Cranston Takes Helm as Officers Step Up,
New Board Members Take Seats for 2012

Jennifer A. Cranston, shareholder at Gallagher & Kennedy, will begin her role as president of the Maricopa County Bar Association effective January 1, 2012. A member and volunteer, beginning with the Young Lawyers Division in 2003, she has served on the MCBA Board of Directors since 2006.

Cranston's practice focuses on general litigation, with an emphasis on real estate disputes which includes condemnation and valuation matters, as well as insurance coverage analysis and bad faith. She earned her JD in 2000 from the University of Arizona and her BA, summa cum laude, from St. Mary's College of California in 1997.

T.J. Ryan of Frazer Ryan Goldberg & Arnold was elected to the office of secretary by the MCBA Board of Directors at its November meeting. Current officers will move up the officer ladder. In 2012, David Funkhouser III, Quarles & Brady, will serve as president-elect and William Kastin, Snell & Wilmer, will assume the office of treasurer. Due to an uncontested election, five board candidates will automatically take the five available seats on the MCBA Board of Directors for 2012. They are Zachary Cain, Michael Kelsky, Cathy L. Knapp (incumbent), Norma Izzo Milner, and Chris Rike.

Jennifer A. Cranston

Court Confounded After Attorney Admits to Violating Court Order, Then Takes it Back

Attorney: “I’m sorry. I violated the trial court’s order. But it was an innocent mistake.”

Court of Appeals: “You’ve made our job harder by admitting a sin that you didn’t commit.”

That is the essence the Ninth Circuit’s recent decision in Miller v. City of Los Angeles, No. 10-55235 (9th Cir. Oct. 27, 2011).

Philip Miller’s family sued Los Angeles, its police department, the police chief, and Sgt. Cesar Mata. They alleged that Mata was not justified in using deadly force when he shot and killed Miller. When the jury hung, the trial court declared a mistrial and ordered a new trial. The second trial resulted in a defense verdict.

But that didn’t end it. The trial court granted the plaintiffs’ request to impose sanctions on the defendants, accusing their attorney, Richard Arias, of having violated the trial court’s order precluding the defendants from arguing that Miller was armed when Mata shot him.

When Arias made the supposedly offensive remark during summation, plaintiffs’ counsel immediately objected. The judge sustained the objection, struck the statement, and admonished the jury to disregard it. Of his own accord, Arias immediately told the jurors that his statement was erroneous.

Arias conceded that he had violated the court’s order. He nevertheless opposed the request for sanctions, contending that “the transgression was inadvertent, fleeting and harmless.” He attached a declaration apologizing for his miscue. Unmoved, the judge imposed sanctions exceeding $63,000.

In his majority opinion for the court of appeals, Chief Judge Alex Kozinski called it a strange case: “Its resolution hinges on the absence, as a factual matter, of something we must accept as a legal matter.” He explained that Arias’ transgression became an established fact, given the defendants’ failure to contest it.

What troubled Kozinski was the fact that, in his view, Arias had not violated the district court’s order. Kozinski noted that the trial court had ordered Arias not to argue that Miller possessed a weapon when Mata shot him. Arias, he concluded, had done no such thing.

The supposedly offending remark came in closing argument, when Arias was recounting the encounter from Mata’s perspective. He pointed to Mata’s testimony that when Miller emerged from a building, Mata believed that Miller posed a danger to Mata and the public. In the course of recounting the situation from Mata’s perspective, Arias stated that Miller “had shot Bean inside” the building.

According to Kozinski, this statement did
Well, That Is Enough of That

David H. Benton
MCBA President

“Lawyers and tarts are the two oldest professions in the world. And we always aim to please.” – Horace Rumpole, “Rumpole of the Bailey”

“The pure and simple truth is rarely pure and never simple.” – Oscar Wilde

We often hear, “Let’s not say goodbye, leave at farewell.” Woody Allen said, “Most of the time I don’t have much fun. The rest of the time I don’t have any fun at all.”

I would certainly not characterize the last year with the MCBA so abysmally, but just like everybody else, I have had those days when I wished I never left the house. Well, I am certainly saying goodbye to those days.

I went to a bar leadership seminar a couple of years ago, and one of the speakers said to make sure you plan out the coming year, because it never works out the way you planned it. Profound and prophetic. I planned a number of things — projects — all geared toward ensuring members are served, and therein, the public is served. As you have read in this space for the past year, I am all about serving the public, because that, ultimately, is the goal of our profession: service, to the public. But, you know the phrase, “the best laid plans...”

Oh, but I am not complaining! From anarchy rises the phoenix wisdom! Oh, maybe that is a bit dramatic, but I think you get the point. I am more than just a little thankful for all the hard work and lesser sons learned this past year.

You know who does the real work at the MCBA, don’t you? Allen, Laurie, Isolde, Jennifer, and Laura — just some of the staff at the MCBA. It is a pure and simple truth that they are the ones who make it happen, every day. I want to take this space to thank all the staff at the MCBA. Thank you all for copying, mailing, writing, arranging, calling, planning, and toiling in the most professional way, so that when members want to eat, earn CLE, join, write, celebrate, or collaborate, it all seems so pure and simple. And I know it is neither. For what you do, I am truly grateful.

This has been an extraordinary experience as president of the MCBA. And on the near horizon, the MCBA leadership is in great hands, with a board of directors that is stronger than ever. And I am looking forward to the next year at the MCBA.
Pioneering Arizona's Legal Education

For most of the past 100 years, the legal education of many of Arizona’s lawyers has been framed by a formidable, Chicago banking lawyer with famously curly hair and a penchant for winged collars. Samuel M. Fegtly was one of three assistant professors imported by University of Arizona president Arthur H. Wilde in 1915 to staff the brand-new department of law in the newly organized College of Letters, Arts and Sciences.

When his two professorial colleagues departed after that first year, Fegtly, as the last man standing, was made a full professor and head of the fledgling department.

Only first-year classes had been taught in 1915, and successive years’ courses were added to round out the three-year curriculum as the students progressed. Any students with at least 30 semester hours of undergraduate college credits could take law department classes; however, the first year only eight students declared themselves candidates for a bachelor of laws. By 1917, a juris doctor degree was added for students who already had earned bachelor’s degrees in some other field of study.

In 1918, Fegtly was designated director of the upgraded School of Law, still in the College of Letters, Arts and Sciences. A year later, law school graduates were granted the short-lived privilege of being admitted to the Arizona bar without examination (the privilege was repealed by the Legislature in 1925). In the fall of 1925, also by act of the Arizona Legislature, the institution became the College of Law, with Fegtly as its first dean. The newly minted college was staffed with a handful of full-time faculty, augmented by a number of prominent members of the southern Arizona bar.

Until 1929, law students and their professors were assigned classrooms, offices and library space wherever they could be found on campus. During the cooler seasons, law students were known to huddle on the sunny side of their austere classrooms and professors were tasked with stoking the wood-burning stoves. On the day before the famous market crash in October of 1929, the new College of Law occupied its own building for the first time. The renovated university library building became the home of the College of Law for the next 30 years. A year later, the college was accredited by the American Bar Association.

Attorneys Crack Jokes Before Former U.S. Supreme Court Justice

Attorneys of all backgrounds gathered for a special appearance before retired U.S. Supreme Court Justice Sandra Day O’Connor. And as intimidating as that might sound, it was not for a serious matter.

The gathering was for the inaugural John O’Connor Humor Competition, held Oct. 14 at the Phoenix Rotary 100 Club.

Jodi Weisberg, an attorney, took first place and said it was a “thrill and honor” to perform for Justice O’Connor and her sons, also in attendance. “It was wonderful to see her [Justice O’Connor] smile and laugh, and she seemed to really enjoy my set. The rotary audience was just fantastic, and that helped me relax. I think everyone had a really good time,” Weisberg said.

Second-place winner was Bob Howard, of the Scottsdale law firm Jekel, Howard & Thomson, LLP; third place went to Trevor Cox, a first-year law student from the ASU; fourth place went to Matt Storns, a first-year law student from the Phoenix School of Law; and honorable mention went to Ryan Nelson, a third-year law student from the Phoenix School of Law.

Student winners of the competition received scholarships while those employed in the field of law donated a scholarship to the school of their choice. The scholarships ranged from $3,000 for first place to $500 for fourth.

The competition, which was open to attorneys, law students and others in the field of law, was founded in memory of John O’Connor, late husband of Justice Sandra Day O’Connor, who served as president of Phoenix Rotary 100 from 1977-1978, held the belief that gentle humor is an effective tool in the practice of law. An active member of the club for more than 40 years, his tenure as president was filled with his warm wit.

A small panel of judges included radio personality Terry Gilberg (a Phoenix Rotary 100 member); Bob Dauber, assistant dean of the ASU Sandra Day O’Connor College of Law; and Larry Ponoroff, dean of the U of A James E. Rogers College of Law.

Shortly after his death in 2009, a couple of John O’Connor’s friends (who want to remain anonymous) told Justice O’Connor and her sons they wanted to memorialize him and his famous humor. Given John O’Connor’s long tenure in Phoenix Rotary 100, the friends and family asked the club to manage the endowment they were creating and to lead the humor competition.

The happy winners of the 2011 Case Huff Pro Bono Golf tournament pose with Gary Case (front), executive vice president of Case Huff & Associates. Behind Case is the winning foursome, from left: Matt Horton, Don Benner, Killa Davis and David Sandoval. At bottom right is John Dione. The tournament, held Nov. 5, was held at The Legacy Golf Course and benefitted the Volunteer Lawyers Program and the Maricopa County Bar Foundation.

GENERATE NEW BUSINESS

Do your potential clients bounce out of your firm’s website in 10 seconds without contacting you? Let a Pulitzer Price Finalist write or edit your site so you’ll generate business from it, not a high bounce rate or expensive clicks for nothing.
Was 2011 Another 2008? Courts Respond to Economic Woes

In the December 2008 edition of the Maricopa Lawyer, this column was dedicated to “change” and “innovation” and included updates on budget cuts and eFiling, including permissive eFiling in the civil case type. Many commentators and media outlets have compared the year 2008 to 2011 and this article will as well, from the unique perspective of the Superior Court in Maricopa County. As many predicted, the recession has been a lengthy “U” shaped recovery and not the preferred “V” shaped, or bounce-back recovery.

At the end of 2008, state and county budgets were taking drastic cuts, as revenue projections were coming in well below the lowest-predicted levels. At the end of 2011, the economic picture is just now starting to show signs of improvement, with revenue projections coming in slightly better than projected but with ominous budgetary cliffs on the horizon.

The years between 2008 and 2011 involved more cuts, freezes and doing more with less. Political and legal battles at the state, county and national levels reached their most contentious levels as the economy was at its lowest. Some of those battles have since calmed down.

Innovation in a Recession

The Clerk’s Office eliminated or left vacant many open staff positions, decreased hours for some services and made other adjustments to consolidate and modernize its operations. The turnaround times of some customer service and operational norms were delayed to ensure the office’s mandates continued to be met. To adapt to these new realities, change and innovation have continued to be hallmarks of the Clerk’s Office over the last three years.

In 2008, the Clerk’s Office was training attorneys, legal support staff, government agencies and individuals in using the Clerk’s eFiling system for civil, criminal and family court filings. In October 2008, the Clerk’s Office received 3,330 civil eFilings – a record number for the time. Since then, the Administrative Office of the Courts launched AZTurboCourt and made it use mandatory for attorneys filing civil case documents in the Superior Court. The volume increase resulted in an average of more than 22,000 civil eFilings each month.

While AZTurboCourt is busy receiving civil case eFilings, the Clerk’s Office continues to receive eFilings through its eFiling online website in criminal and family court cases, processing its one millionth total eFiling during 2011. The Clerk’s Office recently began accepting eFilings in the tax court for cases with a “TX” case designation. The Tax Court for the State of Arizona is located in Maricopa County, giving this eFiling initiative statewide application.

Other changes and innovation during the low economic times were regularly addressed with electronic solutions. Early in 2009, the State Bar of Arizona began issuing subpoenas online on behalf of the clerks. The State Bar’s service is available 24 hours a day, seven days per week, and has been particularly convenient for attorneys wanting to serve same-day subpoenas after the Clerk’s business hours.

The Clerk’s Electronic Court Record Online (ECR Online) has been widely used by parties, attorneys and arbitrators to remotely view the documents filed in their individual cases. This online initiative reduces the trips required to a records facility for paper copies of documents. Over the last three years, arbitrators and contract counsel who used to get entire case files copied to paper have transitioned to receiving case documents burned to a compact disc and then transitioned again to having remote electronic access to the records.

In April of 2009, the Supreme Court issued Administrative Order 2009-43, specifically to address budget reductions in the judicial branch. Among those changes was a requirement that attorneys have and maintain an email address for receipt of documents from the courts. The Clerk’s Office has emailed minute entries for several years now and has made them available from the Clerk’s minute entry website (courtminutes.maricopa.gov) and through the ECR Online. Reducing paper, postage and the labor related to processing paper minute entries has saved valuable resources that were redirected to the Clerk’s other mandates and services.

Appeals have steadily gone electronic over the last few years. The Clerk’s Office has methodically moved through case types where the record on appeal has transitioned from paper to images. Additionally, the Courts of Appeal and the Supreme Court are rapidly moving toward eFiling of appeals and electronic exchange of documents between the bar and the courts.

In this article in 2008, the Clerk’s Office committed to adapting to change while maintaining the highest levels of quality and providing expert assistance from its knowledgeable and dedicated staff throughout the duration of the budget cuts and beyond. We are fortunate that the Clerk’s staff of career professionals has consistently upheld that commitment while adapting to new demands, changing technology and pressure from all sides.

As always, the Clerk’s Office welcomes your feedback and suggestions for improving the partnership between the Clerk’s Office, the court, the legal community, the public and all others who interact with the Superior Court in Maricopa County. See you in 2012! ■

First ‘Meet the Judges’ CLE Series Provides Valuable Information to Range of Participants

By Aaron Nash

The Public Lawyers Division of the MCBA sponsored a series of six Meet the Judges CLEs between September and November of this year. Chief Justice Rebecca White Berch kicked off the series with a State of the Courts presentation to the bar. After comments related to current events, budget issues, civility in the legal profession and other matters, the chief justice and former Justice Michael Ryan engaged in a lively question-and-answer session with attendees.

In the weeks following the chief justice’s presentation, CLEs were offered in the case types of criminal court, family court, juvenile court, probate court and civil court. Judges and commissioners in each case type lead discussions related to actions in and out of the courtroom that will benefit lawyers and their clients.

Participants ranged from law school faculty and new lawyers who just passed the bar exam to practitioners with decades of court experience. The judicial officers ranged from newly appointed judges and commissioners to judges with decades of experience on the bench and as presiding judges of different case types.

Participants benefited from the bench’s valuable insight into peer-to-peer relationships, professional reputation, jury management, court calendar and hearing scheduling, and other practical tips for successfully arguing cases and making persuasive written and oral arguments.

The bench offered tips for how to effectively draft a brief, preserve an issue for appeal, and historical feedback from juries about what they prefer and disapprove of in the courtroom.

One tip for courtroom efficiency and good lawyering was for attorneys to summarize for their clients the purpose and anticipated time of every court event prior to the hearing. For example, what will and will not be addressed at that day’s hearing, where the hearing falls in the full scope of their case, and what actions will follow. Taking a few minutes to cover this information with clients before, then summarizing after, every hearing can save a lot of confusion and unnecessary follow up later.

Several judges agreed that this does not happen as often as it should.

The Meet the Judges CLE series was well-received by the bench and the bar. Superior Court judges and commissioners from around the valley made the time to travel to the MCBA to offer their advice on effective representation. Participants took advantage of the face-to-face time with the bench to ask questions specific to courtroom interactions and to find out what drives the management and caseload of one of the nation’s largest court systems.

If you attended one or more of the sessions, and would like the Public Lawyers Division to coordinate another series in the future, please let the MCBA know. If you weren’t able to attend but would like a chance to participate in the future, let the MCBA know as well. Judges, practitioners, legal support staff, faculty and students are valuable parts of the legal community in Maricopa County and the MCBA is where the legal community connects.
I want to thank the members of the Paralegal Division and the board of directors for all your support. This year was a great experience for me. It was challenging for me to say the least. I got married the week after the conference, and want to thank my husband for his understanding and support. I am truly grateful for the support of everyone who stepped up and assisted the division, which resulted in another successful year.

In November, Litigation Services sponsored a Happy Hour at Stingray Sushi and both Cami and I want to thank all who attended. I know that Cami has many more activities planned for 2012 and I want to challenge the membership to get involved in the planning process. Please look to the website for updates on the board meetings in 2012.

The Toy Drive to benefit the Arizona Children’s Association is underway. We will collect the toys at the End-of-Year Celebration on Dec. 14. This celebration is the final event of the year and will provide the opportunity to support a worthy cause and allow you to come together with other paraprofessionals one last time in 2011! I hope you will attend.

This year the board positions were unopposed and the new bylaws state that if a position is unopposed, then a membership vote is not required. I would like to introduce the 2012 Board of Directors:

- President - Cami Barnella
- Pres. Elect - Sarah Fluke
- Treasurer - Nilda Jimenez
- Secretary - Julie Eslick
- Immediate Past President - Kelly Braniger
- Director - Erica Warne (term ends 2012)
- Director - Jennifer Caccavale (term ends 2012)
- Director - Irene Gregory (term ends 2012)
- Director - Eboni Rogers (term ends 2013)
- Director - Eda Barolli (term ends 2013)
- Director - Veronica Tewksbury (term ends 2013)

It is my hope that you will continue to support the MCBA, PD and 2012 board of directors in 2012! Thank you again for your support this year, and I look forward to seeing you at the Dec. 14 End-of-Year Celebration.

Thank You and Welcome to the New Board of Directors!
Effective Email Formatting

Email is now an accepted mode of professional communication. But that does not mean that all emails are automatically considered professional. A legal writer should take special care to ensure that each email is not only professional in tone and content, but also effective in its format. Following are four easy tips for making an email format effective.

1. Write an informative subject line. A reader sees the subject line first, so the subject needs to tell the reader what to expect. One helpful format is the “Topic: Action” format. The information before the colon is more helpful if the reader is familiar with the “Topic” portion of the subject line; every email on a specific topic should always use the same words.

2. Keep emails to one computer screen in length. If the reader has to scroll to read the email, he may not absorb and retain the information. One tip for keeping emails short is to use attachments. For instance, if you want to send a long legal analysis via email, put that analysis in an attachment if it does not fit on one screen. By using an attachment, you avoid being put in the potentially perilous position of deciding what to cut from the message. On a related note, name the attached file in the same specific manner discussed above for subject lines.

3. State the upshot of the email in the first paragraph. Writers and readers use emails as time-savers, so they want to know what is expected up front. Ex. “You asked me to provide you with a binding case that addresses the recovery of attorneys’ fees in Colorado. I have attached that case to this email.”

4. Use headings and bullets to separate topics. If the email contains more than one topic, make sure to use a visual cue to separate those topics so the reader has an easier time navigating the information. Internal headings and even bullet points are helpful visual cues.

5. Use boldface to direct a reader to key information or questions. Boldface text is generally easier to read than italics, underlining, and all caps.

Guide to Arizona Statutes of Limitation 2011 (2nd edition)
The one reference every lawyer really needs to meet critical deadlines and avoid malpractice
This 174-page book (softcover, spiral bound), newly updated through 2011, includes most, if not all, statutes in a time limitation is specified. Compiled, updated and edited by the MCBA Young Lawyers Division, the Guide is intended for use as an aid to Arizona attorneys in all areas of practice.

The Most Frequently Asked Questions in Environmental Law (2nd edition)
The environmental answer book for Arizona businesses and non-specialists
Completely up-to-date and comprehensive, this publication of 16 chapters covers every major area of environmental law of interest to persons and organizations in the Arizona business community. Each chapter has been drafted and updated by experienced local practitioners and provides fully referenced, Arizona-specific information. The content is presented in an informative, non-technical manner for use by non-environmental practitioners and non-lawyers. Also useful for legal professionals experienced in environmental law but needing a quick reference and research aid for questions in unfamiliar subject areas.

The essential criminal law practitioner’s reference
This book is a compilation of the most frequently referenced criminal statutes, rules, guidelines, timelines, and sentencing information, among other useful information. This second edition contains updates and additional sections to make it more practical and helpful for use as a portable criminal law desk reference. Use it as a quick reference during Arizona criminal proceedings. Spiral bound, 210 pages, the book lays flat and is convenient to take to court. Compiled by the MCBA Criminal Law Section. Downloadable online.

Order books online at www.maricopabar.org. You may purchase online with Visa, MasterCard or American Express, or download an order form and purchase by check. Save mailing charges (5%–8%) by purchasing books at the MCBA Office at 303 E. Palm Lane in Phoenix.

Lewis and Roca Welcomes
Melanie Pate and Tore Mowatt-Larssen to the Firm

Melanie Pate has joined Lewis and Roca as a partner in its Labor and Employment practice group. Previously, Ms. Pate served as Chief Counsel of the Arizona Civil Rights Division (“ACRD”) at the Arizona Attorney General’s Office, where she worked for 15 years in litigation and management positions. She brings a true insider’s perspective into how state agencies function and make decisions. At Lewis and Roca, Ms. Pate helps clients resolve complex employment law matters and represents them before the Equal Employment Opportunity Commission and the Arizona Civil Rights Division.

Tore Mowatt-Larssen has joined Lewis and Roca as an associate in the Litigation practice group. He is a commercial litigator with experience representing clients in complex intellectual property litigation. Mr. Mowatt-Larssen has also worked as an engineer and international project manager in the aerospace field. This combined experience allows him to help clients resolve disputes across multiple industries.
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‘Your Life in the Law’ Teaches Basics to New Attorneys

By Laura Swendsen

They came, they learned, they networked. New lawyers, eager to gain some nuggets of wisdom and sound advice from seasoned professionals, gathered for two days, Nov. 2 and 3, at the MCBA office for “Your Life in the Law: The 2011 New Lawyer CLE.”

A potpourri of longtime and newer attorneys, judges and paralegals offered anecdotes from their first years in practicing law, as well as tips and practical advice they’ve garnered over the span of their careers.

Take Risks Throughout Your Career

Programs included Day One’s “Candid Advice for New Lawyers,” “Avoiding Common Ethical Problems,” and “Working with Paralegals.” Day Two featured the luncheon program “Work Life Balance” and a late afternoon program “Your Day in Court: What to Expect and What Judges Expect of You.”

Several attorneys and judges were on hand at the morning “Candid Advice for New Lawyers” program and engaged their audience with stimulating and humorous stories about how they arrived at their current positions.

Steve Hirsch, a partner with Bryan Cave and program moderator, said his initial intention after graduating from Tucson’s U of A was to become a sports writer, earning $900 a month. His wife, hoping for a more family-friendly income, however, urged him to go to law school.

Hirsch said he figured he would hate law school, but actually ended up loving it. “I just worked my rear off any way and every way,” he said.

After working as an attorney in Tucson for a while, Hirsch headed to Phoenix and was eventually employed at Bryan Cave. Hon. Ann Scott Timmer, chief judge of the Arizona Court of Appeals, Division One, said the judge said she faced many rejections throughout her career but never let opportunities pass her by. “I took a risk throughout most of my career,” she said. “As you go through your career, try to think five years ahead, even 10 or 15,” she advised.

Barbara Rodriguez-Pashkowski, who has been practicing law for 30 years, started her career working at a small law firm. She said the firm gave her an opportunity to practice in a variety of criminal, family law and civil cases. A turning point for her was when she attended a hearing for a family law case and her supervising attorney asked her to settle the case, something she’d never done before. Nevertheless, the young attorney forged ahead and was able to accomplish the task. “It started me down the path of what is it that I want to do,” Rodriguez-Pashkowski said.

Be Willing to Be Flexible

After taking a short break from law—during which time she backpacked Europe—Rodriguez-Pashkowski said she did more family law work and gained experience in bench trials, which allowed her to establish a decent reputation with judges and others. From private practice, she entered into government practice, representing the Department of Economic Security’s Child Protective Services program, followed by a period in environmental law representing the Arizona Department of Environmental Quality, and eventually back to private practice as an attorney with Gust Rosenfeld, her current employer.

Rodriguez-Pashkowski said she has loved every career choice and has no regrets. “You have to be willing to be flexible. You have to be willing to take chances. You have to persevere and figure out your life’s path,” she said. “You just never know.”

Get Involved in Your Legal Community

Leslie Satterlee, an attorney with Gregg R. Woodnick, PLLC in her fifth year of practicing family law, said she comes from a long line of attorneys, including her mother, who also practices family law, her aunt and an uncle.

Initially, Satterlee had no desire to practice law and decided to major in business. However, a course covering both economics and law changed her perspective and she went on to graduate from ASU’s Sandra Day O’Connor College of Law.

Satterlee said she, like Rodriguez-Pashkowski, started off in a sort of “throw-you-to-the-wolves” environment, working at a small firm and, within just one month of getting her bar results, participating in a full-length family court trial. She said that experience helped her become more comfortable with the work she’s doing now.

Additionally, Satterlee became involved in the MCBA, including participating on the YLD and Family Law Section boards, which allowed her to get to know her opponents and judges. “It’s a big time commitment, but at the same time it’s been very worthwhile,” she explained.

Lawyers attending the two-day Your Life in the Law program for new lawyers Nov. 2-3 listen attentively to a presenter.

See Humorous Stories and Practical Advice page 15
It’s Your Biz: The Complete Guide to Becoming Your Own Boss

By Susan Wilson Solovic with Ellen R. Kadin, foreword by Edie Weiner

227 pages

You’re not going to do it anymore.

You’re not going to haul your carcass out of bed at 5 o’clock in the morning, throw down some coffee and dash out the door so you can make it look like you slept at your desk. You’ll no longer grin till your lips ache at a colleague you never really liked. You will not ever play office politics again.

That’s because you’ve decided to open a business of your own. You’ll be your own boss from here on in—as soon as you figure out how to get started. In the new book It’s Your Biz by Susan Wilson Solovic (with Ellen Kadin), you’ll get useful tips from an entrepreneur who’s done it.

A caveat: This is not a book about how to open your own law office. But if that’s where you’re headed, it will be helpful in diagnosing whether you’re really cut out to go it alone. On the other hand, if you’re a lawyer with a yen to get into your own business, which may or may not be law-related, then read on.

Before you get too excited, though, first examine your motivation: are you passionate about this endeavor? Do you have a burning desire and the right personality to build and maintain a good business? Can you work by yourself, manage time wisely, and take responsibility? Or are you a play-it-safe kind of person who’s just looking for a way out of a bad situation? If your motivation leans toward the latter, you’ll want to re-think entrepreneurship for now.

Still excited? Okay, then, take a look at your finances. It might be awhile before you get a paycheck, so Solovic recommends that you put things in order before taking the self-employment plunge. And if you’re having second thoughts about now, she says that’s good. It shows that you’re “thinking carefully.”

You might also want to consider dipping your toe in the waters by going part-time in the business you’re considering. Start slow, do research, test drive things first, and begin with something you know. Oh, and be careful not to burn bridges by stealing time or resources from your current employer.

Write a business plan and remember the cornerstones of business and the “seven P’s of business success.” Know your business’ purpose, your customers, and your competition. Don’t waste money on things you don’t need, but do learn to hire good employees, CPAs, and lawyers (no friends or family, please!).

Above all, says Solovic, use MACS: “massive amounts of common sense.”

At a time when workplaces are squeezing every possible energy molecule from the employees they have left, it’s natural to dream about being self-employed. It’s Your Biz might help make that dream a reality, or it might make you change your mind by sanely applying the brakes before you make a dreadful mistake.

Author Susan Wilson Solovic, herself a business owner, fills her book with caveats, straight talk, reminders, and common sense that serves to winnow out the determined from the dreamers. I particularly appreciated Solovic’s thoroughness here: included in this book are points and tips that are important, but that many neophyte entrepreneurs might not have realized.

I think that if you have the passion and see a need you can profitably fill, this book will get you started on self-employment. If you’re ready to be your own boss, grab It’s Your Biz … and do it.

The Bookworm is Terri Schlichenmeyer. Terri has been reading since she was three years old and she never goes anywhere without a book. She lives on a hill in Wisconsin with two dogs and 12,000 books.

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You may register at the door if space is available; the $15 fee will apply. If you do not register at least two business days in advance of a program, MCBA cannot guarantee space or availability of materials.

Unless otherwise specified, all programs are held at the Maricopa County Bar Association office at 303 E. Palm Lane, Phoenix 85004.

For example, registrations for a September 17 program must be paid by September 15 in order to avoid the late fee. All registrations must be paid in full two business days prior to the program date or a late fee of $15 applies.

If you registered and paid, but could not attend, you may request that materials be sent to you, free of charge (allow 3-4 weeks). If audio media is available, registrations may be converted to a self-study package for an additional $15 charge.

Call Patty at (602) 682-8588. Register online at: www.maricopabar.org. Click on "Calendar of CLE & Events" or on the CLE program listing on the right side.

THURSDAY - DEC. 8
7:30 - 9:30 AM (Breakfast included)
Decanting and Other Trust Modification Techniques
May qualify for up to 1 standard CLE credit hour.

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PROGRAM:
- Overview of decanting statute
- Other means to modify irrevocable trusts
- What the best techniques are for different situations

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Les Ratz, shareholder, Mariscal, Weeks, McIntyre & Friedlander, PA

CONT.
- Estate Planning, Probate & Trust
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- MCBA members: $45
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SESSION 1 ■ FRIDAY ■ JAN. 6
11:30 A.M. - 1 P.M. (1.5 HOURS)
Where There Isn't a Will, There's a Way
A quiet revolution is happening in estate planning. Non-probate will substitutes are occupying the field, so that probate often is not necessary, and even wills often are not necessary. In this seminar, you will examine the competing philosophies of probate vs. non-probate transfers, explore the various alternatives to wills, and discuss the importance of coordinating probate and non-probate "governing instruments" for your clients.

PRESIDENT:
Mark Moritz, Attorney at Law

SESSION 2 ■ FRIDAY ■ JAN. 13
11:30 A.M. - 1 P.M. (1.5 HOURS)
Basic Estate Planning
This presentation will include an overview of estate-planning vehicles, discussion of applicable Arizona law, discussion of information needed from the client and client interaction, community property, and insurance and tax considerations. A form engagement letter, client questionnaire, trust funding letter, and durable power of attorney will be included.

PRESIDENT:
Roberta E. Berger, Senior Counsel, Wells Fargo Law Department

SESSION 3 ■ FRIDAY ■ JAN. 20
11:30 A.M. - 3:30 P.M. (3 HOURS)
Basic Conservatorship/ Guardianship for Adults
This program will cover guardianship and conservatorship of adults from intake through the first year. A great primer for beginners or refresher/updater for more experienced practitioners in this area.

PRESIDENT:
Brian Theut, Theut, Theut & Theut, PC; serves as court-appointed attorney and guardian ad litem
Kevin Parker, Partner, Snell & Wilmer; assists the Volunteer Lawyers Program with handling and placement of a number of adult guardianships and conservatorships.

SESSIONS 4 ■ FRIDAY ■ JAN. 27
11:30 A.M. - 2:30 P.M. (3 HOURS)
Introduction to Probate
In this program you'll learn about which assets will pass via probate proceedings, via non-probate, or via small property affidavit. Formal versus informal probate proceedings will be discussed, as well as common problems in estate administration, including getting your attorneys fees paid, dealing with creditors of the estate, and dealing with disputes among beneficiaries. This program will also review common mistakes in guardianships and conservatorships.

PRESIDENT:
Judie M. Rettelle, Attorney at Law

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- Law student members: $40

PACKAGE PRICES
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- Estate Planning, Probate & Trust Section members: $40
- MCBA members: $45
- Non-members: $65
- Law student members: $10

N O T I C E
- Attendance policies
- Program location
- Program dates
- Program times
- Program lengths
- Registration procedures
- Cancellation/Refund policy
- Advance registration
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MCBA
STEP Program Aims to Help Students and Attorneys

The ASU Sandra Day O’Connor College of Law has developed a new service designed to provide solo practitioners and small firms with a pool of qualified third-year law students and recent graduates to draw from when in need of assistance with short-term projects. The service is called STEP, which stands for Short-Term Employment Projects.

The types of work that can be performed includes general legal research, drafting complaints and letters, and assistance with tasks such as trial preparation and answering discovery. Lawyers enter their project specifications in a form on the law school’s website and are supplied a pool of potential candidates. The attorneys set the price, but the College of Law suggests a range of $15-$25/hour, based on factors such as the candidate’s status (3L/graduate) and the level of expertise required for the project.

Attorneys can sign up for the service and describe their project in detail through the ASU College of Law website found here: https://law-asu-csm.symphlicity.com/employers/

Questions about STEP can be referred to Samantha Williams, director of Employer Relations at (480) 727-7092 or at Samantha.C.Williams@asu.edu.

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 from attorneys referring clients outside their practice area.

**PRO BONO SPOTLIGHT ON CURRENT NEED**

Attorneys are needed to represent civil and family law appellate litigants in cases in Division One of the Arizona Court of Appeals.

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Cranston Takes Helm as Officers Step Up

continued from page 1

Zachary Cain practices white collar criminal defense at Polsinelli Shughart, representing companies, officers and professionals in federal and state investigations related to securities fraud, accounting fraud, and healthcare fraud. He also represents physicians and nursing professionals in licensing-board matters.

Cain serves on the State Bar of Arizona Criminal Practice and Procedure Committee and is a member of the Native American Bar Association of Arizona. As an MCBA Board of Directors candidate, his priorities include mentoring new lawyers, providing resources to members of the bar that will enhance their practice, and assisting the MCBA in its efforts to serve the community.

Michael Kielsky is a partner in the Scottsdale firm of Kielsky Rike, PLLC. He is a member of the State bar of California and is admitted to Arizona’s U.S. District Court. Kielsky’s general practice areas include criminal defense, civil rights, debt and collection defense, and civil litigation. He is president of the East Valley Bar Association. Kielsky has been a vocal advocate for the protection of individual rights both in his practice and in his other pursuits and, as the Libertarian candidate for Maricopa County attorney in 2008 and 2010.

Cathy L. Knapp is an attorney with Frazer, Ryan, Goldberg & Arnold. She practices in the areas of estate planning, probate and trust administration, and advises owners of closely held businesses and tax-exempt organizations. She serves on the board of the MCBA Estate Planning, Probate and Trust Section, is a member of the Phoenix Women’s Commission and the board of directors of the Arizona Citizens for the Arts, an arts advocacy organization. Cathy also provides pro bono legal advice to the Arizona Humane Society.

Norma Izzo Milner graduated from the Arizona State University Sandra Day O’Connor School of Law in 2005. Upon graduation, she was selected for the U.S. Attorney General’s Honors Program and served as an attorney advisor for the federal immigration judges in Arizona. She now works as an attorney at Collins, May, Potenza, Baran & Gillespie, PC. She concentrates her practice in the areas of family law and domestic relations matters, including collaborative divorce, mediation, parent coordination, custody, and child support. She perceives practicing in the area of family law as a three dimensional experience: legal, financial and emotional.

Milner has been appointed as a judge pro tempore for the Superior Court of Arizona in Maricopa County. She is the current vice president of the Collaborative Divorce Professionals of Arizona. Milner serves on the State Bar of Arizona Committee for Family Law Rules of Practice and Procedure, as well as the board of the Family Law Section of the Maricopa County Bar Association. In her free time, she devotes herself to husband Chris and their two sons, Johnny and Jack.

Chris Rike is a partner in the firm of Kielsky Rike, PLLC in south Scottsdale. His practice areas include domestic relations, bankruptcy and civil litigation. Rike is an active member of the MCBA and has served as a director for the Family Law Section since 2008. He is also a member of the East Valley Bar Association, where he currently serves as secretary.

In addition to his involvement with the MCBA, Rike has a strong history of community service. In 2007, he received the Joseph W. Mahowald Family Law Advocate of the Year award and was named one of the top 50 pro bono attorneys in Arizona. In 2008, he received the Section of Family Law Pro Bono Award from the American Bar Association. Rike continues to volunteer regularly with the Family Lawyers Assistance Project.
New Hires

Gallagher & Kennedy, P.A. has added two new associates: Cober C. Puckler and Tyler D. Lloyd. Puckler rejoins Gallagher & Kennedy after a brief leave. His practice focuses on general commercial litigation. Before joining the firm in 2006, he served as a legal clerk at the Pacific Justice Institute of the National Association of American Indians. He attended the University of Washington, in addition to gaining experience assisting clients with First Amendment rights and child protective services law.

Lloyd is a new associate to the firm and to Arizona. Lloyd has previously served the Washington State Attorney General's office as a law clerk focusing on higher education and labor law issues. During internships with the White House Domestic Policy Council in Washington, D.C., and the 4th District Court under Judge Lynn Davis in Provo, Utah, Lloyd researched and prepared briefs and updated case law on various policy issues. He earned his J.D. in 2011 from Harvard Law School and also served as the editor of the Harvard Journal of Law and Public Policy.

Ogletree, Deakins, Nash, Smolak & Stewart P.C. has announced that Mark Kisicki and Thomas Stanek have joined its Phoenix office as shareholders.

Both join Ogletree Deakins from Steppes & Johnsson LLP, where they were residents in the firm's Phoenix office. Kisicki and Stanek's practices balance traditional labor, employment law and litigation. Kisicki graduated magna cum laude from Pepperdine University School of Law in 1990, where he was a member of the Pepperdine Law Review. Stanek graduated, magna cum laude, from the Sandra Day O'Connor College of Law at Arizona State University in 1999 and was an editor for the Arizona State Law Journal.

Bryan Cave Associate Bryce Suzuki has been selected as a recipient of the National Asian Pacific American Bar Association (NAPABA) Best Lawyers Under 40 award. All award recipients were announced at the NAPABA national convention in November. The Best Lawyers Under 40 award recognizes talented individuals within the Asian Pacific American legal community under the age of 40 who have achieved prominence and distinction in their fields of endeavor and have demonstrated a strong commitment to civic or community affairs. Suzuki's practice focuses on all aspects of commercial restructuring and bankruptcy, including non-bankruptcy business workouts, asset sales, Chapter 11 bankruptcy administration and reorganization, liquidation, creditors' rights, bankruptcy litigation and appellate work, and distressed financing issues. In 2010, he was invited to the White House as a guest of President Barack Obama for a reception honoring Asian American and Pacific Islander Heritage Month. Suzuki received his B.A. and M.A. from Brigham Young University and his J.D. from University of Iowa.

Frazier Ryan Goldberg & Arnold LLP welcomes a new partner, Michael G. Gallaway, to its team of talented professionals. Gallaway comes to the firm with over 20 years of experience and excellent credentials as a tax attorney. Gallaway obtained his bachelor's degree from the University of Kansas, his juris doctor from Washburn University, and studied at the University of San Diego for his LL.M. After passing the Arizona Bar admissions test in 1987, Gallaway went on to become proficient in the practice areas of state and local taxation. Gallaway also has an extensive publication resume that he brings with him to Frazier Ryan Goldberg & Arnold.

Elections

Bill Sandweg, founding partner of Sandweg & Ager, has been elected a regent of the American College of Trial Lawyers. Sandweg will serve a four-year term representing Arizona, Southern California and Hawaii. Fellowship in the college is by invitation only and is limited to one percent of the total lawyer population in each state. Sandweg will continue his personal injury practice focused on representing the victims of medical negligence.

Bryan Cave partner George Chen has been elected as vice president for programs and operations of the National Asian Pacific American Bar Association (NAPABA) for the fiscal year 2011-2012. Chen has been a member of NAPABA since 1999, holding various positions within the national organization including Southwest Regional Governor and Investment Committee Chairperson and Founder. Chen, an attorney with Bryan Cave since 1999, partners with long-term clients to develop, protect, enforce, defend, license and commercialize intellectual property and other business assets. He received his B.S. in electrical engineering from Massachusetts Institute of Technology and his M.S.E.E. and J.D. from Arizona State University.

Appointments

Quares & Brady LLP has announced that Andrea S. Tazioli, an associate in the firm’s Phoenix Office, has been appointed to serve on The U.S. Senate Day Resource Center’s board of directors. Tazioli is a member of the firm’s commercial litigation group and also practices in the white collar crime/civil/white collar matters area. She has extensive litigation experience with representing banks and financial institutions, and local and national corporations, as well as defending individuals with both felony and misdemeanor charges. Tazioli also serves as a volunteer for the Maricopa County’s Volunteer Lawyer’s Program. She earned both her law and master’s degrees from Georgetown University and her undergraduate degree from Loyola Marymount University.

Recognitions

Phoenix attorney Larry Hammond, a founding member of Osborn Maledon, P.A., was recently elected to membership in the prestigious American College of Trial Lawyers. Hammond leads the firm’s white collar and government relations group. Membership is extended by invitation only to experienced trial lawyers whose “professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality.”

A total of 48 Phoenix attorneys, including Osborn Maledon attorney Bill Maledon, have been elected to the organization, founded in 1950. Membership can never exceed more than one percent of the total lawyer population of a state. Hammond is a criminal defense attorney who regularly is recognized as among the best in the nation by national legal ranking organizations. He has served as president and a member of the national board of directors for the American Judicature Society, chairing its Criminal Justice Reform Committee. A founder and current chair of Arizona’s innocence project, The Justice Project, he was a clerk for U.S. District Court Judges Hugo L. Black and Lewis F. Powell, Jr. and served as an assistant Watergate Special Prosecutor. He serves as a deputy assistant attorney general in the U.S. Justice Department during the Carter administration.

Gallagher & Kennedy, P.A. has announced that the firm's employees have made a substantial contribution to the Susan G. Komen Race for the Cure. In a series of fundraising events over the course of one week, Gallagher & Kennedy raised $15,350. Over the past nine years, the firm has donated more than $17,000 to the Susan G. Komen Race for the Cure. Each year, the law firm organizes a week’s worth of events to collect donations from employees, family, and friends. The events of the week are concluded by the charity's largest fundraising day, the Susan G. Komen Phoenix Race for the Cure.

The Phoenix office of Quares & Brady LLP recently received the 2011 Arizona Society of Human Resources Management (SHRM) Workforce Diversity Award in the small business category. The award was presented at the 10th annual Diversity Leadership Alliance conference in Phoenix. Established nine years ago, the Arizona SHRM Workforce Diversity Awards recognize companies and individuals of best practices in diversity for the state of Arizona. Criteria for the awards include adding measurable value to the company, strengthening community relations, and benefitting employees’ quality of life.

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Bryan Cave

The Maricopa Lawyer invites members to send news of moves, promotions, honors and special events to post in this space.
Photos welcome. Send your news via e-mail to maricopawpaw@maricopawbar.org.

Bulletin Board Policy
If you are an MCBA member and you've moved, been promoted, hired an associate, taken on a partner, or received a promotion or award, we'd like to hear from you. Talks, speeches (unless they are presented by other publications (e.g., Super Lawyers, Best Lawyers, etc)). Notices are printed at no cost, must be submitted in writing, and are subject to editing. Items are printed as space is available. News releases regarding lawyers who are not MCBA members in good standing will not be printed.
ARIZONA'S LEADING ADR ATTORNEYS - CALENDARS NOW ONLINE. The National Academy of Distinguished Neutrals is pleased to announce the launch of Arizona Chapter. 21 attorneys and former judges have been recognized as Charter Members of the AZ Chapter, including the state's most widely-recognized civil/trial ADR professionals as utilized by litigation firms. For the benefit of litigation attorneys and support staff, our members are publishing their calendars online. please visit www.NADN.org. To view the calendar, check members' profiles and available dates in seconds, at no cost. For more about our association, visit www.NADN.org/about or call 602-660-3678.

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MISCELLANEOUS

THE TUCSON CITY ATTORNEY'S OFFICE is updating its list of outside attorneys used for legal and civil matters. A Request for Information has been issued that describes the needs of the Office and the process for submitting information to be considered for outside attorney contracts. The RFI can be accessed directly at http://tinyurl.com/78caos5 or at www.tucsonprocurement.com, reference RFI No. 120397. If you have further questions, contact David Delbet at 520-791-4221.

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