The Maricopa County Bar Foundation, the charitable arm of the Maricopa County Bar Association, last month awarded $45,000 to 11 projects within eight non-profit organizations that provide legal-related assistance to the public.

Just over $20,000 of that amount was from a gift from the estate of Alice M. Turner. Turner died in 2008 at the age of 98. The funds granted to MCBF were restricted to youth and teen services, which the Foundation honored. Approximately the same amount from the Turner estate was awarded last year.

“We are very grateful to Alice Turner,” said the Foundation’s grants chair, Patricia Nolan, an attorney with Gammage & Burnham. “We also appreciate the many members of MCBA who give to the Foundation by donating when they pay their annual association dues and through other appeals, and to all those who participate in our fundraisers.”

Bar Foundation Awards $45,000 in Grants

Coinciding Opinions Address Self-incrimination

In differing but similar contexts, and almost simultaneously, the supreme courts of Arizona and the United States issued opinions concerning guidelines for people to avoid incriminating themselves.

One court held that physical evidence cannot be taken from a suspect who does not expressly assent to the authorities’ actions. The other court held that a suspect must expressly intone his right to keep the authorities from seeking testamentary evidence.

The Arizona court held that a DUI suspect generally must expressly acquiesce to a blood draw. The United States Supreme Court held that a criminal suspect who wishes to exercise the Miranda right to remain silent must continue to maintain his silence.

Phoenix School of Law Earns Full ABA Accreditation

The Phoenix School of Law announced June 15 that it has received full accreditation from the American Bar Association (ABA). The law school is only the fourth for-profit law school in the country to be granted full accreditation in the shortest time frame possible – less than six years.

"The gaining of full ABA approval is a major achievement and comes after five and half years of dedicated work by the students, staff and faculty of Phoenix School of Law," said Gene Clark, interim dean.

"This national accreditation also validates in an evidenced-based way what we have all worked so hard to achieve and sustain over a period of years — a school and new model of legal education that is focused on achieving great student out-
At Halftime: MCBA Board Tackles 1070

By Jack Levine

Opinions expressed by contributors to the Maricopa Lawyer are not necessarily those of its officers, members or staff. For policies regarding letters to the editors and opinion pieces, please see policy at left.

No one knows exactly how many illegal immigrants there are in this country. The estimates run as high as 15 -20 million, with as many as 5,000 -10,000 coming in every day. Approximately 90 percent of those entering the country illegally are Hispanic, with 70 percent coming from Mexico.

It is the declared public policy of our state and federal governments that such illegal immigration must be halted. It places an undue burden on our schools, healthcare facilities, social service agencies and other tax-supported governmental programs. In addition, in the present economic downturn, there may be many jobs taken by illegal immigrants that could be filled by legal residents. Arizona citizens are becoming increasingly concerned about the prospect of simply doing nothing to protect our borders from this continuing influx of illegal immigrants who have either violated our borders or overstayed their temporary visas.

Is S.B. 1070 a solution to these problems?

Although S.B. 1070 has been much maligned in certain circles, it appears to have the support of the majority of Arizonans as well as those in polls taken around the country. The law attacks the immigration crisis on two fronts. (1) It permits the arrest and deportation of all illegal immigrants and (2) it criminalizes the knowing hiring or retention of an illegal alien by an employer.

Both of these approaches appear to be logical and effective means of expelling those presently here in violation of our laws and in discouraging employers from retaining or hiring illegal immigrants. Since the principal reason Mexicans emigrate here is for higher-paying jobs that are not available in Mexico, it is a foregone conclusion that if there were no jobs for them here, they would stop coming across the border.

There are those who contend that illegal immigration is a federal issue and that the state should not be intruding into this area. However, it is an unfortunate fact that Congress and the White House are so beholden to those special-interest groups that hire illegals...
Five Seats Open on MCBA Board of Directors

Members interested in running for one of five available seats on the MCBA Board are invited to declare their candidacy.

Each of the five positions consists of a two-year term beginning in 2011. Board members attend monthly meetings, liaise with one or more MCBA sections, divisions, or committees and support the work of the Association.

Candidates must be active members in good standing with the MCBA and the State Bar of Arizona.

Candidates are asked to submit a letter of candidacy to MCBA Executive Director, Allen W. Kimbrough, either by email or postal mail: MCBA, 303 E. Palm Lane, Phoenix, AZ 85004-1532 or akimbrough@maricopabar.org.

Also required are biographical information and a photograph, as detailed on the MCBA website at www.maricopabar.org. Candidates who have declared in advance of the deadline will also receive this information by email from the Association.

All required election materials—the letter of candidacy, biographical information (in the specified format) and a photograph—must be submitted to the MCBA no later than 5:00 p.m. on Sept. 15, 2010.

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
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- immigration

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The 2010-2012 three-year strategic plan for the Clerk’s Office is underway. Having goals and a plan to achieve them makes sense for any service-based employer. Many government agencies have no competition and risk a complacent approach to office operations and customer service.

Regardless of the economy and other factors, the Clerk’s Office routinely evaluates its performance, market trends, resources and forecasts to stay on track with following the office’s vision: to anticipate, meet and exceed the expectations of our customers. As the statutory fiduciary of the Superior Court, the Clerk’s Office seeks to provide the timely and accurate collection, disbursement and reporting of court-ordered payments. Over the next several years, the Clerk’s Office will update its financial systems to more modern platforms that conform to county and state technology standards.

This has been an ongoing priority, as the Clerk’s Office has updated systems that were nearly 20 years old. With continued improvements, the office will provide a more unified system to allow our customers secure access to electronic court financial records and services.

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From a business perspective, it is expensive to hire and train employees who leave soon after in search of greener pastures. Clerk employees are engaged in a career as legal professionals, rather than people just doing a job. Courtroom clerks, for instance, face a steep learning curve of legal terminology, process and procedure, and appropriate handling of documents and exhibits.

Many courtroom clerks end up specializing in one case type because of the volume of cases in Maricopa County, but several commit to decades of learning and relearning to function in all or several case types.

Similar training and knowledge is required of employees who can efficiently process documents at the paper and electronic file counters, of accountants, of those who handle exhibits, confidential or sealed documents, and those who coordinate search warrants and grand jury proceedings.

From a customer perspective, there is a great advantage to interacting with a Clerk employee who has been on the job long enough to handle routine events in addition to complex, sensitive or time-critical matters. Employee development is particularly important now, as superior court filings have increased over the last two years, at a time when nearly 100 positions have been eliminated in the Clerk’s Office to survive budget reductions.

Clerk employees have risen to the challenge of meeting customer service expectations through the difficult combination of handling a higher volume with fewer staff. For these reasons and others, employee development is a key aspect of the Clerk’s strategic plan.

Electronic Court Record

An electronic court record is required to keep pace with the volume and variety of filings in Maricopa County. There simply isn’t the time, staff or storage space to continue handling and maintaining paper. The majority of filings are still done in paper, which represents a significant cost to the judiciary in staff time and equipment.

Each paper filing must be sorted, prepared for scanning, scanned, docketed and destroyed, with multiple audits to ensure accuracy between the paper filing and the digitized image of the filing. As a result, fewer than 35 percent of paper filings are available to view within 24 business hours, compared to nearly 100 percent of eFiled documents that are available to view within 24 business hours.

The paper process requires filers to create, print and deliver documents to the Clerk’s Office, generating costs for paper, ink, delivery services and gas, among other overhead expenses. In most instances, the Clerk’s Office then images the paper documents to create the official electronic court record, only to destroy the paper, an unfortunate ending, considering the cost and effort that goes into printing documents on paper.

The Clerk’s strategic plan for the electronic court record calls for significant advancement in electronic filing services to drive continued and aggressive growth in this area, the establishment of the electronic court record as the official record in juvenile cases and the conversion of paper documents to electronic images for inactive cases.

Financial management

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For more detailed coverage of the Clerk’s strategic plan for 2010-2012, visit the Clerk’s website at http://www.clerkofcourt.maricopa.gov/news/StratPlanFY10-12FINAL.pdf.
New Law Tightens Child-Protection Regulations, Requires Attorneys to Revise Parenting Plan Form

By Kendra A. Diegan

In 1994, 7-year-old Megan Kanka was sexually assaulted and murdered by her neighbor, a recently released sex offender. This heinous crime inspired the creation of community notification laws throughout the nation, including the widely known federal statute labeled “Megan’s Law.”

On June 1, 1996, Arizona adopted its version of “Megan’s Law” by enacting the Sex Offender Community Notification statutes found in Arizona Revised Statutes §§ 13-3821 – 13-2829. Arizona community notification statutes protect Arizona children by providing critical information to individuals living in the same community as registered sex offenders. However, until the passage of SB1095, which becomes effective July 29, there was no legal duty for parents or custodians who know that a convicted or registered sex offender or person convicted of a dangerous crime against children may have access to their child(ren) to share that information with a parent or custodian who shares custodial rights.

Failing to immediately notify the other parent or custodian of critical information concerning a dangerous individual who may have access to a child(ren) places their child(ren) at risk unnecessarily.

For example, a parent could receive proper notification that their new next-door neighbor is a registered sex offender. However, before SB1095, a parent could elect not to share this information with the other custodial parent. The unwilling parent might then fail to take the proper precautions during their parenting time, such as allowing their child to travel to or from the other parent’s house unsupervised.

Perhaps, ever more commonly, a parent may have a friend or relative (such as a new brother-in-law) who is a convicted sex offender. That parent may allow their friend or family member to visit or stay at their home while their minor child is present, in spite of the danger the person may present to the child.

Prior to SB1095, a parent had no legal obligation to inform the other custodial parent that their child was in contact with a convicted sex offender. SB1095 is designed to close this gap in Arizona law by adding language to A.R.S. § 25-403.05 that requires a child’s parent or custodian to immediately notify the other parent or custodian if one of them knows that a convicted or registered sex offender, or a person who has been convicted of a dangerous crime against children as defined in A.R.S. § 13-705 may have access to the child.

It stipulates that notice must be provided by first-class mail with return receipt requested; by electronic means to an electronic mail address that the recipient provided to the parent or custodian for notification purposes; or by other communication accepted by the court.

Effective July 29, lawyers will need to change their family law Parenting Plan form to include a “statement that each party has read, understands and will abide by the notification requirements of section 25-403.05, subsection B.”

■ SB1095 requires each Parenting Plan to include a written statement that each party has read, understands and will abide by the notification requirements of A.R.S. § 25-403.05(B).

Not about to relent in the search for Josh’s attacker, they made every effort to help bring him to justice: corresponding regularly with Tempe police, offering a monetary reward to anyone who would turn him in and answering media questions.

Several months after the attack, the suspect was turned in, tried and sentenced to more than 12 years in prison for the stabbing.

It was a big story…and it was a big story for a while,” Russell remembered.

Josh’s parents were on top of the case once it went to trial and communicated often with his attorney, prosecutor Ted Campagnolo. Being faced with two attorneys whose son was brutally attacked might have presented an interesting challenge to Campagnolo, Russell said.

Ultimately, though, it was the prosecutor’s good work that inspired Josh to seek justice for other victims of violent crimes.

First Woman Partners
As a young attorney, Nancy faced her own challenges.

In the late 70s, she interviewed for a posi-
Abbreviations May Save Space, But Not Face

NEVERER legal writers worry about many aspects of legal writing, but word and page limitations rank first on the list of hurdles that these writers face (and I suspect this is true of many seasoned writers, as well). In fact, many newer legal writers regularly tell me that they struggle to write a thorough analysis within a page or word limitation because they are still learning how to write concisely.

Thus, they employ many “techniques” to save space, including abbreviating words and phrases. The problem with this technique is that many writers do not know when to stop abbreviating. Over-abbreviating alienates the reader and can be confusing. The following list of dos and don’ts is a guideline to help writers save space without losing face.

DO abbreviate common titles of respect, such as Dr., Ms., and Mr.

DO abbreviate common words in business titles, such as Co., Ltd., and Inc.

DO NOT abbreviate a party or client’s name unless that party or client’s name is commonly abbreviated, such as CBS, IBM, and IRS.

DO NOT invent an abbreviation of a name just to save space.

DO NOT abbreviate a phrase unless you are 100% positive that the audience commonly uses that abbreviation. For example, do not abbreviate “negligent infliction of emotional distress” as NIED in a letter to a non-lawyer.

DO NOT abbreviate in citations if the required citation manual allows abbreviating. Make sure the abbreviations conform to the manual’s list and samples.

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Thus, the key to abbreviating in a helpful manner is to remember the audience – both the intended and unintended readers.

Legal Briefs

By Joan Dalton

Supreme Court Associate Justice Ryan Announces Retirement

After serving in a judicial capacity for nearly 25 years, Arizona Supreme Court Justice Michael D. Ryan has notified Governor Brewer that he will retire from the bench on August 6. Justice Ryan was appointed to the Supreme Court in May 2002. Prior to his appointment to the Supreme Court bench, Justice Ryan served on the Arizona Court of Appeals, Justice Ryan served as an Arizona Superior Court judge for more than 10 years. Altogether, he has served in Arizona’s judicial system for more than 30 years.

Justice Ryan’s contributions to the Maricopa County Bar Association have been significant. He served on the Maricopa County Bar Association’s Board of Directors from 1987 to 1991 and from 1997 to 2002. Additionally, he served on the MBCA’s Task Force on the Recruitment and Retention of Women and Minority Lawyers since 1998. Justice Ryan stated in a press release that “as I enter retirement, I look forward to continuing to serve my community but this will allow me to spend more time with my family as well as allow flexibility to work on various public service projects.”

[Editor’s note: Watch for more about Justice Ryan in the August Maricopa Lawyer]

6th Circuit takes lead in most reversals by U.S. Supreme Court

Although the U.S. Court of Appeals for the Ninth Circuit is known for handily winning the most reversals by the United States Supreme Court per term, so far this term the U.S. Court of Appeals for the Sixth Circuit appears to be in the lead with a 100% reversal rate.

Seven of the seven Sixth Circuit cases granted certiorari by the U.S. Supreme Court have been reversed, with five of these cases being habeas corpus cases. In comparison, three of the four Ninth Circuit cases argued so far this term have been reversed, but there are 10 more argued Ninth Circuit cases awaiting decisions.

Justices issue statement concerning the closing of the U.S. Supreme Court’s front steps

On May 3 Justice Stephen Breyer, joined by Justice Ruth Bader Ginsburg, issued a statement concerning the United States Supreme Court’s decision to close the front entrance of the United States Supreme Court building so that visitors entering the building must do so through a side door. The Court’s decision was based on security concerns.

Reflecting on the building’s entrance, Breyer penned the words of architect and lawyer Paul Byard, who described the building’s entrance as “emphasizing the processional progress toward justice reenacted daily in [the Court’s] premises.” Breyer wrote that “[w]hile I recognize the reasons for this change, on balance I do not believe they justify it.”

The significance of the Court’s front entrance, writes Breyer, “extends beyond its design and function. Writers and artists regularly use the steps to represent the ideal that anyone in this country may obtain meaningful justice through application to this court.”

Breyer added that “time has proven the success of [the U.S. Supreme Court architect’s] vision: To many members of the public, this Court’s main entrance and front steps are not only a means to, but also a metaphor for, access to the court itself.”

Even though visitors will be able to leave by descending the steps of the front entrance, Breyer wrote that he found the Court’s decision “dispiriting . . . to refuse to permit the public to enter” via the front steps.

Government on the Line

By Joan Dalton

The United States government has filed a motion in the Federal District Court for the Northern District of California to dismiss a lawsuit filed by the environmental group Center for Biological Diversity against the Secretary of the Interior. The suit, which was filed in December 2009, alleged that the government failed to protect the desert tortoise, a species of reptile found in the Mojave Desert.

The government argued in its motion that the case should be dismissed because the plaintiffs had not shown that the government was responsible for the alleged breach of its duty to protect the tortoise.

The Center for Biological Diversity has until May 24 to respond to the government’s motion.

By Joan Dalton

The Ninth Circuit Court of Appeals has ruled that the U.S. Navy is not liable for damages to a property owner who claims that the Navy’s operations have caused him to lose the value of his property.

The case, Jaffe v. U.S., was filed in the U.S. District Court for the Northern District of California in 2007. The plaintiff, a resident of a military housing complex, alleged that the Navy’s operations had caused the property to lose value.

The Ninth Circuit ruled that the plaintiff had failed to show that the Navy was responsible for the damage to his property.

The case is now pending in the U.S. District Court for the Northern District of California.

By Joan Dalton

The U.S. Court of Appeals for the Ninth Circuit has ruled that the U.S. Department of Justice is not liable for damages to a property owner who claims that the Department of Justice’s operations have caused him to lose the value of his property.

The case, Pacifica v. U.S., was filed in the U.S. District Court for the District of Columbia in 2008. The plaintiff, a resident of a military housing complex, alleged that the Department of Justice’s operations had caused the property to lose value.

The Ninth Circuit ruled that the plaintiff had failed to show that the Department of Justice was responsible for the damage to his property.

The case is now pending in the U.S. District Court for the District of Columbia.

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Support the Children’s Law Center

Most of us have had the opportunity to dedicate some time to pro bono efforts throughout the Valley. One of the most critical not-for-profits serving Arizona is Community Legal Services (CLS), a legal aid program organized to promote “equal justice for all.” You likely are familiar with the Volunteer Lawyers Program (VLP), which is a joint project of CLS and the Maricopa County Bar Association, providing civil legal assistance to low-income Maricopa County residents. Not only does VLP increase access to the civil justice system for low-income individuals, but it recruits, trains and mentors pro bono volunteer attorneys – including young lawyers – so that they can better serve those in need. CLS relies significantly on volunteer attorneys so it may have a larger impact on the community.

Another wonderful program, and a great opportunity to provide pro bono legal assistance, is the Children’s Law Center. The Children’s Law Center was established in 1998 by VLP in order to address unmet legal needs of children. This program offers a variety of projects designed to fill gaps in legal assistance for children of diverse ethnic, racial and economic backgrounds. The projects were developed in collaboration with numerous agencies and organizations that provide children’s services within the community and currently receive financial support from the Maricopa County Bar Association, Maricopa County Bar Foundation, The Youth Partners Foundation, Buchalter Nemer, the Arizona Foundation for Legal Services and Education, and private donations.

Just to get an idea of the wide array of opportunities the Children’s Law Center (CLC) offers the following projects:

**FACI** Free Advice Clinic for Teens provides youth with the chance to consult with a volunteer attorney and get professional help resolving legal problems. The Children’s Law Center recruits attorneys to visit group homes, youth organizations and other community sites to meet with youth and discuss civil legal issues.

**The Court Advisor Project** provides protection for the best interests of children when their parents experience high conflict custody cases in Family Court. The court and many child advocates were concerned that these children’s fates were decided without anyone advocating on their behalf. Through the Court Advisor Project, Family Court judges make referral and the center arranges and supports pro bono attorneys who serve as court appointed advisors and make recommendations to the court as to the best interests of the child.

**The Guardianship Project** assists vulnerable children whose parents are not able or will not provide appropriate care for them. Many grandparents, other relatives or non-relatives take care of children who cannot live with their parents. Although caretakers may have physical custody of the children, they often have no legal authority to make medical, health care or educational decisions for the children, enroll them in school or obtain other needed services. The Children’s Law Center arranged volunteer attorneys to represent caretakers in obtaining guardianship and providing protection and stability for the children. The center also arranges attorneys to represent guardian ad litem clinics to help people understand how to file a guardianship pro per. These clinics allow individuals to represent themselves in the process to address the increase in clients in need of guardianships as more and more children do not have stable parents able to care for them.

**Teens at work-101 and 201** is an outreach program designed to teach teens about their rights and responsibilities on the job. Through presentations at high schools, Children’s Law Center is able to reach hundreds of teens a month.

**Adoption Project** assists underprivileged children achieve the stability, security, and permanency that adoption can provide, and takes children out of a dangerous situation. The center collaborates with Arizona’s Children Association to perform the social studies needed to complete an adoption and protect children. The Youth Partners Foundation has generously donated $10,000 a year for the last five years in order to cover the cost of the social studies needed to complete an adoption. Without this funding the center would not be able to complete a severe and adoption.

Roni Tropper, the coordinator of the Children’s Law Center for the last 11 years, is the only staff member of the center. Over 100 attorneys volunteer with the Children’s Law Center a year, but they always can use more help. This year so far, Roni has referred 58 cases, held 20 clinics and offered two training sessions for volunteer attorneys. If you think you don’t have enough experience in any of these areas, the Children’s Law Center frequently offers CLC and other educational opportunities for volunteer lawyers so you are equipped to aid these children. I personally have found my time with the Children’s Law Center incredibly rewarding and educational.

One of the programs offered by Children’s Law Center is assistance with the Tumbleweed Center for Youth Development, Young Adult Program (YAP), which serves abused, abandoned, troubled, and neglected youth in our community. Most of the teens are homeless or cannot live at home with their parent and reside at the center. Each month volunteer attorneys from Children’s Law Center meet with teen residents at Tumbleweed to offer legal and simply just practical, life advice.

In May, in honor of Law Week, attorney Christina Geremia, a long-time volunteer with Children’s Law Center, and her law firm, Jones, Skelton & Hochuli, donated a new flat-screen television to the Tumbleweed program. The teens had not had a television for some time and the children were grateful for this generous donation. Geremia and other volunteers spent time with some of the youth residents at a BBQ and even learned that several of the teens are set to graduate high school this year and attend college in the fall – a major accomplishment in light of the challenges they face.

Volunteer attorneys have said, “This is why I went to law school, to make a difference in someone’s life, what an amazing feeling.”

“In my firm, I don’t get much client contact and I don’t get into court. The CLC has given me that opportunity.”

“You have a skill that can help people. What takes you minimal time can make such a huge difference in the lives of a family.”

“I do corporate law in my day job and look at contracts. This volunteer work, helping children, really makes me feel fulfilled.”

“If I could quit my job, I would do this full time.”

Please consider becoming involved with one of the projects offered by the Children’s Law Center. The program surely has a volunteer opportunity that can accommodate any level of time commitment. For more information about the Children’s Law Center, to become involved as a volunteer in any capacity, or to make a donation, please contact Roni Tropper at rtropper@clsaz.org.

Appraisal Malpractice: Who Can Sue and What Other Limits Apply

By Jennifer Cranston

Last year, the Arizona Court of Appeals issued a decision that some believe will open the floodgates of malpractice claims against real estate appraisers. While the court’s opinion cleared the way for some new plaintiffs, there are still substantial barriers to successfully holding appraisers liable for negligently prepared mortgage appraisals.

The Facts of Sage v. Blagg Appraisal Company

In 2004, Ms. Sage executed a contract to purchase a home for $605,200. The purchase was contingent on the home appraising for at least the sale price. The defendant appraisal company, hired by Sage’s lender, appraised the property at $620,000 based on 2,440 livable square feet. After the sale, Sage learned that the actual footage was 1,871.

She filed suit against the appraisal company alleging the appraiser should have valued the home at $350,000, in which case she would have cancelled the sale. The trial court ruled that Sage could not maintain her lawsuit because the appraiser did not owe her a duty. The court of appeals reversed.

The Court’s Analysis

The court framed its decision as an identification of the persons to whom an appraiser owes a duty and who, therefore, may sue for malpractice. Historically, the duty to appraise property in a non-negligent fashion was owed to the party who ordered the appraisal – typically the lender.

The Sage court acknowledged that, in the real world, buyers and borrowers often rely on the accuracy of the appraisal as well. Thus, the court held that the appraiser could also owe a duty to – and therefore be sued by – the party who ordered the appraisal.

The court recognized that appraisers play a critical role in real estate transactions and their professions, with an emphasis on real estate disputes, including condemnation and valuation matters, as well as insurance coverage analysis. She serves as treasurer of the MCBA Board of Directors.

Jennifer Cranston is a shareholder at Gallagher & Kennedy. She practices in general litigation, with an emphasis on appraisal recovery.
Governor Appoints Two New Judges

Arizona Gov. Jan Brewer announced the appointment of Daniel J. Kiley and Thomas L. LeClaire to the Maricopa County Superior Court.

Dan Kiley is an attorney with the law firm Sherman & Howard, LLC, where he practices in the areas of commercial litigation, corporate, municipal and criminal defense law. He worked for the firm Mohr, Hackett, Pederson, Blakley and Randolph from 1997 to 2009 and served as an assistant attorney general from 1988 to 1997. He has been admitted to practice law in Arizona since 1988. He graduated from the Arizona State University College of Law in 1988 and received his undergraduate degree from Harvard University in 1985.

“Dan has had an impressive career in public and private practice,” said Gov. Brewer. “His wide breadth of legal practice experience makes him well qualified to be a superior court judge.” This appointment was made to fill the vacancy created by the retirement of the Hon. Cathy Holt.

Tom LeClaire is an attorney with the LeClaire Law Firm. He began practicing law in Colorado in 1981 and spent several years with the United States Navy and the Department of Justice. He has been admitted to practice law in Arizona, Colorado, Connecticut, Washington, the District of Columbia, as well as numerous tribal courts. He is a recognized expert in Indian law and taught criminal law and procedure at American University. He graduated from Cornell Law School in 1981 and received his undergraduate degree from the University of Connecticut in 1978.

“Tom’s accomplishments during his nearly three decades of practicing law are impressive and noteworthy,” said Gov. Brewer. “He has given many years of service to his country and helped numerous Native American tribes with legal matters over the course of his career. Tom is truly a model of legal excellence and will be an outstanding judge.” This appointment was made to fill the vacancy created by the retirement of the Hon. Richard Trujillo.

“It is an honor to appoint Dan Kiley and Tom LeClaire to the Maricopa County Superior Court,” said Gov. Brewer. “These are two outstanding attorneys who will serve the citizens of Maricopa County well.”

Judge Burke Honored for Embodying Fairness

Judge Edward Burke was awarded the Judicial Integrity Award by the Arizona Trial Lawyers Association. The Judicial Integrity Award is presented to a Judge who displays an excellent grasp of civil law, displays outstanding courtroom demeanor and demonstrates respect and fairness to all litigants.

According to the group’s executive committee, the group who nominated him for the award, Judge Burke truly embodies the concept that “Justice is Blind.” Over the years, Judge Burke has taken on some of the most complex cases and he’s overseen them in a fair and just manner. He was presented the award on May 25.

Retired Superior Court Judge Anna Baca is a past recipient of the award.

Court Seeks Input on Judicial Candidates

The Maricopa County Commission on Trial Court Appointments is asking for public input on 11 candidates for two openings on the Maricopa County Superior Court.


Citizens may address the commission about any of the candidates on July 16, at 8:30 a.m. at the Arizona State Courts Building, 1501 W. Washington Street, Conference Room 345. Public comment will not be accepted after the 8:30 a.m. hearing on July 16. Candidate interviews will follow the public hearing at 10 a.m. The interviews are open to the public.

Written comments about candidates can be sent to the commission at 1501 W. Washington, Suite 221, Phoenix, AZ, 85007 or to jtc@courts.az.gov. They must arrive by July 14 to be considered. Anonymous comments cannot be considered.

After the interviews, the commission will recommend at least three nominees for each opening to Gov. Jan Brewer, who will appoint the new judges.

Superior Court Members Speak at National CASA Conference

Four members of the Superior Court recently returned from presenting at the National Court Appointed Special Advocate (CASA) Conference held in Atlanta, Georgia. Justine Grabowsky, Program Development Specialist and Maggie Sommer, Volunteer Coordinator of Maricopa County CASA, presented a workshop entitled Recruiting Tactics: Are You Buying, Begging, Bugging or Building? The workshop was designed to provide CASA staff with insights into the art of recruiting qualified volunteers without an expensive advertising budget, supply tools for programs to create their own recruitment action plan and offer practical techniques for incorporating social media in order for CASA programs to advocate more effectively for children.

“Since coming back from Atlanta, my office has been inundated with requests from other CASA programs for even more recruitment information about ‘how to do more with less’, said Grabowsky. “I look forward to building a model of sharing low cost recruitment and advertising ideas with CASA programs across the county and the National CASA Association,” she said.

Andy Cicchillo of Court Technology Services, Robert Hahn, CASA Director and Justine Grabowsky were chosen to present a separate workshop entitled “Utilizing Web-based Applications for Improved Volunteer Management and Advocacy.”

“Our focus was on helping other programs begin the shift away from a culture of paper to a culture of automation,” said Hahn.

Andy Cicchillo agrees. “We were very excited by the reaction of the people who attended,” said Cicchillo. They were very receptive to this paradigm shift and seem to grasp how this type of change would benefit both their programs and their volunteers in some very concrete ways,” he said.

The two workshops were chosen out of the most complex cases and he’s overseen them in a fair and just manner. He was presented the award on May 25.

The most innovative part of the website however lies behind a secure login for both active volunteers and CASA staff.

CTS did an amazing job and has truly helped us to automate many of our business processes. It is allowing us to eliminate much of the paper we were producing and has dramatically reduced our postage costs,” said Hahn.

Hahn also likes the idea of volunteer advocates taking charge of their cases.

“The ability of volunteers to have access to all their case information in one location has revolutionized our business practice. We the integration of advanced web design to allow potential volunteers to apply online. This eliminates both the need to print out an application and the need to mail or fax it to the CASA office, speeding up the process of becoming a volunteer.

The website has also automated the process of requesting a CASA volunteer for an existing dependency case and provides resources and information for judicial officers, current volunteers and links to community partners.

CASA Website Goes High Tech

CASA of Maricopa County, in partnership with Court Technology Services, recently released a new website http://www.maricopacasa.org. CASA’s mission is to advocate for the best interests of abused and neglected children involved in the juvenile courts. The site is dedicated to increasing awareness of the volunteer opportunity for community members with CASA and improving the advocacy experience for existing volunteers.

“This has been a two-year collaborative project. The outcome and reception has been amazing,” said CASA Director Robert Hahn.

The former CASA website was completely re-imagined and re-purposed, changing the concept that “Justice is Blind.” Over the years, Judge Burke has taken on some of the most complex cases and he’s overseen them in a fair and just manner. He was presented the award on May 25.

Retired Superior Court Judge Anna Baca is a past recipient of the award.

See CASA Website page 19
Paralegal Division Holding Dental Drive

For several years now, one of the favorite events of the Paralegal Division is the Dental Drive to support John C. Lincoln’s Children’s Dental Clinic. The clinic provides services to children of all ages in need to create happy and healthy smiles. All work done at the clinic is from generous volunteer dentists and hygienists. The Paralegal Division tries to do its part by collecting dental supplies the clinic needs to operate. We are collecting new, individually wrapped toothbrushes, toothpaste, dental floss and stickers to be used as rewards. Very often the toothbrush received by a child could be the first one they have ever had. Having a toothbrush is a basic need many of us take for granted. If you would like to donate, please contact this year’s Co-Chairs Lynse Cooper at lcooper@swlaw.com or Julie Eslick at jeslick@swlaw.com.

HOW YOU CAN HELP

- Head up a collection for items at your firm or office and e-mail Lynse Cooper [lcooper@swlaw.com] or Julie Eslick [jeslick@swlaw.com] to arrange for pick up of items.
- Help put together goodie bags filled with the donated items on Thursday, July 8, at 6 p.m. at the MCBA offices.
- Deadline for collection of donated items is Thursday, July 15.

11 Deadly Assumptions That Kill Your Marketing Program

By Trey Ryder

DEADLY ASSUMPTION #1: “My prospects and clients know the services I offer.” Not true. If you assume prospects and clients know the services you offer, you will start losing clients to lawyers who make their offering of specific services crystal clear. Many lawyers have had the experience where one of their clients has gone to another lawyer because the client didn’t know the first lawyer would provide the same service. Write a detailed list of the services you offer and give a copy to all clients and prospects. Because if your prospects and clients don’t see the service they want on your list, they may go to another attorney.

DEADLY ASSUMPTION #2: “My referral sources will send me all the new clients I need.” It won’t happen. Certainly you’re grateful to get referrals from time to time. But if you think all the new business you want and need will come from referrals, 99 percent of the time you’re mistaken. You must develop a marketing program that will attract clients directly to you so you don’t rely solely on referrals. Also, this helps avoid your need to pay out huge referral fees.

DEADLY ASSUMPTION #3: “When prospects or clients have questions, they will call me.” Not true. People often hesitate to call unless they know their calls are welcome. This is particularly true of prospects who haven’t yet established a relationship with you. In all of your communications, invite prospects and clients to call you with their questions or problems. Often, their questions lead to work you can perform on their behalf.

DEADLY ASSUMPTION #4: “It makes no difference whether my photo appears in my marketing materials.” Not true. Your photograph is worth two thousand words. A warm, friendly, engaging picture with good eye contact can do wonders for your marketing. It helps establish a friendly, trusting relationship with your reader and increases your reader’s comfort. Prospects don’t really care what you look like. But they feel better when they know.

DEADLY ASSUMPTION #5: “The more I interact with prospects, the more time I waste.” Wrong. Always look for new ways to get prospects to interact with you. The more they talk with you, the more opportunities you have to explain how you can help them. Your interaction can take place over the telephone, in your office, at your seminar or over lunch. The nature of the interaction doesn’t matter as long as your prospect doesn’t perceive the place as a sales setting, which reflects poorly on you.

DEADLY ASSUMPTION #6: “I have to be careful not to repeat myself when talking with prospects.” Wrong. Don’t worry about repeating yourself. When people take in new information, they forget most of it. It’s important that people understand what you say. And, in fact, it’s good to repeat yourself when you want to make an important point. Selective redundancy gives you the opportunity to get your point across from two or three different perspectives.

DEADLY ASSUMPTION #7: “My prospects understand what I say because they are in business and know the legal vocabulary.” Not true. When you assume your prospect has basic knowledge or understands simple terms, you’re usually wrong. Your message means nothing if your prospect doesn’t understand what you’re saying. Always go back to square one so you make sure you’re not talking over your prospect’s head. And if you must use a legal term, make sure you define it.

DEADLY ASSUMPTION #8: “Marketing methods don’t work as well today as they used to.” Not true. If your marketing doesn’t work, it’s probably due to a poor, inadequate or incomplete marketing message. Don’t blame the method that delivers the message when it’s really the message that’s at fault. You should design your marketing message as carefully as you prepare a case for trial.

DEADLY ASSUMPTION #9: “The more complicated my message, the more prospects and clients will understand the need for my services.” Wrong. Every day, your prospects suffer from information overload. They screen out complicated messages. Keep your message simple because a simple message is the only message that has any chance of getting through to your target audience.

DEADLY ASSUMPTION #10: “How an advertisement looks is not as important as what the ad says.” Not true. Graphics in print ads are critical, not only to your image, but also to make sure your ad seizes your prospect’s attention. Yes, a powerful message is important. But without strong graphics, your prospect may never see your ad. Then you’ve wasted your money.

DEADLY ASSUMPTION #11: “Prospects and clients don’t mind when I’m slow to return phone calls. They understand that I’m busy.” In your dreams! Everybody’s busy. Returned phone calls are one of the biggest sources of complaints about lawyers’ services. They are a major hot button with clients and prospects. When you return phone calls promptly, you make a powerful, positive impression. When you don’t, the impression you make is far more negative than you imagine. Prospects and clients cannot easily evaluate the depth of your knowledge or experience. But one thing they evaluate regularly is whether you promptly return phone calls.

Trey Ryder specializes in Education-Based Marketing for lawyers and can be reached at trey@treyryder.com.

Calendar of Events

JULY
7 Wednesday Conference Committee Meeting
8 Thursday Board of Directors Meeting (Dental Drive Stuffing)

AUGUST
4 Wednesday Conference Committee Meeting
12 Thursday Board of Directors Meeting

SEPTEMBER
1 Wednesday Conference Committee Meeting
9 Thursday Board of Directors Meeting
28 Tuesday Conference Binder Stuffing

OCTOBER
1 Friday 11th Annual Paralegal Conference
14 Thursday Board of Directors Meeting

NOVEMBER
11 Thursday Board of Directors Meeting
15 Monday Toy Drive Begins

DECEMBER
9 Thursday Board of Directors Meeting
15 Wednesday End of Year Celebration

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

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Faren R. Akins, Ph.D., J.D.
480-946-6828
dr.farenkins@cox.net
**Beneficiary Sought for 2011 Barristers Ball**

The MCBA Young Lawyers Division is seeking a beneficiary for its 2011 Barristers Ball. The selection criteria include:

- Qualification as a charitable organization as described in Section 501(c)(3) of the Internal Revenue Code, or any successor provision.
- Perform a legal or law-related service for the community at large.
- Submit a plan to the MCBA YLD Board of Directors for the use of all net proceeds from the Barristers Ball Silent Auction at the time of application.

- Provide up to five volunteers to assist the YLD in hosting the Barristers Ball.
- Assist the YLD in recruiting Silent Auction donors.

Complete information and an application available on the MCBA website at www.maricopabar.org. Click on the “Sections/Divisions/Committees” button near the top. Then select the “Young Lawyers Division.”

You may also contact Laurie Williams at (602) 257-4200 or lwilliams@maricopabar.org.

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**RULES CORNER**

**FROM THE ARIZONA SUPREME COURT**

Re: Rules 6, 18, 19, 20, 24
Tax Court Rules of Procedure
ASC No. R-10-0024

Date action taken: May 20, 2010

Would amend the tax rules to extend the time period for trials in small tax cases.

Ordered:
Motion to amend Tax Court Rules of Practice on an emergency basis: DENIED

Further Ordered:
Petition to amend Rules 6, 18, 19, 20 and 24 of Arizona Tax Court Rules of Practice: Circulate for comments, which are due May 20, 2011.

In the Matter of Rule 4(B) (5) (b),
Rules of Protective Order Procedure
ASC No. R-1-0017

Filed: May 28, 2010

Order:
The Petitioner in this matter has filed a Notice of Withdrawal of the Petition to Amend the above rule, advising that the Supreme Court Committee on the Impact of Domestic Violence and the Courts has created a workgroup to evaluate the issues raised in the Petition.

PETITION WITHDRAWN.

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Student Essay Winners Meet State Supreme Court Chief Justice

By Laura Swendsen

The students’ faces lit up with amazement as they entered the stately, dark cherry-wood decked courtroom of the Arizona Supreme Court. Anxiously they crowded in, eyes roaming around the room in wonder of the real-life courtroom with its regal, formal appearance. Yet, the usual sober, procedural feel was gone, replaced by a much lighter, more youthful atmosphere.

It was April 27, Law Week celebrations were underway, and the 12 students from Rose Linda Elementary School’s Teen Court program had been welcomed for a special event. An awards ceremony, sponsored by the MCBA Young Lawyers Division, was held for five of the 12 who had won an essay writing contest in commemoration of Law Day, which took place May 1. The students were given awards by Chief Justice Rebecca White Berch, and the entire group was provided a tour of the Supreme Court courtroom.

Each student wrote an essay based on this year’s Law Week theme: Law in the 21st Century: Enduring Traditions, Emerging Challenges. They were asked to consider the legal implications of a fictional scenario in which two boys upload a video of themselves bullying another boy on a website similar to YouTube called “Funny Videos.” The video starts to get a lot of views from people, which leads to overwhelming embarrassment for the bullied boy, who, along with his mom, file suit against the video website company for defamation. The students were tasked with presenting arguments as to whether the mother and son or the video website company should win the case.

Nicole Soto, secretary of the YLD and Law Week chair, said she was very pleased with the contest winners’ essays. “I am truly impressed. Five young ladies coming up with some very thought-provoking essays,” she told students at the awards ceremony.

Following the awards presentation, Chief Justice White Berch spent an hour with the students, describing the operations of the courtroom and some of its many features, including the multiple camera angles used to facilitate live video streaming of oral arguments for the web and the clocks embedded in the justices’ desk to keep counsel apprised of their time limits. She also took time to answer questions, such as: Did she always want to be a judge?

As a teenager, White Berch said she was highly involved in the arts at school and had aspired to become an actress or musician. She even won Miss Teenage Arizona in 1972. But, after several years of pursuing her entertainment-oriented goals, she realized there were too many drawbacks and started looking at other options. “I realized the hours are terrible,” she said. “This is not conducive to a good social life.”

After sitting down and researching different careers, White Berch asked herself which one would allow her to help people. The answer, she found, was the field of law.

As important as work is, however, White Berch reminded the students that it should not be all consuming. “Take every opportunity you can to enjoy life and be all that you can be,” she said.

Yamira Ramirez, an essay contest winner, said she really enjoyed the experience. “It was something new for me. I had a good time. I’m thinking about [going into law],” she said.

Arizona Among States with Lower Tort Costs

Arizona ranks 16th among states with lower tort costs and risks, according to the 2010 U.S. Tort Liability Index released June 2. The state is also listed among 10 states “experiencing big improvements since 2008” while New Mexico, Michigan, Oklahoma and Nebraska are among states experiencing large drops in rank since that year.

The Index, released by the Pacific Research Institute (PRI), a free-market think tank based in San Francisco, and the Manufacturer’s Alliance/MAPI, a public policy and economic research organization based in Arlington, VA, is a measure of which states impose the highest and lowest tort costs and risks. Alaska, Hawaii and North Carolina lead the pack with the best rankings, while New Jersey, New York and Florida bring up the rear. The Index, now in its third edition, was authored by Lawrence J. McQuillan, Ph.D., director of Business and Economic Studies, and Hovannes Abramyan, M.A., adjunct public policy fellow.

“These high costs impact American businesses when firms have to divert revenue to fight lawsuits. But all of us ultimately shoulder the burden through higher prices and insurance premiums, lower wages, restricted access to health care, less innovation, and higher taxes to pay for court costs.” “If lawmakers want to put people back to work, without costing taxpayers another penny for so-called ‘stimulus,’ they should enact needed lawsuit reform,” added Mr. Abramyan. “Job growth was 57 percent greater in the 10 states with the best tort climates than in the 10 states with the worst tort climates.”

The states with the worst performance had the highest monetary tort losses and tort litigation risks, meaning they had more costly and riskier business climates due to larger plaintiff awards, larger plaintiff settlements, more lawsuits, or some combination of the three.

States were also ranked according to their tort rules and reforms on the books to reduce lawsuit abuse and contain tort costs and risks, such as award caps, venue reforms to stop “litigation tourism,” or judicial-selection reforms to hinder the types of abuses engaged in by the likes of now imprisoned “Kings of Tort” Dickie Scruggs and Paul Minor. The Index found that, in the wake of its comprehensive lawsuit reforms enacted in 2009, Oklahoma now has the best tort rules on the books, followed by its neighboring state of Texas.
Former NY Fire Chief Graduates from PSL

By Laura Swendsen

In 2001, Raul Muniz hurriedly led his crew of firefighters into the World Trade Center’s South Tower, just minutes after two commercial airplanes plunged into New York’s then-tallest buildings.

Muniz, a retired fire chief and recent graduate of the Phoenix School of Law, and his crew worked quickly to rescue victims before relocating to another building. Not long after the firefighters transferred, the South Tower collapsed, engulfed in massive billows of smoke and ash.

“From the moment the crew arrived on scene until 24 hours later, their focus was on searching for survivors, of whom there were few. However, Muniz was grateful for one thing: his entire crew had survived. “The good thing for me was that I got every man in my crew back,” he said.

The fact that Muniz lived through the event, combined with his strong academic ambitions, propelled him towards earning his Juris doctor, which he accomplished in May at the PSL. By attending the school’s night-time courses, Muniz was able to continue as director of the fire science department at Glendale Community College, which allowed him to earn his J.D. in three years.

This month he will take on another hefty challenge: the state bar exam.

Though a bit overwhelmed by what lies ahead, the law school graduate is taking it one step at a time. For Muniz, the pursuit of a law degree was a longtime goal. “It’s kind of one of those long-delayed dreams that one has in life,” he said.

Various circumstances kept him from going full bore into a career in law, including a strong interest in firefighting and, before that, a year-and-a-half stint as a police officer. As a native New Yorker, raised in the Bronx, Muniz was intrigued as he watched firefighters put out fires and save lives. He studied diligently to become a fireman and spent 24 years of his life on the job. And though he worked in one of the most prestigious firefighting positions in the country, Muniz never lost sight of his dream of becoming a lawyer.

The first couple of years after the attacks, Muniz said he couldn’t talk about his experience. Now, he said he’s come to the realization that the survivors of the Sept. 11 attacks must tell the story and that remembering what happened has given him a new lease on life. “To tie it into law school, after some time courses, Muniz was able to continue as director of the fire science department at Glendale Community College, which allowed him to earn his J.D. in three years.

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Boot Camp to Prepare Students for Rigors of Legal Studies

There’s an old expression about what to expect in law school: “The first year they scare you to death, the second year they work you to death, and the third year they bore you to death.” The Phoenix School of Law is doing everything it can to take the fear out of law school by preparing incoming students for what lies ahead.

The PhoenixLaw Summer Boot Camp will help students sharpen their critical thinking, writing and analytical reasoning skills and lay the groundwork required for success in law school and beyond. The four-day program begins July 28th - two weeks before the start of the fall semester, and is intended to ease the transition from undergraduate students to law school and motivate students to succeed. The Boot Camp is a pilot program with attendance limited to 50 students. During the boot camp, students will learn the essential study skills for law school; build a basic understanding of the law; understand how to brief a case; and learn the skills of reading, writing and thinking like a lawyer.

The courses will be taught by PSL professors and will give the students and faculty a head start on building a mentoring relationship. The $99 registration fee covers all meals, housing (Hilton Garden Inn), transportation and program materials. More information and registration for the Phoenix School of Law Boot Camp is available at www.phoenixlaw.edu/lawbootcamp.

Non-traditional Student Excels at Law School

By Janie Magruder, ASU Sandra Day O’Connor College of Law

Blair Moses had a three-year window of opportunity, and she climbed right in. Her older daughter had just graduated from college, and her younger daughter was three years away from going to college, just enough time for Moses to go to law school. She wanted a change. After working for 30 years in health care, she no longer recognized her industry, which had become all about the bottom line.

“My friends told me I was being ridiculous because I was too old, that I would go to school and no one would hire me,” she said. “My concern was whether I could keep up with younger students.”

“But there’s a point where you really have to do what your heart tells you to do,” Moses said on May 14, with her husband and daughters beaming with pride. Moses will graduate with a juris doctor degree from the Sandra Day O’Connor College of Law. Not only did she keep pace with her younger classmates, she has a job lined up with a big law firm.

“I adore this law school,” she said. “This has been a joyous time for me.”

Moses was drawn to ASU for two reasons: its superior Center for Law, Science & Innovation, from which she will receive a Law, Science & Technology Certificate with an emphasis in biotechnology and genomics; and an early impression that it would be a warm and helpful environment. She was right.

But law school was hard, and Moses had to relearn how to study—often 90 hours a week. It took a semester to realize her success should be about more than just grades. Her resume is the proof. She was president of the Women Law Students’ Association; executive editor of Jurimetrics, an official

PSL Professor Becomes New Associate Dean

Shandrea Solomon

Phoenix School of Law Assistant Professor Shandrea Solomon has been appointed as the new associate dean of academic affairs, beginning June 15. She will take on the post as Associate Dean Ann Woodley steps down to become a full-time professor of law.

“Professor Shandrea Solomon is an out-

See Former NY Fire Chief Graduates page 14

See Non-traditional Student page 14

See PSL Professor Becomes New Associate Dean page 14
Volunteer Lawyers Program Thanks Attorneys

The Volunteer Lawyers Program thanks the following attorneys and firms for agreeing to accept 74 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@claz.org.

ADOPITION
Logan F. Boren
Sole Practitioner

Dennis R. Riccio, Jr.—2 cases
Pat Gerrich at VLP at 602-254-4714 or pgerrich@claz.org. a CLE discount. For information about cases and other ways to help, please contact

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Rodger A. Golston
Golston & Keister

Ronee F. Kurbin Steiner
Sole Practitioner

Marie S. Zawocki
Zawocki Law Offices

Andre J. Zenda—2 cases
Sole Practitioner

GUARDIANS AD LITEM/COURT ADVISOR APPOINTMENTS FOR CHILDREN IN FAMILY COURT
Jami M. Cornish
Community Legal Services

Elizabeth J. Sawyer
Sole Practitioner

Alicia M. Solson
Sole Practitioner

GUARDIANSHIP OF INCAPACITATED ADULTS
Susan Blass
Sole Practitioner

Jonathan Brinson
Polishelli Shughart

Steven G. Clark
Sole Practitioner

Matthew Donovan
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Sole Practitioner

Kim S. Magyar
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Nathaniel P. Nickle
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Michael R. Ross
Gallagher & Kennedy

Daniel Seiden
Gallagher & Kennedy

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Carolyn Harvey
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Bandler Spahr

HOME OWNERSHIP ISSUES
Amanda Biesbroec
Quarles & Brady

Myles D. Morrison
Lewis and Roca

Stefan M. Paly
Lewis and Roca

Rachel L. Robertson
Quarles & Brady

Robin Dugas
Gallagher & Kennedy

David P. Krupski
Lewis and Roca

OTHER CHILDREN’S ISSUE
Richard D. Fincher
Sole Practitioner

VLP SPOTTLIGHT ON GREATEST CURRENT PRO BONO NEED
Many families with low incomes need attorneys to volunteer to help with Chapter 7 BANKRUPTCY to stop garnishment of limited wages. To help, please call Pat Gerrich at 602-254-4714.

VLP ATTORNEY OF THE MONTH
Attorney is Light on Life, Passionate About Pro Bono

Peggi Cornelius, CVA

Attorney Patrick Dutton speaks of turning points in his life. December 17, 2005 may have been one of them. It was the day the Maricopa County Volunteer Lawyers Program (VLP) recorded Dutton’s enrollment. In less than six months, his outstanding assistance to low-income people experiencing civil legal problems has earned him the distinction of being named VLP’s “Attorney of the Month.”

With an undergraduate degree in behavioral science, Dutton spent five years working in an acute psychiatric hospital. While working, he attended night school to study law at the University of Lavern College of Law. After graduating cum laude, his first experiences as a lawyer were in personal injury and insurance defense work. Trial work became a passion that was ultimately realized in a long and successful career as a district attorney in southern California.

In 2008, he and his wife Deborah moved to Avondale, Arizona. As soon as he obtained his Arizona license, Dutton discovered the VLP through his membership in the Maricopa County Bar Association.

“I was particularly impressed when I called director Patricia Gerrich, partly with the opportunities VLP offers for pro bono service, and partly by her willingness to listen carefully to my inquiry,” he said.

His reference to ‘listening carefully’ is related to Dutton’s challenges with speech. He describes two aortic aneurysms he had in the early 1990’s as the ‘turning point’ that not only turned his profession as a D.A. in the direction of a solo private practice, but turned his personal focus from external concerns to more internal ones.

“His physical calamities have taught me to enjoy life every day, and to laugh, starting with myself,” he said.

Dutton’s sense of humor is refreshing and witty, but he’s not without a serious side when it comes to advocacy for those who need his legal expertise. Since joining the VLP, he has regularly worked at least two days a week in the offices of Community Legal Services. Among thirty cases he has helped to evaluate, and in which he has provided counsel or direct representation, there have been problems ranging from consumer debt, tenants’ rights and home ownership to employment discrimination.

Just as his career has taken dramatic turns, so has Dutton’s perception of winning. He notes the cases he studied in law school are not the cases presented by people with everyday civil law problems. In his mind, the importance of pro bono work is to accept cases the private bar would be likely to reject. “At VLP my triumph is not about the jury verdict, the amount of money at stake, or the potential to set precedent. It is about the difference my work will make in the life of individuals and their families. For instance, if my client can remain in their home for four additional months, can avoid an unfair judgment against them or protect the benefits they receive for food and health care and housing, what I’ve done directly influences their quality of life. It’s a different measuring stick for success.”

Dutton credits his wife for encouraging and supporting him in taking the Arizona bar exam, and volunteer paralegal Jane Mead, for her work as his legal assistant one day each week. “Jane gives me a voice and I value her opinion in discussing what assistance we can offer to clients,” he said. Comparing his experience in criminal law with that of working at VLP, Dutton says, “As a D.A., I was most impressed with public defenders consistently battling for their clients, at low wages and with little public support. Now, VLP volunteers and staff members are an inspiration to me. They truly want to make justice accessible to all. The many years some of the staff members have been employed at VLP speaks of their shared values and commitment to the organization.”

If you would like further information about pro bono opportunities through the Volunteer Lawyers Program, contact director Patricia Gerrich at (602) 258-3544 or ext. 2600.
Non-traditional Student
continued from page 12
journals of the American Bar Association; a stu-
dent ambassador; a Daniel Strouse Scholar; and a Willard H. Pedrick Scholar, to name a few. She earned a full tuition scholarship this year from the College’s Alumni Association. Justice Sandra Day O’Connor knows her by first name.

At a time when many people her age are
gals in such large numbers, that there is virtu-
ally no chance that there will be any federal legis-
lation in this area.

The agricultural, hotel and hospitality
industries, just to name a few, are so heavily
dependent on services supplied by illegal immi-
grants that they would not stand for any legis-
lation that could so drastically affect their
source of cheap labor. Likewise, there would be
resistance from millions of households across
the country that employ “illegals” as maids,
housekeepers, and gardeners for minimum
wages or less. As much as these issues are of
concern when considering legislation to combat
illegal immigration, by far, the most atten-
tion and outspoken criticism received concern-
ing S.B. 1070 has been on the issue of “racial
profiling.” There are some in the Hispanic
community who are opposed to S.B. 1070
because, as a practical matter, they will be asked
to bear the brunt of the law’s enforcement. In
many cases, an illegal immigrant looks pretty
much like any other member of the Hispanic
community and it is anticipated that law
enforcement officers may randomly stop
Hispanics and ask them for identification just
because they are Hispanic. If no identification
is forthcoming, that individual may become a
“suspected illegal” and subject to arrest.

Regrettably, this issue of “racial profiling”
have become somewhat of a shell game in that
S.B. 1070 prohibits the use of racial or ethnic
profiling by a law enforcement officer in carry-
ing out his or her duties under the law.

However, wherever a person’s race or ethnic
origins are relevant to a criminal investigation,
such is a well recognized exception to the pro-
hibition against racial profiling. Thus, a law
enforcement officer would not be in violation
of the anti-profiling provisions of the statute in
focusing his investigation on persons of
Hispanic origin because the officer knows that
90 percent of the “illegals” are going to be
found among that particular group.

When enforcement activities of S.B. 1070
commence, members of the Hispanic
community are likely to be inconvenienced or,
on occasion, even embarrassed by a law enforce-
ment officer asking to see their driver’s license
or some other means of identification.

However, these are activities that in other
respects occur on an almost daily basis when
paying for goods with a credit card, when trav-
eling by air or in cashing a check at a bank.

Furthermore, we can all identify with the
feeling of injustice that derives from being
lumped together with those who are illegal
immigrants, just because of the outward simi-
larity of one’s appearance. To be sure such feel-
ings should not be ignored or made light of.
However, with regard to S.B. 1070, perhaps
the burdens that the Hispanic community are
being asked to bear by this legislation can be
lightened somewhat by looking upon them as
a patriotic duty, one owing to our state and
country, for the benefit of all.

Jack Levine is a trial lawyer, and a former special
agent with the Federal Bureau of Investigation. He
was trial counsel for striking farm workers seeking
better working conditions from Arizona lettuce
growers in the early 1970s.

A Family Full of Lawyers
continued from page 5
tion with Fennemore Craig in Phoenix to
practice in civil litigation. Being pregnant
with Josh at the time, Nancy was concerned
that her pregnancy would prevent her from
being hired. Not only was Nancy hired, but
she became the second female partner in the
firm.

After about 16 years with Fennemore,
Nancy joined her husband’s firm and worked
on contract as a prosecutor for the city of
Goodyear. She was with the city up until
Josh’s life-changing injury, which subse-
cutively became her primary focus.

“T really much wound everything down
after Joshua got stabbed,” she recalled.

Since then she has done some securities
work but has not gone back to practicing full
time, though she loved the intellectual side
of being an attorney.

Nancy said watching her son in court sev-
eral times has stirred up an interest in her
again. “It just brings everything back and it
makes me realize how much I miss it.”

A Memorable Case
Russell, who practices civil commercial lit-
igation and health care at Clark Hill, PLC in
Scottsdale, said he, too, loves practicing law.

“T learn something new every day. I’ve never
said, ‘Oh, I’ve seen it all.’ Every day there’s
something new.”

In 1981, Russell worked on a case that
stands out in his mind today.

For three or four consecutive years, the
small town of Allenville, located in the Salt
Riverbed, was repeatedly destroyed by major
flooding. Efforts to keep rebuilding the town,
populated by migrant workers, were eventual-
ly scrapped because it was determined to be
more cost effective to move the families onto
land farther away and build a new city on it.

As the plans moved forward, they involved
a set of complicated land exchanges, which
led to a suit against the governmental entity
(which was similar to the Federal Emergency
Management Agency) that was trying to
rebuild, alleging its efforts were illegal.

“I was defending the government entities
that were actually doing it, and it went to
trial. And the people basically didn’t have
a place to live unless I won the case,” Russell
explained.

Fortunately, the young lawyer won the
case and the people were able to move to a
new town – Hopeville – which is about 25
miles west of Buckeye.

“If that didn’t happen, they were going to
be without a home,” Russell said.

Life and Law Advice
After raising two children and practicing law
for years in Phoenix, the husband-and-
wife attorneys have words of wisdom for
other parents practicing law and advice about
being good lawyers.

Russell said he and Nancy did two impor-
tant things to maintain unity in the family.

“One is, we always had dinner together,”
he said. The other was taking family vaca-
tions, and not just three or four days but
for several weeks.

They were “adventures” – Nancy said –
that included boating in Cannes, France and
on the Thames River in England; renting a
yacht and cruising in the northwest near
Canada; and even visiting the Loch Ness in
the Scottish Highlands where Nancy claims
everyone but their daughter, Julia, had a real-
life Loch Ness sighting. “There is (a Loch
Ness monster) and we saw it,” Nancy said.

Russell and Nancy also worked hard to be
at their children’s sports events and school
functions, even if just one of them was able
to attend. Plus, it helped that they only lived
a few miles from their jobs and the children’s
school.

Along with meeting their family responsi-
bilities, the couple said they worked hard to
be successful in their careers.

Russell said he is grateful for his years of
membership at the MCBA, including the
Continuing Legal Education programs and
the networking opportunities provided by the
association. Through the MCBA, the couple
stays informed on new rule changes, judge
rotations and anything else that may be perti-
nant to practicing attorneys.

“We know when things are happening
because the Maricopa County Bar gives us
the information. It’s really important,”
Russell said.

Former NY Fire Chief Graduates
continued from page 12
time you realize how precious life is,” Muniz
said.

He said he witnessed many good friends
perish in the attacks, which gave him a resur-
ence to achieve as much as possible in his
life. “So I decided if I had the chance that
I would try to get my degrees first then try to
get into law school,” he said.

Muniz said he feels lucky to have moved
to Arizona, found a good job and a school
that allowed him to earn his law degree on a
part-time basis.

Proud Graduate
On May 15, Muniz joined 70 other grad-
uates at the PSL in earning their Juris doctor,
surrounded by family, friends and their proud
professors.

Muniz said he is especially grateful to his
professors, including Mary Dolores Guerra,
Daniel Dye, Michael O’Connor, Celia
Rumann, Michael Yarnell and Shandrea
Solomon for helping him achieve his goal.

He said he sees many similarities between
his former job and future job, including
thinking on his feet, problem solving and
helping people.

Muniz said he would like to practice in the
areas of federal immigration law and possibly
criminal law and has been asked to teach
Constitutional law at the college.

COLLECT THOSE JUDGMENTS!
continued from page 12
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Coinciding Opinions

COURTWATCH continued from page 1

that they told him that they were going to take his blood—using the Spanish word—and Carrillo then held out his arm.

Carrillo testified that he did not consent to the blood draw. He only submitted to it because he was afraid. He moved to suppress the blood test, but the municipal court declined. The judge ruled that Carrillo's conduct did not manifest a refusal to consent to the procedure. Carrillo was convicted, and the superior court affirmed.

The court of appeals reversed, holding that the pertinent statute, A.R.S. § 28-1321, does not allow a warrantless blood draw unless the suspect expressly agrees to consent to the procedure. Carrillo was convicted, and the superior court affirmed.

In the U.S. Court

A similar, though distinct question faced the U.S. Supreme Court in its latest case arising under Miranda v. Arizona. In response to police questioning, a suspect mostly said nothing. In the end, however, he did not remain silent and uttered words that were used against him at his trial.

The Court held that police did not violate Miranda in obtaining its statement. Berbuit v. Thompkins, No. 08-1470 (U.S. June 1, 2010).

Southfield, Michigan, police, who were investigating a drive-by shooting murder, brought Van Chester Thompkins in for questioning. He and they read his Miranda rights together, but he refused to sign a form indicating that he understood them.

A three-hour interrogation ensued, but it was quite one-sided, with the officer speaking and Thompkins saying extremely little. He did not answer most questions. Other than to state that his chair was hard and to refuse an offer of candy, he only said "yeah" or "no" or "I don't know" to some questions.

At the end of the questioning, the questioned asked whether he believed in God, and tears welled up in Thompkins' eyes. Asked whether he prayed to God to forgive him for shooting the victim, Thompkins said "yes."

The statement was used against him, and he was convicted. But the Sixth Circuit granted habeas-corpus relief, holding that the interrogation violated his Miranda rights.

The Supreme Court disagreed.

Writing for the majority, Justice Anthony Kennedy held that Thompkins had both not invoked his right to remain silent and had waived that right. He held that, like invoking the right to an attorney, a suspect under Miranda also must admit to the police that he had waived his rights. Thompkins held in his silence, the court held, was not positively invoked his Miranda rights, the govern-

Kennedy noted that in another context, the court had held that "[a] failure to expressly agree to the test or successfully complete the test is deemed a refusal." Finally, it provides that no test shall be given "[i]f a person under arrest refuses to submit to the test" unless police get a search warrant.

Requiring express consent, according to Bales, serves the statute's purposes. Its main purpose is to remove dangerous drivers from the road, which it accomplishes by suspending the license of people who refuse tests, including those who withhold consent. Requiring consent also means that there will be no physical violence or coercion against a noncooperative person.

Requiring express consent also comports with the statute's legislative history. In its original form, the statute did not define what it means to refuse, and the supreme court established its own standard, finding refusal when an officer would reasonably believed that the motorist had refused. This led to extra litigation, but it was reduced by defining refusal as "a failure to expressly agree to . . . or successfully complete the test."

Next, Bales had to determine what constitutes "expressly agreeing" to the test. He noted that in another context, the court held that "[i]nsulting [or] independent terms" and not merely implied or left to inference." This requires manifest assent, he held. "Failing to actively resist or vocally object to a test does not itself constitute express agreement."

Bales and the court vacated the court of appeals opinion and remanded the case to the trial court to determine whether Carrillo had expressly agreed to the blood draw.

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Kennedy noted the give-and-take inherent in custodial interrogation. "If an ambiguous act, omission, or statement could require police to end the interrogation, Kennedy turned to whether he had actually waived his right to remain silent. He noted that the combination of a Miranda warning and an uncoerced statement valid do not, standing alone, demonstrate a valid waiver of Miranda rights. The government must also prove that the suspect understood his rights. All three elements were present, Kennedy held. 'As a general proposition, the law can presume that an individual who, with a full understanding of his or her rights, acts in a manner inconsistent with their exercise has made a deliberate choice to relinquish the protection those rights afford.'"

Kennedy also rejected the argument that police must first obtain an express waiver of Miranda rights before questioning a suspect. "The Miranda rule and its requirements are met," he explained, "if a suspect receives adequate Miranda warnings, understands them, and has an opportunity to invoke the rights before giving any answers or admissions."

Kennedy noted the give-and-take nature of an interrogation, during which the suspect receives information from the authorities with which he can "reassess his or her immediate and long-term interests. Cooperation with the police," he continued, "may result in more favorable treatment for the suspect; the apprehension of accomplices; the prevention of continuing injury and fear; beginning steps towards relief or solace for the victims; and the beginning of the suspect's own return to the law and the social order it seeks to protect. "Thus, after giving a Miranda warning, police may interrogate a suspect who has neither invoked nor waived his or her Miranda rights," Kennedy concluded. "On these premises, it follows the police were not required to obtain a waiver of Thompkins's Miranda rights before commencing the interrogation."

Joining Kennedy's opinion were Chief Justice John Roberts and justices Antonin Scalia, Clarence Thomas, and Samuel Alito. Justice Sonia Sotomayor filed a dissenting opinion. She complained that the majority had not only strayed from Miranda's words and meaning, but had also reached out to unnecessarily decide issues of constitutional import that could have been disposed of on narrower grounds. Joining her were justices John Paul Stevens, Ruth Bader Ginsburg, and Stephen Breyer.
Are You Infected with ASAP?

By Paul H. Burton

Our 24/7 world has a rash…a rash of ASAP. It’s highly contagious and seems to strike from the top of the organizational chart and move down. Everyone has been afflicted by this rash and most have inflicted it upon others.

By Any Other Name

Identifying the ASAP rash is not hard. Here is a list of symptoms:
1. It almost always originates in the workplace. However, it has made inroads into some unfortunate home environments as well.
2. The problem often appears in its native form – ASAP – but be on the lookout for its other forms, such as Now or Immediately. Other variations include Urgent and Top/Highest Priority.
3. No definable time of day seems to be more or less susceptible to an outbreak, resulting in a higher level of anticipatory anxiety throughout the day among all workers.
4. People suffering from this rash appear anxious and pinched. Their rate of speech tends to accelerate and many times they wave files or papers about when moving through the office trolley for available help.
5. Subject lines are littered with this rash when it strikes in electronic form.
6. Though episodic in nature, once afflicted, sufferers tend to relapse quickly and for longer periods of time.

What’s All the Fuss About?

If the H1N1 virus was a pandemic, I don’t think a word has been coined yet to describe the depth, breadth and severity of this rash. Imagine if everyone started telling everyone else that everything is due ASAP! Counter-productively, the workplace would grind to a halt!

For anyone working for anyone else, which basically means well, everyone, this is not an inconsequential problem. So innocent can the phrase “As Soon As Possible,” when multiplied by the innumerable number of delegations that occur each day, it is easy to see how a frantic, dysfunctional and unhealthy working environment can quickly develop – all from an innocuous, little, self-inflicted rash.

Questions We’d Like to Ask

Whenever these edicts issue forth from those handing out assignments, here’s a list of questions I can only hope we’re courageous enough to ask:
1. Rightly-O, just let me look at my calendar. Hmmmm, when exactly is ASAP as I’m not seeing it here?
2. ASAP you said – as soon as possible? Terrific. I’m leaving on my long-overdue vacation in an hour, so I’ll get that back to you in about 15 days. That’s as soon as possible in my world right now. How’s that work for ya?
3. Really! ASAP? If this is that important, why is it just now being brought to my attention? (Oh, silly me, the customer/client/boss just handed it to you too. Did you have the courage to ask them that question?)
4. Fabulous! I love having lots to do – job, you know. Now, since everything you’ve given me is ASAP, which one should I do first?

Take Back the Day

There is no known cure for this malady. However, there are several things you can do both as a work giver and as a work receiver to minimize outbreaks and reduce the impact when the rash flares up. Precautions include:
1. Develop an early warning system by regularly surveying the work you have and the work you are expecting to receive.
2. Communicate often with co-workers, as the rash tends to be fierce when visibility between co-workers is low, allowing the infection to spread to low-priority items left to fester too long.
3. As a work giver, think in terms of clearly defined timelines, like a specific date or day of the week. Specific times help also. Converting an ASAP into a Wednesday for its other forms, such as Now or Urgent and Top/Highest Priority.
4. As a work receiver, diplomatically seek this information if it’s not forthcoming from the work giver. Press for specificity and enlist the other person’s help in this situation.

See Are You Infected with ASAP? page 18
Appointments

The Friends of Public Radio Arizona (FPRAZ) recently appointed Larry Ashkin, Jennifer Hadley Dioguardi and LeRoy Gaintner to its board. Larry Ashkin has enjoyed a long and distinguished career as an LL.B. graduate from Columbia Law School and as a Lieutenant JG for the U.S. Navy during the Korean War. After his military career he practiced law in New York and then founded Centrum Properties, Inc., a real estate development company based in Chicago. Jennifer Hadley Dioguardi is a partner of Snell & Wilmer’s Phoenix office, a full-service business law firm. She serves as the firm’s Managing Partner and manages complex commercial litigation with an emphasis on banking, consumer financial services and securities. LeRoy Gaintner comes to FPRAZ with three decades of experience. He practiced law in New York and then during the Korean War. After his military service he practiced law in Chicago. Jennifer Hadley Dioguardi is a partner of Snell & Wilmer’s Phoenix office, a full-service business law firm. She serves as the firm’s Managing Partner and manages complex commercial litigation with an emphasis on banking, consumer financial services and securities. LeRoy Gaintner comes to FPRAZ with three decades of experience. He practiced law in New York and then during the Korean War. After his military service he practiced law in Chicago.

Elections

The College of Labor and Employment Lawyers is proud to announce the election of David F. Gomez of the law firm of Gomez & Petitti PC in Phoenix as a newly elected Fellow. Election as a Fellow is the highest recognition given by one’s colleagues of sustained outstanding performance in the profession, exemplifying integrity, dedication and excellence. The College is represented by almost 1,100 members in 43 states, the District of Columbia, Puerto Rico and Canada.

Timothy J. Thomason, a senior litigator at Mariscal, Weeks, McIntyre & Friedlander, P.A., has recently been admitted as a Fellow of the American College of Trial Lawyers. Thomason has more than 25 years of litigation experience in federal and state courts and arbitration tribunals. His practice focuses primarily on litigation involving professional liability, real property, financial institutions, trust and estate litigation, commercial disputes, and title insurance and escrow litigation.

John M. Curtin was recently elected president of the Arizona Association for Justice/Arizona Trial Lawyers Association. Curtin is a Life Member of ABA/ATLA and has served as an officer and director of the organization for many years. He practices with the firm of Robbins & Curtin, PLLC focusing on medical malpractice and catastrophic injury cases.

F. Harlan Loffman has been named Trust Business Development Officer for Mutual of Omaha Bank’s wealth management division in Arizona. Based out of the bank’s Arizona headquarters at 9200 E. Pima Center Parkway in Scottsdale, Loffman will work with individuals, institutions and the professional community in developing client estate, financial and charitable giving plans. He brings more than 35 years of financial services experience in Arizona to Mutual of Omaha Bank.

Loffman is a member of the State Bar of Arizona, the Maricopa County Bar Association and the Board of Directors for the Central Arizona Estate Planning Council. He is past president of the Planned Giving Roundtable of Arizona and the Arizona Bankers Association.

Commitment to pro bono work. Bryan Cave has a long history of commitment to pro bono efforts. Attorneys in the firm’s U.S. offices spent nearly 47,000 hours in 2009 performing pro bono legal services, up from a little over 36,000 hours in 2008. Bryan Cave’s Phoenix office provides pro bono legal services across a varied range of issues and approaches this volunteer work with creative strategies and teamwork. Attorneys in Phoenix successfully represented two Spanish-speaking brothers who became victims of a mortgage fraud scheme. The office filed a lawsuit against the organizers of the scheme, which resulted in the brothers getting their home back and being awarded more than $400,000 in damages. Attorneys in the office have been recognized for their pro bono efforts by the Community Legal Services Volunteer Lawyers Program (CLSVLP) and the Children’s Law Center.

The Friends of Public Radio Arizona (FPRAZ) and its sister public radio stations, KJZZ 91.5 FM and KBAQ 89.5 FM, are pleased to announce that Emily S. Cates has been elected to the partnership. Cates is a member of the firm’s Commercial Litigation practice group and focuses her practice on contract-based, business and real estate litigation and counseling, with a growing focus on class action issues. She represents clients in federal and state court and has trial and appellate experience. Cates earned her J.D. from the University of Arizona and her B.A. from Bowdoin College. In addition to Cates, three other Lewis and Roca attorneys were named partners: Joel Henried (Las Vegas), Scott Hoffmann (Reno) and Jasmine Mehta (Reno).

Greenberg Traurig, a national firm with an office in Phoenix, has won the number one national law firm spot for the fourth year in a row, according to the 2009 CSC® Trademark Insider® Annual Report. The report was recently released by the Corporation Service Company® (CSC®), a leading provider of trademark research and watching, brand monitoring, and domain name management. Trademark Insider® Awards were determined by calculating the number of times an individual law firm and/or attorney is listed in the Correspondent field of all USPTO applications submitted during calendar year 2009. The 8th annual CSC Trademark Insider Award recipients were announced in this year-end report. These awards are presented to the top 10 U.S. trademark law firms, metropolitan area trademark law firms and individual attorneys.

Joining Greenberg Traurig for the top five U.S. law firms are K & L Gates; DLA Piper Rudnick; Fross Zelnick Lehrman & Zissu; and the Law Office of Xavier Morales. The top five individual attorney award recipients were Xavier Morales, Lawrence E. Abelman, Josh Gerben, Arturo Perez-Guerrero, and Christopher J. Day, a Phoenix attorney.

J. Tyrrell “Ty” Taber, a Phoenix litigation attorney, has joined the law firm of Aiken Schenck Hawkins & Ricciardi, P.C. Taber devotes his practice to personal injury, medical malpractice and elections law. He is a certified legal specialist in injury and wrongful death litigation. Taber’s victories on behalf of injured clients include a $4 million verdict for the parents of a young girl killed while horseback riding; a $2.7 million verdict for a woman stranded for 10 days on a state highway; and a number of settlements of more than $1 million in cases involving products liability, medical negligence, and auto and aircraft accidents.

Grasso Law Firm, P.C. is pleased to announce that Jenny J. Winkler has joined the firm as a partner. Ms. Winkler is a former shareholder at Ryley Carlock & Applewhite in Phoenix and has extensive litigation experience in trial and appellate courts, with an emphasis in water and natural resources litigation. Ms. Winkler is admitted to practice in Arizona and Nevada.

New Hires

Attorney Patricia A. Alexander has been named a partner with the Chandler law firm of Hoopes & Adams. The firm has been renamed Hoopes, Adams & Alexander, PLC.

Alexander, a commercial litigation attorney, earned her law degree at Arizona State University, graduating magna cum

See Bulletin Board page 19
Hall of Fame Nominations Sought for 2010

The Maricopa County Bar Hall of Fame was initiated in 2008 and the selection committee is now seeking nominations for 2010. So far 59 lawyers have been honored. The committee expects to select a dozen or so from the broad diversity of lawyers in the county this year. The deadline for submissions is August 6.

Hall of Fame Criteria

The Maricopa County Bar Hall of Fame will recognize Maricopa County attorneys who have practiced for at least 10 years and who have:
- Played prominent and important roles that have had an impact on the history and development of our local bar and the legal profession;
- Made significant or unique contributions to the law or the administration of justice; and/or
- Demonstrated significant leadership, advocacy and accomplishments in service to the community or the profession.

Nominees from 2008 and 2009 will automatically be re-considered for nomination in 2010. However, the legal community is encouraged to submit new or additional information about these nominees. The names of current Hall of Fame members and those who have been nominated are available on the MCBA website at www.maricopabar.org.

Submission Requirements

- Full name of nominee, including date of birth (and death, if applicable);
- A brief statement or summary of nominee’s significant qualifications and achievements (about 100 words or less).
- A detailed biographical description of nominee. The committee relies on the information supplied by the nominator(s), so comprehensive information is important. Supporting letters from others are also welcome.
- A photograph, preferably in color, submitted in electronic jpg format as an attachment to email.

Where to Submit Nominations

Submit nominations by going to the MCBA website at www.maricopabar.org and following the link to downloadable forms and more information. On the Hall of Fame page nomination page, you’ll also find a list of previously nominated, but not selected individuals, who are automatically re-nominated for consideration in 2010. If you have any questions, please contact Laurie Williams at (602) 257-4200 or lwilliams@maricopabar.org.

Bar Foundation Awards $45,000

continued from page 1

The 2010 Foundation grant recipients are:
- Azarionists for Children – Justice League Project
  The program is designed to prevent delinquency by positively affecting attitudes and increasing understanding of laws and the justice system among youth in foster care. The program also aims to empower these youth to advocate effectively for themselves in their own dependency hearings and case planning, and to become informed citizens able to function in and contribute to their society.
- ASU Sandra Day O’Connor College of Law - Civil Justice Clinic
  The clinic allows students who are certified to practice law pursuant to Rule 38 of the Arizona Supreme Court to perform a variety of lawyering tasks, including arguing in court, for low income clients. It gives invaluable experience to students and provides legal services to those who would otherwise be able to afford them.
- Ecumenical Chaplaincy for the Homeless – Legal documentation for homeless immigrants
  This organization obtains copies of identification documents, which are costly to replace, for those who have lost them due to theft, fire, the breakup of a marriage, or other adverse circumstances. This makes it possible for those who are U.S. citizens or residents to work in the U.S.

Are You Infected with ASAP?

continued from page 16

prioritizing any other work that is equally unclear.

Long-Term Prognosis

Workplaces that have suffered outbreaks of the ASAP rash, in all its forms, have reported significant improvement in quality of work product and worker morale when the steps above were followed. Creating an effective working environment that is efficient and highly responsive is a very favorable prognosis given the widespread problem identified and addressed here.

To your health!

Paul Burton is a former corporate finance attorney who works with lawyers and law firms to achieve higher productivity and greater performance. You can learn more about Paul and his work at www.quietspacing.com.
CLASSIFIEDS

To place a classified ad, please e-mail shamlin@maricopabar.org or call (602) 527-4200.

ATTORNEY WANTED

A BOUTIQUE LAW FIRM in Phoenix, Arizona is looking for a talented mid-level (2-5 years) associate to join their litigation practice. The position works directly with the firm’s shareholders and clients in business development and case strategy. Candidates should possess excellent research and drafting skills, strong written and oral communication skills, personal writing skills, and an entrepreneurial spirit. Salary is commensurate with experience. Please submit cover letter, resume, writing sample, and transcripts to hiring@ablaw.com.

MED-SIZED CENTRAL ARIZONA law firm seeks attorney with a minimum of 5 years experience in real estate and commercial transactions. Excellent academic credentials required. Competitive salary and benefits. Send resume to: C. Kevin Dykstra, BENNETT, FARBOURN, FRIEDMAN & BALINT, P.C. E-MAIL: kdykstra@ffbl.com; FAX: 602-798-5806.

DEL GIORGIO & ASSOCIATES seeks to hire an attorney with excellent research skills who has just recently passed the Bar. The term for this position will be from six months to one year (possibly longer). Legal issues include but are not limited to zoning for property development, probate case and claim against an Estate and Trust. This position will be acting as legal counsel by assisting a litigation attorney in the probate case. This is a great opportunity for a new attorney to gain valuable experience for their legal career. Please submit resume to: Martin Del Giorgio, 671 Awablos Ovi, Flapat, Arizoo 86001 or email to bobemady@uneedspeed.net.

PERSONAL INJURY/LEGAL INFORMATION Attorney Pincus & Associates, PC, in Tempe has an immediate opening for a litigation attorney in the probate case. This is a great opportunity for a new attorney to gain valuable experience for their legal career. Please submit resume to: Martin Del Giorgio, 671 Awablos Ovi, Flapat, Arizoo 86001 or email to bobemady@uneedspeed.net.

OFFICE SPACE

TWO OFFICES AVAILABLE Low firm Baumann Doyle Paytas & Bernstein located at 44th Street/Thomas. Excellent location with easy access to: 202, airport, East Valley, Northeast and Downtown courts. Additional benefits: covered parking, receptionist services, exercise room with racquetball courts, high-speed copiers. Call Carolyn or Amy for tour 602-952-8500.

PROFESSIONAL OFFICE SUITES AVAILABLE 7210 N. 6th St. Phoenix 85012 (just off of the 51 between Glendale and Northern) Owner occupied by low firm and financial advisors. Phone system, high-speed internet, fax services and receptionist available. Free parking. Nice conference room and other amenities. Please contact Sue at susan@rogerskirby.com, or call 602-748-3364.

LEGAL EXECUTIVE OFFICE SPACE AVAILABLE 7TH St/Indian School location. Excellent location with easy access to 111, 110, 520, 201, and 101, and Downtown courts. Included: conference room photos, copier, fax, kitchen, storage, multiple conference rooms, admin bays. Benefits: free covered tenant and parking, 24/7 card access, no building operating costs/CAM. Perfect for full or part-time lawyer.


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MISCELLANEOUS


TUTOR & NANNY SERVICES TeacherNannies.org is a nationwide service that connects teachers looking for work with parents looking for tutors to serve as tutors, nannies (with a teaching component), home-schooling support, or special needs support for their children.

BULLETIN BOARD

continued from page 8

used to have to mail them documents and email them of changes to hearings and events. Volunteers can just log into the website and see this information themselves and submit court reports from one easily accessed location. The website even sends alerts when something has been modified, like when a hearing has been moved or the time has been changed,” Hahn said.

“This paradigm shift has allowed us to focus on our volunteers and not on processing paper,” said Grabowsky.

CASA coordinator Maggie Sommer agrees. “I’m not spending all my time trying to print and fax reports or motions, or researching case information. Volunteers can see all their documents and everything they need to work on, right on their own cases themselves, so I can focus on being a resource and a coordinator. It has really improved my volunteer management,” said Sommer.

“The CASA project has been great fun not only from a design aspect, but also as a model for moving from paper to automation,” said Andy Cicchillo of CTS. “I think this project has some great applications for other areas in the court.”

Classifieds

MUSICAL LAWYERS

NORMALLY, Leon Silver doesn’t make the news; his clients do. By day, he’s a hard-charging business trial lawyer for a large, national law firm who has represented many famous clients like Diana Ross, Olga Korbut and Woodstock co-founder Artie Kornfeld. But at night, Silver picks up his electric bass and jams with The Crazy Finger band, a rock band with jazz leanings performing the music of The Grateful Dead, Bob Dylan and Assorted Rogues. Silver, who is a shareholder and successful attorney at Polsinelli Shughart PC, has practiced law for more than 20 years and has been a music lover all his life. Silver says Crazy Finger is a “Grateful Dead-style cover band that plays a variety of songs from classic rock groups in the ‘Dead style.’ He is described as the ‘Chief Dylanologist’ of the band, taking charge of delivering vocals on a variety of Dylan tunes along with several Beatles and Grateful Dead songs. The other members of Crazy Finger are its co-founder Stuart Epstein, who sings and plays rhythm guitar; lead guitar player Matt Nicoll; Bryan Harkness on drums; and Tommy Baumgartner on keyboards.
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