because I was a wayward, angry teenager, has guided me since that time and even today. Dr. Fred Simmons, VP for Student Affairs, U of Connecticut, patiently mentored me when I was a brash, headstrong campus Indian rights activist and helped channel my enthusiasm so that I was able to effectively implement ideas and changes within a bureaucratic system to the point that I eventually became a college administrator. As a next step in my career, he suggested that I attend law school. We have been friends from the first day we met, his lessons still work, and I still seek his advice.

Q. Do you have a favorite movie or television show in the court or legal genre? Please explain.
A. My favorite legal movie is Anatomy of a Murder. James Stewart does a remarkable job as a small town defense attorney skirting the lines of ethics to “suggest” a defense to Ben Gazzara. The courtroom drama is tense and realistic and the movie has great character development. One of the best features of the movie is Joseph Welch playing Judge Weaver. He was actually a lawyer, not an actor. (He uttered the famous “Have you no decency, sir” statement to Senator McCarthy during the McCarthy hearings.) His facial expressions during the courtroom scenes steal the show.

Old Courthouse Jail Artifacts to be Restored

Historical artifacts from the Old Courthouse, which were beginning to deteriorate, were recently sent to a curator for preservation. The artifacts will eventually find their way to the Justice Learning Center and Museum. The museum will be located in and around acellblock on the sixth floor of Maricopa County’s Historic Old Courthouse. The museum is envisioned to give the visitor a sense of the history of Maricopa County, its court cases and important elements of the Rule of Law, including individual rights and liberties guaranteed in the United States and Arizona Constitutions.

JAIL ART: Leonardo Da Vinci’s “Last Supper” was carved into a cell door by a former inmate housed in the Old Courthouse.
Maricopa County Bar Association

THE LAWYER’S ESSENTIAL SOCIAL MEDIA SINCE 1914

“Where the Legal Community Connects”

MCBA conferences activities
legal receptions programs
career growth practitioners
community technology networking
learn career valued opportunities
clear service CLE

MCBA
MARICOPA COUNTY BAR ASSOCIATION
MCBA social media

Engage, Share, Grow!
Join a section or division
Choose from over a dozen practice- or employment-related sections and the Corporate Counsel Division. See at right for details.

Attend MCBA CLEs for all your credits
Members receive affordable, discounted CLE, and if you take all your credits with us, paying your membership dues actually saves you money. Frequently, CLEs have a social component where guests are welcome: wine tastings, baseball games, and tours. We think that’s an important aspect of bar membership. You can always rest assured that plenty of CLE programs will be available when you need them most—at the end of the reporting year—live, online, DVD, or as self-study.

Keep current on the courts and the legal community
The weekly E-News, monthly Maricopa Lawyer and the MCBA website at www.maricopabar.org do just that. Also take advantage of our frequent judges’ receptions that let you meet and hear from the judges and commissioners who will adjudicate your cases.

Check out jobs and career
Through its online CareerCenter and monthly email JobsFlash, MCBA makes available local and national employment opportunities. There’s no easier way to find a job or get a sense of what’s available “out there.”

Website at www.maricopabar.org
You can catch up on the latest MCBA and general legal news here, every weekday morning. You may also register online for CLEs and other programs, and update your personal contact information in the database. Check out the online directory, for members only. Your listing here can be helpful in referrals from other attorneys and contacting lawyers and other legal professionals in the community.

Save time and money with corporate partners
See the list in this section and enjoy these benefits of membership. Plus, check out our ABA book widget on the front page of the MCBA website and use it for discounts in the ABA bookstore.

Facilities Usage
The MCBA is conveniently located near downtown Phoenix, just off the I-10 at 303 E. Palm Lane. The building offers meeting rooms plus convenient onsite parking. Rental space rental is available during regular office hours on a reservation basis.

Go All-Out—Enroll in a Section or Division
Sections and Divisions are the key to the full MCBA experience. Here, you meet and learn with like-minded practitioners at social and CLE functions. Plus, you get a discount on any CLE sponsored by your section.

MCBA’s Very Special Occasions

MCBA Annual Meeting and Hall of Fame Induction
The exceptional lawyers and judges, past and present, selected by a special committee, are honored each October, this year on the 20th. Eventually, the Hall of Fame honoröes plaques will be housed in the proposed Justice Learning Center and Museum at the Old Courthouse in downtown Phoenix.

Barristers Ball
The legal community’s formal gala, with a silent auction to benefit a worthy charity, is sponsored by the YLD and brings out a spiffily dressed crowd each March.

Pro Bono Golf Classic
Sponsored in 2010 by Case, Huff & Associates, this November 6 outing for the legal community offers plenty of enjoyment and helps support the Maricopa County Bar Foundation and the Volunteer Lawyers Program.

Arthur J. Paralegal Conference
MCBA’s paralegal members are an active part of the association. Their annual conference, held in downtown Phoenix, on Oct. 1 this year, is the largest of its kind in the state.

Race Judicata
Set for Oct. 5 this year, this annual YLD-sponsored event invites everyone (the family, the kids, the friends, the dogs, AND the serious runners) out for a morning of exercise and entertainment. It’s all for a good cause, as it helps fund the several charitable activities of the YLD throughout the year.

Law Week
Another YLD event, this one held around the ABA’s Law Day, May 1, that serves the community: A walk-in legal clinic for the public, an essay contest for elementary students, and a CLE geared for younger lawyers along with a social.

Related Organizations—Share Your Legal Skills and Your Humanity

The Maricopa County Bar Foundation
The MCBF is the charitable arm of the association. It raises funds through the donations of members who donate $15 above their dues amount each year when renewing their membership, through the Case, Huff & Associates Pro Bono Golf Classic, and various other fundraisers. Each year, the Foundation makes grants to a number of worthy law-related organizations.

Volunteer Lawyers Program
VLP is a joint project between the MCBA and Community Legal Services that provide legal services to the indigent in Maricopa County and recruits attorneys for pro bono representation. Its annual awards event honors the individual generosity of the legal community. It also serves as a reminder of how lawyers can make a huge difference in the lives of people who would not otherwise receive legal assistance.
the good word from our members...

**Monthly Publication**

“I enjoy the monthly newsletter (Maricopa Lawyer) and the different committees that I’ve served on in the past (including chair of the Family Law section),” Charles said he also likes the participation of local judges in the CLE and other programs. “It’s just great that the judges are attracted to the County Bar.”

**JOSEPH CHARLES**

Member of the MCBA since 1972; Law Office of Joseph W. Charles, P.C., personal, family, financial, business, civil, and criminal legal matters.

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**Opportunities**

“I know this is a relatively small legal community, but maintaining contact with other attorneys is an invaluable tool to make sure who’s who and where’s where. The bar association offers a number of resources in order to enhance opportunities.”

**KYLE HIRSCH**

Member since 2005; Bryan Cave, bankruptcy, restructuring and creditors’ rights, commercial litigation, labor and employment

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**News & Networking**

“They have the newspaper. If I weren’t a member, I would feel a little bit more disconnected.”

“Networking. It’s just kind of knowing other lawyers and knowing what’s going on in the MC bar.”

**DAWN VALDIVIA**

Member 10 years; Quarles & Brady, labor and employment

---

**Contacts**

“It’s been a good way to maintain contact with some of the other members of the Maricopa County bar.” García said he’s attended a number of events, including the annual Barristers Ball and the Race Judicata (happening again Oct. 3).

**GREG GARCIA**

Member 8 years; Polsinelli Shughart, P.C., commercial, insurance, personal injury matters, environmental, regulatory and liability issues

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**Affordable CLE**

“They’re good (the CLEs). They’re more affordably priced than some of the others, I think. You’ve done a good job of keeping the costs down.”

**SARAH YOUNGBLOOD**

Member 11 years; Attorney with Community Legal Services

---

**Staying in the Know**

“We need to stay up on the law, rules and the news. The bar itself and the board that I belong to in the association fulfill all of those goals.”

“The programs the MCBA puts on, particularly the breakfast programs, are excellent.”

**PAUL BUSER**

Member 12 years; Paul J. Buser Attorney & Counselor at Law, estate planning, probate, family law, business law

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**Resources and CLEs**

“I wanted to have the resources and belong to the organization and meet fellow colleagues.”

“CLEs are actually, I think, one of the big benefits of being a member. It’s rather affordably priced and organized.”

**CARLOS SUGICH**

Member 7 years; Snell & Wilmer, LLP, real estate and international law
**corporate partners for your advantage**

The MCBA partners with providers that can offer a high-value product or service at a discounted rate to members.

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**Bank of America Credit Card with World Points (800) 545-2899**

This card provides an enhanced rewards program offering cash, travel, merchandise and gift certificate rewards, and a grace period. You'll enjoy the flexibility of multiple redemption options, including cash rewards up to 1%; travel services; select merchandise offers with hundreds of brand-name items; and retail gift certificates from top retailers.

**BBVA Compass**

MCBA’s Financial Institution of Choice Banking Built for You www.bbvacomp.com

BBVA Compass is the 15th largest U.S. commercial bank based on deposit market share and ranks as the fifth largest bank in Arizona. Through three major business units – Corporate Banking, Retail Banking, and Wealth Management – Compass offers customers unique and industry-leading products and services with a focus on providing customers with financial solutions to fit their lives. Information on how BBVA Compass can benefit MCBA members will be featured in the November Maricopa Lawyer.

**Principal Discount on Individual Disability Income Insurance**

Because the financial impact of a disability can be devastating, many consider income protection an essential part of a sound financial plan. EXCLUSIVE OFFER: As a member of the Maricopa County Bar Association, you can help protect your most valuable asset and receive premium discounts up to 30% on high-quality Individual (di) Insurance from Principal Life Insurance Company:

- 10% discount given for being a member of MCBA
- 10% select occupation discount for being an attorney
- Up to 10% discount for the Mental Nervous Substance Abuse Disorder Limitation rider (required)

**For more information, contact:**

Michael Abbate, Financial Service Representative

(602) 957-3200

michael@mabbate.com

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Document Conversion (602) 233-1230 or www.lincum.com

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info@nxlegal.com

That’s what NxLegal Payment Processing can provide you. This is the only payment solution designed by lawyers for lawyers. NxLegal offers lawyers and law firms the opportunity to make numerous payment options available to their clients—credit card processing, electronic check processing, ACH transactions, recurring and installment transactions and more. Call us today to take advantage of free setup and the most competitive pricing program in the industry. To receive special MCBA pricing, be sure to mention MCBA Referral Program Member #7734.

**Brooks Brothers**

Since 1818, Brooks Brothers has set the standard for quality and classic elegance in modern American style for men, boys and women. Enroll for Brooks Brothers corporate membership card and save 15% on regular and everyday value priced merchandise at stores (Scotsdale Fashion Square at Camelback & Scottsdale roads) or online. If you provide your e-mail address, you will receive an e-mail confirmation the next business day that you can use as a temporary membership card until your personalized card is mailed to you within approximately 3-5 business days.

Enroll online at: Membership.Brooksbrothers.com (do NOT include http:// or www.in front of the website address)

You will be prompted to validate your MCBA membership by using the the MCBA Organization ID (10082) and Pin Code (63980). You may also enroll by telephone at: 1-866-515-4747 during ET business hours. Have the organization ID and pin code ready.

**Doug Reed Professional Liability Insurance Services 8711 E. Pinnacle Peak, Suite F-110 Scottsdale, AZ 85255 (480) 998-1068 (800) 242-1068**

If you’re a sole practitioner or in a small to mid-sized (up to 25-member) firm, this agency has insurance to suit. Its goal is to be a single source for Maricopa County attorneys to obtain high-quality malpractice insurance coverage with prices that are reasonable and sustainable. Doug Reed works with seven different primary insurance companies offering attorney malpractice insurance in Arizona.

**Hertz**

Now you can take advantage of special year-round savings through the Hertz Member Benefit Program. Maricopa County Bar Association members receive a discount off Hertz daily member benefit rates, Hertz U.S. standard rates; and Hertz U.S. leisure rates. You’ll be quoted the best rate for your rental needs at the time of reservation.

For reservations and information, call Hertz’ Members-Only toll free number at 1-800-654-2200 and mention your Hertz Discount CDP #24454. Present your membership card at the time of rental.

**TERIS**

Brandon Colburn (602) 241-9333 bcolburn@teris.com www.teris.com

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Doug Stevens (602) 324-9020 info@legalsized.com www.legalsized.com

Legalsized Inc. is a Phoenix legal video and trial presentation firm. The CLS-certified team has the experience and technology to meet your demanding standards at a fair rate. Services include: video depositions, trial presentations, and settlement video.

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Because MCBA is an Affiniscape partner, you and your firm can purchase a license for only $799/year or $79/month. This is a huge savings for you. Only a limited number of licenses are available at this rate. Go to http://www.affiniscape.com/goto to get started. Already a corporate customer and want to switch? Go to Affiniscape Support@affiniscape.com. Be sure to reference the MCBA when you make contact!

**Blue Cross Blue Shield of Arizona**

BBVA Compass, Inc.- Authorized Broker (602) 977-3669

Call today to find out more about affordable individual and family health insurance plans from Blue Cross Blue Shield of Arizona for Maricopa County Bar Association members. It’s quality health insurance from a name you know and trust. Call today and be sure to identify yourself as an MCBA member.

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**For information about the rates, fees, other costs and benefits associated with the use of this Rewards Card, or to apply, call the toll free number above, visit the Web site listed above or write to P.O. Box 15020, Welington, DE 19895.**

*Terms apply to program features and credit card account benefits. For more information about the program, visit bankofamerica.com/worldpoints. Details accompany new account materials.*

This credit card program is issued and administered by FA Card Services, L.A. The WorldPoints program is managed in part by independent third parties, including a travel agency registered to do business in California (Reg. No. 323038) and the following states, as required: MasterCard is a registered trademark of MasterCard International Incorporated, and is used by the issuer pursuant to license. WorldPoints, the WorldPoints design and Platinum Plus are registered trademarks of FA Card Services, L.A. Bank of America and the Bank of America logo are registered trademarks of Bank of America Corporation; all other company product names and logos are the property of others and their use here does not imply endorsement of, or an association with, the WorldPoints program.

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PSL Hires New Dean

A new dean will take over this fall at the Phoenix School of Law. Shirley Mays, associate dean of Academic Affairs at Capital University Law School in Columbus, Ohio, will replace former dean Gene Clark. Clark accepted a position in June as provost for a law school consortium that includes the Phoenix School of Law.

As dean in Columbus, Mays led efforts to implement best practices for curriculum that prepare law students for practice. She also helped dramatically improve bar exam pass rates and demonstrated a strong commitment to diversity and minority success. Dean Mays earned her JD from Harvard University School of Law and was one of three finalists selected by the Dean Search Committee, which comprised four full-time faculty members, two senior administrators, one board member, one Central Services representative, one Phoenix Law student and one Phoenix Law alum.

Students Invited to Write About Arizona’s Immigration Law for JURIST Dateline

Joseph Schaeffer of the University of Pittsburgh School of Law has invited students doing externships with the Arizona Foundation for Legal Services and Education to write about Arizona’s immigration law for the JURIST Dateline publication. Dateline seeks high-quality articles from law students who had personal experience with the law. Authors gain exposure to JURIST’s 250,000-plus annual readers from more than 160 countries. If this is of interest, please contact Schaeffer via e-mail at juristdateline@gmail.com.

FLAP Seeking Students to Volunteer This Year

The Family Law Assistance Project (FLAP) would like to connect with law students at PSL, who may be interested in volunteering during the upcoming school year. FLAP provides assistance to individuals who are representing themselves in family court matters such as paternity, child support, divorce and custody.

If you are interested in a great volunteer opportunity, contact Pat Gerrich, VLP, at 602-254-4714 or Karen Jackman, at 602-506-6488.

Book Bites

“John Paul Stevens: An Independent Life”

Review by Barry Friedman

If timing were everything, this short biography of Justice Stevens, delivered on the eve of his retirement, would win first prize. But timing isn’t everything, and this book, though useful, will not win any prizes. There is an excellent chapter describing the financial problems faced by Justice Stevens’ father, including a description of the conflict-of-interest issues underlying his criminal conviction and eventual exoneration by the Illinois Supreme Court. A second excellent chapter details the inside baseball story of Stevens’ nomination to succeed Justice Douglas, edging Arlen Adams and Robert Bork for the plum. The excellence ends there. I almost didn’t get past the portion of the first chapter where the authors breezily compare John Paul Stevens to William Kunstler, apparently viewing each as independent spirits. You put the book down knowing about as much about the Stevens’ judicial legacy as when you started.

Burt Neuborne is the Inez Mulholland Professor of Civil Liberties at NYU School of Law and a frequent Supreme Court litigator. To read the full review, visit www.brennancenter.org.

“Orders: $17.21

“The Will of the People: How Public Opinion Has Influenced the Supreme Court and Shaped the Meaning of the Constitution”

By Barry Friedman (review by book’s author)

The will of the people is a history of the relationship between the Supreme Court and popular opinion, from 1776 to 2005. It is written against the claim, prevalent in both academic and popular discourse for over two hundred years, that the justices are impervious to popular control and thus an uncontrollable and anti-democratic force in American democracy. What I show is that ultimately the justices are accountable to the public. Another longstanding view of the Supreme Court sees the justices as protectors of minorities and constitutional liberty. My book raises doubts whether the justices ordinarily can or do fulfill this heroic mission. I ultimately conclude that the highest function the Court fulfills is in stirring precisely the sort of controversy we see today. The Supreme Court ought not to be a meter registering the latest Gallup Poll. But if the justices’ decisions lead us to debate the proper meaning of the Constitution, and if over time the justices adopt the “considered judgment” of the American people on such questions, then this might just be a function worth having in a democracy.

Orders: $13.99

“2010: Take Back America: The Battle Plan”

Review by Naomi Wolf

In 2010: Take Back America: The Battle Plan, Dick Morris and his wife and coauthor Eileen McGann, present a game plan for Republican victory in the upcoming Congressional elections, and a putative libertarian manifesto against an alleged plan by Obama to take over the United States of America with a devious Socialist agenda. The book is fascinating and troubling. Fascinating because Morris and McGann are brilliant political analysts. And they are adept at reading Americans’ true anxieties and crafting policy proposals and language that resonate emotionally and intellectually with them. Their book is troubling because, in addition to providing important and well-documented insights into crucial issues such as the influence of lobbyists’ money on the voting records of representatives, the skyrocketing deficit and what it means for our economy, and the dangers of unchecked ‘bureaucratism’ ‘2010: Take Back America’ frames these transpartisan issues in a fully partisan way and then intercuts its strong reasoning with heated sound-bites. Despite my reservations, and, my efforts to read with eyes wide open, I came away from 2001: Take Back America with a valuable — if dismaying — understanding of how liberties might, theoretically be subverted from the left.

Naomi Wolf is the author of seven books, including the New York Times bestsellers The Beauty Myth, The End of America and Give Me Liberty.

Orders: $8.00

“Please note that the Book Bites synopses are written from the perspective of the books’ promoters and are not our own opinion, and that the inclusion of the books’ prices and website information should not be considered an endorsement by the MCBA or the Maricopa Lawyer. Furthermore, the book reviews are reprinted, with permission, from Just Books, an electronic publication from the Brennan Center for Justice, http://www.brennancenter.org/contentpages/justBooks.aspx.
S E P T E M B E R
ENVIRONMENTAL LAW 101
Location: Sedona
Tuesdays, Sept. 7 through Sept. 28
11:30 a.m. - 1 p.m.
6 TOTAL CREDIT HOURS for all 4 programs. Lunch included.

Register for the four-session practice fundamentals luncheon series scheduled for the month of September. You save $55 by registering for all four programs.

MEMBER: $195  ■  NON-MEMBER: $315  ■  STUDENT MEMBER: $40
You may also register for individual programs
MCBA MEMBER: $62.50  ■  NON-MEMBER: $92.50  ■  STUDENT MEMBER: $10

S E P T E M B E R  I
TUESDAY, SEPTEMBER 7
Waste
This fundamentals program will explain the basic regulatory framework that applies to the management of solid and hazardous waste in Arizona. It will outline the Arizona and federal statutes and regulations in this area and explain how those statutes and regulations impact business and industry. The program will also identify the Arizona and federal agencies responsible for oversight of solid and hazardous waste and provide insight into how to communicate effectively with the agencies.
PRESENTER:
Amanda Stone, Arizona Department of Environmental Quality

S E P T E M B E R  II
TUESDAY, SEPTEMBER 14
Water
Who knew water needs a lawyer? This course on basic Arizona water law is intended for non-water attorneys. The goals of this course are to familiarize participants with Arizona water law concepts and terminology, and provide participants with an outline and discussion of the most common sources and applications of Arizona water law. The program will also identify the Arizona and federal agencies responsible for oversight of solid and hazardous waste and provide insight into how to communicate effectively with the agencies.

PRESENTER:
Michele Van Quathem, Boley Carlock & Applewhite

S E P T E M B E R  III
TUESDAY, SEPTEMBER 21
Environmental Regulatory Compliance
Who rules? Which statutes, rules and regulations govern? Are guidance documents and policy statements enforceable? What is administrative law? How are penalties calculated? What is the regulatory bill of rights? Learn what not to do when approached by a regulatory agency. Determining which environmental statutes, rules and regulations apply to your project is a factor of the type of project you undertake and its location. The project may fall under the regulatory auspices of the U.S. Environmental Protection Agency, the Arizona Department of Environmental Quality, a County, or a municipality. Knowing who regulates what is critical for a variety of reasons, including the amount of penalties your client may pay.
PRESENTER:
Barb Pashkowski, Gust Rosenfeld

S E P T E M B E R  IV
TUESDAY, SEPTEMBER 28
Air
This fundamentals program will explain the basic regulatory framework that applies to the management of air quality and emissions in Arizona. It will outline the Arizona federal statutes and regulations that apply and explain how those statutes and regulations impact business and industry. The program will also identify the Arizona and federal agencies responsible for oversight of air quality and emissions and provide insight into how to communicate effectively with the agencies.
PRESENTER:
Bill Underwood, Gallagher & Kennedy, P.A.

S E P T E M B E R
FRIDAY, OCT. 8, 2010  ■  CLE (2 credit hours)  ■  3:50 P.M.  ■  WINE TASTING: 5 P.M.

History and Distribution Law—and Wine Tasting Afterwards
Join the MCBA Environmental & Natural Resources Law Section for an afternoon of learning, touring and tasting in Page Springs (near Sedona).

Robert S. Lynch of Robert S. Lynch & Associates and Kevin O'Malley of Gallagher & Kennedy will cover the history of Arizona's wine distribution laws, proposed changes to federal law, and recent cases affecting local and national wineries. After the presentation, enjoy a tour of Page Springs Vineyards & Cellars (featured in the documentary Blood into Wine), wine tasting and light appetizers.

Drive on your own, or MCBA will arrange shuttle or alternative transportation at additional cost. If you will need transportation arranged for you, please be sure to call Laurie Williams as soon as possible. At least 15 persons are required for a shuttle.

REGISTER NOW AT WWW.MARICOPABAR.ORG OR CALL LAURIE AT (602) 257-4200.

EARLY BIRD REGISTRATION (BEFORE SEP. 21)
REGULAR REGISTRATION (AFTER SEP. 21)
Section member: $95  ■  Non-member: $145
Students: $55 each, plus any applicable transportation cost

IT’S ALL ABOUT ARIZONA WINE!

C E L E B R A T I N G
L O C A L
C O M M U N I T Y
T H E E N T E R N A T I O N A L
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L A W
P R O C E S S
A D V A N C E D
C R E D I T
F O R
R E G I S T R A T I O N
S A L E
SALE: $250

F R I D A Y, O C T .  8 ,  2 0 1 0
1 2 - 2 P M
Justice for All...
plus lunch. CLE and a theatrical production in beautiful Sedona
1.5 credit hours
Lunch: Cucina Rustica, Italian restaurant, Sedona
CLE: Immediately after lunch
Play: Mummo Justice, at the Canyon Moon Theater. Sedona Speaker Joel Levin thanks the justice system works best when it is just that: a system of justice; not one merely of precedent, regulation, stare decisis. Two judges, Levin says, are among a very small group who exemplified those qualities to the highest order. Benjamin Cardozo of the New York Court of Appeals and the U.S. Supreme Court, and William Murray, the Earl of Mansfield, Chief Justice of King’s Bench. Levin will discuss a few of their cases and some of their history, ending with 10 common features they shared that express their methods of achieving transformative legal change.
PRESENTER: Joel Levin, Levin & Associates, Co., LPA

WEDNESDAY  ■  SEPTEMBER 22, 2010
11:30 A.M. - 1 P.M. (Lunch included)

Personal Injury Law: Recognition and Management of Post-traumatic Stress Disorder in PI Clients
1.5 credit hours
Physicians and chiropractors often do not recognize the symptoms of post traumatic stress disorder (PTSD). Some PI attorneys prefer not to deal with the psychological component of their clients’ injury and frequently fail to ask the right questions. Recognizing and properly managing PTSD in the PI client is important; thus, for several reasons. The client’s injuries are fully treated. The client is more likely to heal faster if their psychological issues are addressed along with their medical concerns. The client receives a bigger award. The attorney receives a larger fee.

In this seminar, Dr. Waldman will address the diagnostic characteristics of PTSD, important associated features related to PTSD, PTSD treatments, and the questions that could identify the syndrome.

PRESENTER: Larry F. Waldman, Ph.D., ABPP

THURSDAY  ■  SEPTEMBER 23, 2010
4 - 5:30 P.M. (Breakfast included)
Family Law: Making ADR Work for Your Family Law Practice
1.5 credit hour
This intermediate program will discuss available ADR (Alternative Dispute Resolution) resources, including mediation, arbitration, mini-arb, Family Law Master, Settlement Conferences, the essentials of ADR, including written agreement, specificity of issues, expectations of participants, errors and omissions, and facilities; the value and limits of confidentiality, practical considerations when coping with issues of domestic violence; the ADR process, and making the agreement binding.

PRESENTER: David Anderson, Of Counsel, Hallier Law Firm, P.C.

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.
2010 Hall of Fame Inductees Named
continued from page 1

2010 Maricopa County Bar Hall of Fame Inductees
Jerry L. Angle
Peter D. Baird*
Jose A. Cardenas
Daniel F. Cracchiolo
Hon. Walter E. Craig*
Hon. William F. French
Hon. Frank X. Gordon
Curtis A. Jennings
Sen. Jon Kyl
Joseph F. McGarry
Patrick J. McGroder III
Philip A. Robbins
Hon. Mary Murphy Schroeder
Gary L. Stuart
*Deceased

Over 50 nominees were considered by the 2010 selection committee chaired by Hon. Glenn Davis. Other members of the committee are: Hon. Rebecca Allbrecht, Bowman & Brooke, LLP; Hon. Louis A. Araneta; Jennifer E. Green, U.S. Attorney’s Office; Mark Harrison, Osborn Maledon; Williams F. Haug, Jennings, Haug & Cunningham, LLP; Hon. Cecil Patterson; Kevin D. Quigley, Quarles & Brady; Richard Segal, Gust Rosenfeld; Hon. Ann Timmer, Arizona Court of Appeals; Ted F. Warner, Warner Angle, Hallman, Jackson & Formanek, PLC; Stan Watts, Dehner & Watts

All MCBA members, members of the legal community and their families and guests are invited to attend the induction luncheon. Register as an individual or purchase a table for your firm. Online registration is available at www.maricopabar.org or call Laurie Williams at (602) 257-4200.

DRIVE HOPE HOME
SATURDAY
NOV. 6
AT THE LEGACY GOLF RESORT
Registration 6:30 a.m. • Shotgun Start 7:15 a.m.

The Golf Classic benefits the Maricopa County Bar Foundation and Volunteer Lawyers Program, which supports victims of domestic violence and legal services for low-income families. To register or for more information, please contact Laurie Williams (602) 682-8585 or lwilliams@maricopabar.org.

Retired Judge Comes Full Circle
continued from page 7

small business, non-profit management, and entertainment law.

From 1999 to 2005, she served as the first African-American woman trial court judge in Arizona’s history, ruling on juvenile, criminal and family division cases.Before that Willrich was a commissioner of the Superior Court in Maricopa County for four years, also working in the juvenile and criminal divisions.

Currently the professor is completing her doctorate of philosophy in Criminal Justice/Criminology. Her goal after earning her doctorate is to study cases of children who have been convicted as adults and the collateral consequences of such convictions. She said she will try to garner research grants for PSL that will allow her to study that aspect of the juvenile justice system.

While attending the Antioch School of Law, Willrich said she fell in love with public interest work and decided she wanted to give back to the community. That desire led to her work with Community Legal Services organizations, which provide legal help for low-income people. Willrich said that with the enormous economic challenges being faced, the effort to meet such needs has been even more challenging and the need for volunteers is greater. For those interested in volunteering, she said the work is “tremendously rewarding.”

Willrich says her vision for the school, besides educating outstanding future law practitioners, is to continue to ensure that students are fairly exposed to the real-life practice of law, that the school has an excellent state bar exam passing rate, and that PSL continues to attract innovative faculty members.

The tireless law expert also volunteers her time to help with Continuing Legal Education programs at the Maricopa County Bar Association, various tenant court programs and is a judge pro tem for the Maricopa County Superior Court.

Willrich said she feels as though she has come full circle in the practice of law.

“It’s been a phenomenal learning experience. For me it’s like I’ve seen the entire spectrum of law practice,” she said.

A. PAUL BLUNT
ANNOUNCES HIS RETURN TO PHOENIX AND HAS OPENED THE
BLUNT MEDIATION & LAW FIRM, PLLC
Practice Limited to Disputes under Title 14, A.R.S.

30 years public and private practice
21 years rated “AV” by Martindale-Hubbell
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In order to provide the highest quality of service to your clients, you need the right team of professionals.

Keegan, Linscott & Kenon, PC has over 30 years experience assisting law firms in contentious financial matters.

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We have Certified Fraud Examiners (CFE) on staff who can uncover and follow the trail of deceit and lead you to the truth.

Litigation Support
We provide specialized knowledge and expert witness testimony in financial aspects of litigation.

Bankruptcy/Reorganization Services
We provide in-depth analyses and solutions for all matters regarding bankruptcy and reorganization.

Call Chris Linscott at (520) 884-0176 to schedule a meeting.
Ariz. Supreme Court Mourns Loss of Retired Justices

Retired Justice Corcoran was appointed to serve as an Arizona Supreme Court Justice after the retirement of Justice Holohan in 1987. Before being appointed on Arizona’s highest court, Justice Corcoran received his law degree from Fordham University in New York City. He came to Arizona in 1959 to join the law firm of Lewis and Roca. He joined the Maricopa County Attorney’s Office as a prosecutor in 1962 but returned to private practice in 1964, where he remained until his appointment as a Maricopa County Superior Court Judge in 1976. From 1981 to 1988, Justice Corcoran was a judge for the Court of Appeals of Arizona. He served on the Arizona Supreme Court until 1996.

Volunteer Lawyers Program Thanks Attorneys

The Volunteer Lawyers Program thanks the following attorneys and firms for agreeing to accept 39 referrals from VLP to help low-income families. VLP supports pro bono service of attorneys by screening for financial need and legal merit and provides primary malpractice coverage, donated services from support professionals, training, materials, mentors and consultants. Each attorney receives a certificate from MCBA for a CLE discount. For information about cases and other ways to help, please contact Pat Gerrich at VLP at (602) 254-4714 or pgerrich@clsaz.org.

VLP ATTORNEY OF THE MONTH

Delivering Pro Bono Help Part of Diaz’s Daily Life

Peggi Cornelius, CVA

From her childhood experiences as a Girl Scout to her current work as an attorney, Ottila M. Diaz has integrated community service into her daily life. She doesn’t view her pro bono efforts as extraordinary, and that makes her recognition by the Volunteer Lawyers Program (VLP) as “Attorney of the Month” all the more meaningful.

With undergraduate degrees in English and Spanish, Diaz entered the Sandra Day O’Connor School of Law at Arizona State University. Within a year of being admitted to the Bar in 2002, she established her law office as a sole practitioner and became a member of the VLP. Her pro bono contributions have been continuous and varied, including assistance she provides to women and their children residing at De Colores Women’s Shelter. VLP clients have benefited from her advice and representation in matters ranging from divorce and guardianships to no asset bankruptcy.

For eight years, Diaz has made a monthly commitment to provide pro bono counsel to family law litigants who have no representation. She attends VLP’s Family Lawyers Assistant Project (FLAP) at Superior Court, especially the “The Seamless Web” scholarship and was given to pursue higher education, she gave me a big hug and thanked me.”

Diaz recently helped to alleviate the crippling debt of a client’s meager income had been garnished for six years. “The clients I meet at FLAP are often two-year-old boy, and I love my job!” she said.

Born and raised on a farm in Poston, Arizona, Diaz knows the reality of labor in the fields. She recalls being the eldest of seven children and says, “My parents showed us that hard work, integrity and love are the avenues to a better life.” She values the opportunities she was given to pursue higher education, especially the “The Seamless Web” scholarship program for the financial support she received while in college. She also credits Community Legal Services for her internship experience, VLP for offering free continuing education programs, and the lawyers who have shared their knowledge and experience and recommended her to prospective clients.

With a smile that says it all, Diaz comments, “I’m married with an absolutely perfect two-year-old boy, and I love my job!”

To learn more about pro bono opportunities available through the VLP contact director Patricia Gerrich at (602) 258-3434, Ext. 2630.
On September 1, 1960, Jack Brown opened the Law Offices of Jack E. Brown. A month later he was joined by Randy Bain, fresh from law school and new to Phoenix. Together they had a vision: build a law firm that was dedicated to solving the problems of local, national, and international clients, and that valued and rewarded each person’s contribution. However bold their original vision was, they never could have imagined that the tiny acorn they had planted 50 years ago would grow to be such a sturdy oak. Thank you, Jack and Randy, for getting us off to such a good start.
Appointments

Robert Erven Brown was recently appointed to serve in a newly created position as Legal Advisor to the Board of Directors of Phoenix Seminary, Inc. Brown was instrumental in implementing the Campus Preservation Planning program that resulted in the establishment of the Bible Education Legacy Fund, Inc., an intergenerational fund to raise endowments to support the Seminary.

Kolby Granville, attorney with Mariscal, Weeks, Mcintyre & Friedlander, P.A., has been appointed to serve on the City of Tempe Development Review Commission. The purpose of the commission is to hold public meetings and hearings; provide analysis and recommendations to the city council regarding general land use policies and applications where the commission has recommendatory power; and to render final decisions on specified applications where the commission has final decision-making power, including, but not limited to, all aspects of a proposed and future development.

Jackson Lewis, one of the fastest-growing workplace law firms in the United States, is proud to announce that Richard S. Cohen, partner in the Phoenix office, has been appointed to the College of Labor & Employment Lawyers as a newly elected fellow. Cohen is an A.V. rated attorney who possesses extensive experience in every facet of employment law at the administrative, trial and appellate levels. He frequently represents employers in federal and state courts and before administrative agencies and administrative law judges on a variety of litigation matters involving the employer-employee relationship and has successfully defended employers in several of the most significant class action lawsuits in the Southwest.

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.

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警告：以下的内容可能包含敏感信息

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Search-and-Seizure Rights Tested

COURTWATCH continued from page 1

0560 (Ariz. App. July 29, 2010), the court held that Gant does not trump the community caretaking function that police officers provide. After receiving a report that two men in a pickup truck were stealing a spare tire, Phoenix police officers located a truck, with a spare tire in its bed, parked at a restaurant in a high-crime neighborhood. Two men, including Gustavo Mendoza-Ruiz, emerged from the restaurant. The officers told him that they were interested in the tire, and Mendoza-Ruiz stated that his keys were locked inside the truck. He asked them to leave the truck in the parking lot, rather than have it towed.

Officers patted down Mendoza-Ruiz and his companion for an investigative detention. They handcuffed them and placed them in separate patrol cars. Officers looked in the pickup’s cab and verified that the keys were indeed locked in. But they also saw something more alarming: a handgun that had been “shoved next to the driver’s seat.” A locksmith was called, giving officers access to the truck and the weapon. Mendoza-Ruiz was arrested and charged with illegal possession of the gun. On his motion, the trial court suppressed the gun, reasoning its seizure violated the Fourth Amendment as interpreted by Gant. The court then granted the State’s motion to dismiss the prosecution, allowing an appeal of the suppression order.

The court of appeals reversed. In his opinion for the court, Judge Philip Hall first noted that warrantless searches are presumed to be unreasonable and therefore to violate the Fourth Amendment. But this is not universal: in some situations this presumption is over-come, including the community caretaking function that police provide.

“The ‘community caretaker’ doctrine,” Hall explained, “allows admission of evidence discovered without a warrant when law enforcement engages in ‘community caretaking functions’ intended to promote public safety.” An officer may enter a vehicle without a warrant when “the intrusion is suitably circumscribed to serve the exigency which prompted it.”

Hall wrote that a reasonable standard applied: “The . . . question is whether a prudent and reasonable officer would have perceived a need to act in the proper discharge of his or her community caretaking functions.” The courts must look at the reasonableness of officers’ conduct, he explained, because a police officer is a “jack-of-all-emergencies” who is “expected to aid those in distress, combat actual hazards, prevent potential hazards from materializing, and provide an infinite variety of services to protect and preserve community safety.”

Gant did not spell the demise of the community caretaker doctrine. Hall ruled: “Locking a suspect away in a patrol car protects officers in the automobile-arrest situation, but it does not necessarily promote safety to the general public. ‘Gant’s rationale for suppression, that officer safety is not at risk when the subject is secured and outside reaching distance, does not apply here,’ Hall wrote.

He explained that Mendoza-Ruiz’ detention in the patrol car did not remove the ongoing threat to public safety presented by the handgun left in his vehicle, particularly when [he] had requested that his truck be left in the parking lot.” “Gant neither explicitly nor implicitly abrogated the application of the community caretaking function in circumstances such as those present here,” Hall concluded.

Hall further ruled that the officers’ conduct on the night in question was reasonable. “[T]heir legitimate concerns for public safety” had prompted the officers to “enter [ ] the cab of the pickup and remove [ ] the gun.” Several factors made this a reasonable action: the gun was clearly visible from outside the truck; there was a lot of traffic from the restaurant and a nearby nightclub; and the truck was situated in a high-crime area noted for shootings and aggravated assaults.

Joining Hall in vacating the suppression order and reinstating the case against Mendoza-Ruiz were Judges Michael Brown and Daniel A. Barker.

Court Upholds Interpleader Action in Insurance Claims Case

What should an insurance company do when it faces multiple claims exceeding the limits on the policy it has written? The court of appeals recently held that an insurer acted reasonably by bringing all the claimants together in an interpleader action. McReynolds v. American Commerce Ins. Co., No. 1 CA-CV 09-0017 (Ariz. App. July 13, 2010)

Tanya Raineri had an automobile policy from American Commerce with liability limits of $25,000 per person. In the summer of 2004, she collided with Michael McReynolds, who sustained severe injuries. After Flaggstaff Medical Center treated him, it claimed a lien of almost $44,000. McReynolds demanded the $25,000 policy limits from American Commerce. The company responded with a check for $25,000 made out to Reynolds and the medical center. McReynolds rejected the tender because the check was not made out solely to him.

McReynolds then filed a negligence suit against Raineri. When he served an offer of judgment for $25,000, Raineri’s attorney advised American Commerce that it would be inadvisable to pay the policy limits to McReynolds without getting a release from the medical center: failing to do so would leave the company potentially liable to the medical center for the full policy limits.

Because the parties could not agree how to satisfy the lien, the attorney recommended filing an interpleader. American Commerce did just that, naming McReynolds, Flagstaff Medical Center, and the Arizona Health Care Cost Containment System. The medical center eventually released its lien and AHCCCS defaulted.

McReynolds obtained judgment against Raineri for almost $470,000. Raineri assigned her rights against American Commerce to him, and he sued the company for bad faith failure to consider Raineri’s interests for rejecting his offer of judgment in his negligence suit against Raineri.

The trial judge commented that American Commerce had faced a Hobson’s Choice: “[f] the company] had accepted the offer of judgment and the money was paid to [McReynolds] in disregard of the medical lien, both [the company] and . . . Raineri[ ] . . . could still be held liable for the medical lien.” He granted summary judgment to American Commerce, and McReynolds appealed.

The court of appeals affirmed in an opinion by Judge Barker. He viewed this as a case “about whether the insurer had a duty to . . .

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Bulletin Board

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Potlinelli Sughart PC wel comes attorney Jennifer J. Axel to the firm as associate to practice in the Business Litigation group in the Trial department. Axel brings a strong financial services background, having previously practiced as an assistant vice president, corporate counsel for a large regional bank in Scottsdale. She will advise clients on a wide variety of litigation matters arising from lending activities. Axel also has an extensive background with litigation involving securities, and in particular mortgage-backed securities, in addition to general commercial litigation matters. Before joining the firm, Axel practiced for nearly three years at a large Phoenix law firm where she was a commercial litigation associate.

Sanders & Parks, P.C. is pleased to announce that Mona Stone, formerly a partner with Locke Lord Bissell & Liddell LLP in Chicago, Illinois, has joined the Firm as a Shareholder. Stone has represented both public and private entities throughout the country, ranging from individuals and small businesses to multimillion-dollar companies.

The law firm of Nassbaum & Gillis, P.C. is helping out the children of Sunshine Acres. The shelter consists of several single family homes where the children of homeless, incarcerated, chronically or terminally ill parents live with a “host” family and other children close in age. Sunshine Acres hosts 60 children ranging from infant to college age. Having already sent 1900 bottles of water to last them through the summer, N & G decided to treat the children and chaperones to a day at the water park.

The firm has donated ten of thousands of dollars to Homeward Bound families.

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The Circuit to Review SB 1070 Appeal in November

she read the pleadings, listened to and consid-
ered the lawyers’ arguments, and applied the
law in a fashion that resulted in an order grant-
ing relief in part and denying it in part. The
order is thorough, well written, and amply sup-
ported by relevant precedent.”

With regard to what might happen at the
9th Circuit level, Cohe said that there were two
“moving parts” that could impact the outcome,
including the composition of the court’s panel
assigned to the matter.

“After that panel rules, it is likely that one or
more parties will request an en banc reharing,
which the court may or may not entertain,” he
said.

No Fast Appeals Process

The 9th Circuit Court has decided it will not
hear the state’s appeal on Bolton’s ruling within
the first week of November.

Governor Brewer’s office filed an expedited
appeal with the court July 29, asking the panel
to lift the preliminary injunction one day after
the ruling.

However, no swift action was expected; at
the most a hearing was anticipated for possi-
ably the second week in September. Briefs from
the state were due Aug. 26.

In their filing to the court, Brewer’s attor-
ney noted that the state’s provisions allowed by
Bolton’s ruling were determined by the Arizona
Legislature to be “critical to address serious
criminal, environmental and economic prob-
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Complications in Law-Enforcement Training

A report released July 27 by the Immigration Policy Center, Arizona’s SB 1070: A State of Confusion revealed local law enforcement’s struggle to interpret SB 1070 and provide training to officers. Journalist Jeffrey Kaye said that “instead of ‘statewide and uniform practices’ as directed by the governor, Arizona police agencies have developed a patch-
work of guidelines based on varying interpreta-
tions of the law.”

Kaye’s reporting includes interviews with police officials, who cite concerns with imple-
menting the new law; and a review of training materials that suggest the implementation of
SB 1070 will differ from one jurisdiction to
another, and even within police agencies, and
‘will be burdensome, costly, and distant priori-
ties.’
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