Register Now for Luncheon to Honor Hall of Fame Inductees

On Thursday, Oct. 27, MCBA will hold its Annual Meeting Luncheon and honor the 10 extraordinary attorneys and judges to be inducted into the 2011 Maricopa County Bar Hall of Fame. The event is from 11:30 a.m. - 1:30 p.m. in the Regency Ballroom at the Hyatt Regency Phoenix at 122 N. 2nd Street.

Inducted at the luncheon will be pioneer era attorneys Frank Haze Burch and Richard F. Harless, both deceased, and modern era attorneys Jack E. Brown and John J. Flynn, also deceased. Other modern era inductees are Ed Hendrick, St., Tom Henze, H. Jerry Lewkowitz, Hon.

Board Election is Five for Five

Five candidates have filed for the five available seats on the MCBA Board of Directors for 2012. They are: Zachary Cain, Polsinelli Shughart; Michael Kielisky of the Scottsdale firm of Kielisky Rike, PLLC; incumbent Cathy L. Knaap.

Attorneys Reprimanded in Separate Cases Win in Appeals of Judges’ Decisions

Attorneys recently got unexpected shocks when they showed up for court hearings. With no forewarning, one found himself disbarred while another found himself in handcuffs. In both, the appellate courts chastised the trial courts for their actions and reversed their decisions.

The first case, Lund v. Donahoe, No. 1 CA-SA 11-0026 (Ariz. App. July 28, 2011), involved a discovery dispute. After relatives of Bradford Lund petitioned the court to establish a guardianship, the court appointed Dr. Pamela Willson to conduct a competency evaluation.

Joel Sannes, an attorney for one of the relatives, announced that he was issuing a records-only subpoena to Willson to produce her competency evaluations from the past five years. Willson had problems with the subpoena, but she neither filed a written objection nor contacted Sannes to try to work them out. Instead, she telephoned the judge, then wrote him a letter announcing that she was resigning from the case because the subpoena would require her to go through records unabated,” she wrote to the judge.

At a status conference, the judge announced that he had unsuccessfully tried to talk Willson out of resigning. Without hearing from counsel, he quashed the subpoena, calling it “completely uncalled-for” and “overbroad and oppressive . . . intended more for harassment than anything else.” He set a hearing to determine whether to sanction Sannes and the attorneys for the other two relatives.

In the second case, Quarles & Brady, LLP; Norma Izzo of Milner, Collins, May, Potenza, Baran & Gillespie, PC; and Chris Rike, also of Kielisky Rike.

See bios and photos of the candidates on page 12.

2012 Dues Statements Are in the Mail

NEW: Credit Card Payment Plan Available!

If you haven’t received your dues statement, please let us know. We don’t want you to miss out on the opportunity to win one of four dinners for two at our favorite elegant dining establishment, Vincent on Camelback. But you must pay your dues by Oct. 1 to be eligible for the drawing.

If dividing your dues into smaller chunks works better for you, you’ll want to take advantage of MCBA’s automatic credit card payment plan. We’ll charge your card quarterly and you’ll receive all the benefits of membership all year.

See Attorneys Reprimanded page 14.
This is Good Stuff

David H. Benton
MCBA PRESIDENT

Recently, I had the privilege and pleasure of sitting with a very distinguished panel to talk to law students about what we do, work as public sector attorneys. And the panel was distinguished, indeed: a privacy officer for the state; an FBI agent; a Community Legal Services attorney; and an employment attorney for the City of Phoenix.

What stood out to me were both the differences, and similarities. One similarity was most prominent: we serve the public. That’s good stuff. Don’t get me wrong, I am not implying that serving individual clients is not good, in whatever sense that word means for you. But hearing the panel, listening to how they went about their daily profession, without planning or pretext, the common theme among us was service to the public. There is a person at the end of the legal advice, opinion letter, or research paper; a person at the other end of the phone, standing at the counter, getting job training, or needing treatment for a family member.

Our panel sat before a class of students at the Phoenix School of Law. I didn’t take the opportunity to share my bucket list of reasons not to go to law school, as I brilliantly concluded it may fall flat on those trapped in the room with us. So I decided to share my irregular and somewhat serendipitous path to where I have ended up now. But, I could hear the same unexpectedness in the stories of the other panelists. Sure, some planning and goal setting was involved, but you know the phrase… best laid plans, etc, blah-blah, yadda.

Unforeseen opportunity arises, or an unexpected prospect appears and new perspectives evolve, and then suddenly, knowledge and experience is thrust upon you. Moreover, to a person, we relished the startling turns we experienced and felt the wiser for them.

I don’t know if those students heard what we attempted to share that day. I hope they did. I know one fellow didn’t – he said all he cared about was doing what made him the most money. Go figure. But those settings force you to reflect on your own journey. Did you make the right decisions, and if you had the chance to do it again, would you do it differently? Who knows! I won’t speak for the other panelists, but my answer is a mixed bag. But I can say I am doing the right thing, for the right reasons. That’s good stuff, in my view.

New Benefit Coming Soon: LawPay Credit Card Processing for Attorneys

LawPay is recommended by over 50 bar associations and is a customized solution to credit card processing for your clients. LawPay examined the unique requirements for handling client funds and developed a solution that resolves the ethical dilemma attorneys face, including dealing with trust accounts, when processing client credit cards.

The company provides personalized service, attention to detail, and an understanding of the legal profession. It provides best practice for firms, including fact-based guidance on chargeback prevention and PCI compliance.

When you accept credit cards from clients, you take control of client payments and outstanding collections. The benefits include attracting new clients, providing payment flexibility and convenience, improving cash flow and reducing collections, and automating payments.

Watch your email and the MCBA website for further information and how to get started with LawPay.

Environmental Law Book Gets Update, Aims to Educate Non-Environmental Law Practitioners and Non-lawyers

By Laura Swendseid

From solar to wind to water, Arizona’s efforts to more efficiently and cost-effectively use energy and conserve resources have gained momentum over the years. That has led to both an upsurge in green building as well as changes in state regulations regarding clean-energy building and environmental protection.

To keep up with and inform others of the state’s ever-changing landscape of laws and topics related to the environment, the MCBA’s Environmental Law Section recently released the second edition of a comprehensive yet easy-to-read reference book titled The Most Frequently Asked Questions in Environmental Law.

With 16 chapters drafted and updated by experienced local practitioners and covering every major area of environmental law, the book provides fully referenced, Arizona-specific information. Non-environmental practitioners as well as non-lawyers will find that information helpful as well as those experienced in environmental law.

The book, which includes a new chapter specifically on green building, may be purchased at www.maricopabar.org or by calling Angie Perez at (602) 257-4200 ext. 118. It’s also available as a downloadable PDF at a reduced price.

A Handy Resource

John Burnside, a co-editor-in-chief of the book and environmental attorney at Polsinelli Shughart, said that throughout his 12 years of practice he has regularly turned to the book’s first edition as well as a previous edition to aid in his research and address issues in unfamilar topics.

The MCBA Environmental Law Section’s first book came out in the late 1990s and was titled Most Commonly Asked Questions in Environmental Law. That original book was updated in 2002, and was substantially revised, expanded, and renamed in 2005.

Burnside participated in the 2002 and 2005 revisions as an author and editor before participating in the current edition as an author and co-editor in chief. He said readers will find the book helpful in quickly identifying the major statutes, regulations and case law relevant to a broad range of environmental law topics. Also, many of the chapters include references to online and other sources that Burnside said will be useful for expanding the reader’s depth of understanding.

The Revision Process

Last year Burnside and co-editor-in-chief

See Environmental Law Book Gets Update page 13
Making the Most of Your Mediation

YLD PRESIDENT
Stefan Palys

More than 97 percent of cases are resolved short of trial. That puts a premium on making the most of your alternative dispute resolution sessions. This month, mediator Chris Skelly shares his tips for having a productive mediation session.

Q: When do you find it is most productive to mediate?
A: It makes sense to mediate after you have done the basic discovery necessary to be in a position to make informed decisions—but before the attorneys’ fees and costs have gotten so high that they are driving the case.

Q: What does a mediator/mediation provide that settlement talks between counsel cannot?
A: A neutral, detached, disinterested evaluation of a case from someone who has settled perhaps hundreds of similar cases. Also, many clients are more emotionally willing to settle once they’ve had a chance to vent to the mediator. It is almost like having their day in court. Mediators can also help the lawyer who has a difficult client. Lawyers should not be afraid to pull the mediator aside and let that person know they need help with their client. A neutral third party can explain the risks in the party’s case in a way that the party’s lawyer sometimes cannot, and what alternatives a party might be able to negotiate through a mediation that the party may not be able to get in court.

Q: What should lawyers do to prepare their client for the mediation process?
A: The client should understand how the mediation process works before coming. They should be told that the mediator will not be deciding the case, but is there to facilitate a resolution. In a case where the parties are exchanging mediation briefs, the client should read them. They will not often agree with much of what the other side says, but they need to be able to step back and try to think of how a jury might react to the other side’s evidence and arguments.

Q: Are there any misconceptions you commonly see about the mediation process?

At Many attorneys do not realize that the information exchanged during the mediation process is confidential and privileged under A.R.S. § 12-2238. Realizing that the information exchanged is privileged can be helpful. In a case with dueling experts, for example, like a construction case, you could have the experts exchange preliminary reports and talk during the mediation. If it’s early in the case, this will give the parties a good basis to evaluate their respective positions to make an informed decision about settling.

Q: What should lawyers bring to a mediation?
A: At It sounds obvious, but if the client is an entity, you need to bring the decision-maker for your client. If possible, the decision-maker should be someone who wasn’t directly involved in the subject matter of the litigation. That way, the representative does not feel personally vested in proving their position, but can instead focus on making a rational risk/benefit decision.

Beyond that, bring the key documents for your case and some of the controlling law. It is one thing for me to talk to your opponent, but if I have the key law or deposition testimony right there in black and white, it can cause that person to re-evaluate their position.

Q: What mistakes do you see lawyers make in the mediation process?
A: At The opening demand/offer can be a minefield. I have seen it play out frequently where one side makes either a demand that is astronomical or an offer that is next to nothing. That is almost always counterproductive. The mediation will be more successful if you start with offers that aren’t perceived as ridiculous. Also, it’s good to keep in mind that it is the client’s case, not the lawyer’s or mine.

Q: What tips do you have for reaching a binding settlement?
A: At Be persistent. Keep working at it. I’ve had a number of cases where it looked like the parties were too far apart, but just by sticking with it, and talking through the case, we were able to get it done. Also, make sure you get the material settlement terms in writing before you leave the mediator’s office. Where it is a more complicated case, I might include language in our settlement memorandum that disagreements over final settlement documents will be presented to the mediator for mediation and, that failing, for binding resolution. That way, you’re not back in court a few weeks later litigating over the settlement agreement.

Governor Fights Lawsuit Against Arizona Day of Prayer

Gov. Jan Brewer filed a motion Sept. 13 in U.S. District Court to dismiss a lawsuit brought against her for commemorating an Arizona Day of Prayer. The Freedom From Religion Foundation, based in Wisconsin, filed the suit against Brewer. The foundation previously filed another suit that sought to block recognition of a National Day of Prayer.

Brewer issued a proclamation recognizing the Arizona Day of Prayer, a voluntary event wherein citizens may commemorate— or not commemorate — the occasion in their own way. All U.S. presidents since 1952 have signed a National Day of Prayer proclamation and governors of all 50 states issued similar proclamations in 2009.

The Freedom From Religion Foundation previously filed suit against the federal government for its National Day of Prayer, however, the Seventh Circuit U.S. Court of Appeals threw out that challenge.

A:

Q: What makes you fight the lawsuit?
A: The Freedom From Religion Foundation is a non-profit organization whose focus is to promote a strict separation of church and state and educate the public “on matters relating to nontheism.” The group is challenging Brewer over two proclamations: one that declared May 6, 2011, an Arizona Day of Prayer, and one that named Jan. 17, 2010, a Day of Prayer for Arizona’s Economy and State Budget. In May, Brewer issued a proclamation recognizing the 60th annual National Day of Prayer.

Brewer has asked the court to dismiss the case saying that the plaintiffs lack standing. Like the National Day of Prayer, the Arizona Day of Prayer is a voluntary event wherein citizens may commemorate—or not commemorate—the occasion in their own way. All U.S. presidents since 1952 have signed a National Day of Prayer proclamation and governors of all 50 states issued similar proclamations in 2009.

The Freedom From Religion Foundation previously filed suit against the federal government for its National Day of Prayer, however, the Seventh Circuit U.S. Court of Appeals threw out that challenge.
Electronic Initiatives Are Still the News

In addition to the eFiling activity in the Superior Court, the Clerk’s Office was busy this summer with two projects to improve efficiency by transitioning from paper processes to electronic. The Clerk’s Office filed its first record on appeal in an election case to both the Supreme Court and Court of Appeals, Division One, in August and launched eFiling in Tax Court in September.

Electronic Record on Appeal

While AZTurboCourt is ramping up its ability to accept electronic filings directly into the Courts of Appeal and the Arizona Supreme Court, the Clerk of Superior Court and the Administrative Office of the Courts worked together to include elections cases in the record on appeal now going electronically to the appellate courts.

In August of 2009, the Clerk’s Office started a pilot with Division One of the Arizona Court of Appeals by providing the record on appeal electronically in one probate case, followed by appeals in all family and probate court cases. General civil cases on appeal were added to the electronic appeals program in September of 2010, followed by all non-criminal appeals as of June 1, 2011. Criminal case type appeals were added July 1, 2011. The record on appeal in death penalty cases automatically appealed to the Arizona Supreme Court have been transmitted electronically beginning June 27, 2011.

In a recent high profile case, the petitioner appealed to the Supreme Court and the Clerk’s Office electronically submitted the record on appeal. The Supreme Court electronically rejected the records and issued an order related to the petitioner’s filing, citing a court rule specific to recall actions that requires initial filing with the Court of Appeals. The electronic application allowed the Clerk’s Office to then submit the record on appeal to the Court of Appeals, Division One, for further proceedings, thus allowing the Clerk’s Office to confirm in one case that the record on appeal was successfully submitted to both courts electronically.

**eFiling in Tax Court**

The Clerk’s Office began accepting post-initialization electronic filings in the tax case type on September 29, 2011. The Superior Court in Maricopa County serves as the principle office of the Tax Court in Arizona, which receives approximately 2,600 cases each year.

There are two types of tax cases heard in tax court: residential properties valued under $1 million, which are assigned an “ST” case number designation and residential properties valued over $1 million, commercial property and all other tax appeals (employment tax, sales tax, etc.) which are assigned a “TX” case number designation. eFiling is available only in the TX cases at this time; all documents in ST cases must be filed on paper.

eFiling through the Clerk’s eFiling Online system is available statewide for parties and attorneys filing county- and state-level challenges and appeals in the Tax Court. Those registered with the Clerk’s eFiling Online system for criminal or family court filings or for civil court filings before AZTurboCourt became mandatory for attorneys can use their existing eFiling Online username and password to eFile in Tax Court on TX cases.

To register with the Clerk’s eFiling Online system to create a new account, go to the Clerk’s website at http://clerkofcourt.maricopa.gov/efiling/default.asp, select the link from “Maricopa County eFiling Online” and follow the instructions at the link titled “Not Registered Yet?”. Training materials, eFiling Guidelines and technical support information are available online.

Tax Court cases must be initiated using the traditional paper filing method. Once the case has been initiated and assigned a TX case number, subsequent filings can be submitted electronically through the Clerk’s eFiling Online system. The Tax Court judge has discretion to make eFiling mandatory in cases with the TX designation or to entertain a motion to make eFiling mandatory in individual TX cases.

eFiling will be available to participating government agencies as well, including the attorney general, county attorneys, county treasurers, assessors and boards of supervisors.

Attorneys practicing in Tax Court can add and view TX cases in the Electronic Court Record Online (ECR Online) in cases where they are the attorney of record or the party in a case. Documents are available to view in ECR Online whether scanned from paper or filed-in electronically as their original format. Visit the ECR Online at https://ecr.clerkofcourt.maricopa.gov/login.aspx.

Note that attorneys must eFile post-initiation documents in general civil cases through AZTurboCourt. The registration information (account) in AZTurboCourt is not linked in any way to the Clerk’s eFiling Online system. To eFile in case types other than general civil (e.g., criminal, family, TX tax cases) a separate registration must be established with the Clerk’s eFiling Online system; any account changes (address, email, law firm association) must be updated separately in both AZTurboCourt and eFiling Online.

In addition to updating eFiling accounts, attorneys must continue to update their contact information directly with the Clerk’s Office pursuant to Civil Rule 5.1(b) and Supreme Court Administrative Order 2009-43. Contact information can be submitted online at http://www.clerkofcourt.maricopa.gov/address_change_form.asp. Updating the attorney’s email address in this way is required for the electronic delivery of minute entries.

---

**Bankruptcy Section Roundtable**

Kyle Hirsch of Bryan Cave, a member of the MCBA Board of Directors, gives his views on how the Bankruptcy Section of the MCBA might operate without duplicating the work of similar groups. Hirsch and others addressed some two dozen bankruptcy practitioners from various firms on Aug. 25 at Snell & Wilmer. Compliments of the hosting firm, a welcome reception preceded the roundtable discussion.
Community Spirit that Doesn’t Quit

On September 11, 2001, I was working on the pool pump at 6:30 a.m., and I received a call from a friend to turn on the television. I will never forget watching the second plane hit the World Trade Center tower. It’s really hard to believe that ten years ago this country changed forever. So many lives were lost and continue to be lost in the “War on Terror.” I do believe that, someday, this war will end and this country will recover.

When we get down to the basics of life, what is it really? I have no doubt that there are many answers to that question. Answering this question now versus in 2001, I can honestly answer that my family is the most important and then community. That day changed my life in more ways than I care to say. I just know that, out of that devastation, the United States came together and community spirit was everywhere.

Staying involved in the community and your professional organizations is paramount to your success in your profession. In 2009, I found myself unemployed and was competing for jobs with attorneys. Attorneys? How could I compete? I networked with other paralegals. I spent hours applying for jobs online and went on countless interviews. I’ll never forget when my friend Nilda, whom I met through the MCBA Paralegal Division, called and said that her employer was hiring. That beacon of light came through when I believed all hope was gone. I say this because I know many are in the same situation today. The loss of a job is devastating no matter who you are. Don’t give up hope! Continue networking, get involved in the Division, keep in contact with your support group, make the effort to reach out to acquaintances and have faith that you will get exactly what you need at exactly the right time. I know I did.

Dental Drive

The Division held its annual Dental Drive and filled over 500 bags for the John C. Lincoln Dental Clinic. Marc Eaton, a student member, joined the board to fill the bags. We had a great time. Thank you to all who participated, the businesses and firms for your donations, and the board members for donating your time! The sense of community spirit was in that room. What a great feeling to come together and provide assistance to the less fortunate.

Upcoming Events

There will be a Happy Hour on Oct. 20, hosted by Litigation Services. Please mark your calendars. The location will be in the Biltmore area and will be provided at a later date.

The Division will be holding the annual Toy Drive starting Nov. 15, and it will run until the End of the Year Celebration! This is the time of year that I just love, and can’t wait to see you all at the celebration. This year the division will combine the celebration with the other MCBA divisions; please check the website for the date.

Please feel free to contact me if you have any questions or ideas on how the Division can support you in your profession.

Calendar of Events

<table>
<thead>
<tr>
<th>November</th>
<th>December</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 Thursday</td>
<td>Board Meeting</td>
</tr>
<tr>
<td>7 Monday</td>
<td>Board Meeting</td>
</tr>
</tbody>
</table>

All Board of Directors and Conference Committee Meetings are held at 5:30 at the MCBA offices unless otherwise specified. Quarterly CLE Division meetings are held at the MCBA Offices unless otherwise specified. Please visit the website at maricopabar.org and click on the “Paralegal Link” for updated information.

Solos and Small Firms Benefitted by ASU Law School’s New Program

A unique new service for solo and small firm practitioners has been initiated by the Sandra Day O’Connor College of Law. The service is designed to provide solos 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. Called STEP, the service stands for Short-Term Employment Projects.

There are many Arizona solo practitioners and small firm attorneys who occasionally need help researching case law but don’t have an associate or paralegal available for the task. Conversely, there are students and new grads looking for practical experience and ways to make substantive connections with local attorneys. STEP allows these parties to benefit from one another.

The College successfully rolled out the service in August 2011 with a well-populated database of recent graduates and third-year law students who are available to take on project work. MCBA believes its solos and small firm members could benefit from this program as well—it’s a cost-effective way for MCBA attorneys to add a tremendous amount of client value with minimal effort.

The type 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.symplicity.com/employers. Questions about STEP can be referred to Samantha Williams, director of employer relations, at (480) 727-7092 or at Samantha.Williams@asu.edu.

Dental Drive

From left, MCBA Paralegal Division President Kelly Gray and Paralegal Division members Felice Wortman, Jennifer Caccavale, Mark Eaton and Julie Eslick fill boxes with donations for the Annual John C. Lincoln Dental Drive.

Daniel J. Siegel is pleased to announce his new office location:

DANIEL J. SIEGEL, P.C.
Certified Specialist in Family Law
1617 E. Pinchot Avenue
Phoenix, Arizona 85016-7621

Phone: 602-274-1099
Facsimile: 602-626-5143
Email: dan@danielsiegelpc.com
Ellipses and Brackets: Tools for Accurate, Credible Quotations

Efficient legal writers avoid overuse of quotations and, when quotations are necessary, they are careful to quote only the language relevant to the argument at hand. This alteration of quoted material must be done carefully, however. It is important that the quoted material remain accurate and not be misleading. Fortunately, ellipses and brackets are just the punctuation tools needed to maintain accuracy and credibility.

Ellipses
An ellipse indicates omission of material. An ellipse is made up of three periods, with a space before each one, and the rules for using them correctly are simple.

First, use an ellipse to indicate an omission occurring in the middle of the quotation. Do not use an ellipse to indicate that material is left off at the beginning of the quotation.

Original: I saw a total of four cars that were traveling the same direction stopped at the scene.

Correct: He said that “four cars . . . stopped at the scene.”

Never correct: He said that “. . . four cars that were traveling the same direction stopped at the scene.”

Second, use an ellipse to indicate an omission occurring at the end of the material only if the quotation is an entire sentence. In this case, a fourth period is added to the ellipse as the final punctuation mark. Do not use an ellipse if the quotation used is a partial sentence added to your own words.

Correct: “Four cars that were traveling the same direction stopped . . .”

Correct: I knew we had many potential witnesses because we located “four cars that were traveling the same direction.”

Finally, when omitting a whole paragraph from the quoted material, center an ellipse on its own line to show the omission. Continue with the quotation on a new line with an indent to show a new paragraph.

Brackets
Brackets generally indicate a change or addition. Thus, if you are changing the case of a letter, adding a letter or other material, or making a clarifying comment, put that material inside the quotation in brackets. Two brackets with nothing in between them indicate an omitted letter, while the “[sic]” notation indicates that you have quoted the original source accurately but that original source has made a mistake.

Original: It publishes it’s earnings on a Quarterly basis.

Example: “It [the company] publishes its [sic] earnings on a [Quarterly] basis.”

No Arguing! Some Tips for a Successful Legal Romance

I am never surprised when I hear about attorneys dating and even marrying other attorneys. I think because of the stress and complexity associated with our jobs, we find an intimate camaraderie and understanding with other lawyers. Plus, we’re around each other all the time either at work, on cases or at networking events. In fact, I am dating a lawyer right now, and we met at a networking event. So, I think I am pretty well-qualified to give you some advice on how to happily and healthily love your lawyer.

Let me begin this column with an important reminder about dating in the workplace. Dating within a firm, even a large firm, is a risk. Sometimes in-office romance can be problematic for employers because they believe it will negatively affect employee productivity and/or create inter-office conflicts.

Lawyers may especially have concerns about sexual harassment claims or other negative outcomes associated with a break-up, such as retaliatory behavior and in the extreme case, orders of protection. Dating other employees may damage your reputation and integrity within the firm, particularly if you are dating a supervisor or partner. So, make sure you are aware of your firm’s written and unwritten policies and rules about romantic relationships between employees. Try to keep your relationship as discreet as possible, and always be professional at work, regardless of the relationship’s outcome.

As to tips for dating lawyers, here are my thoughts:

Accepting the Nature of the Job
As attorneys, very few of us have 9-to-5 jobs. A survey by the ABA showed that 46.8 percent of associates at large firms nationally work more than 60 hours per week (The ABA Career Satisfaction Survey, 2000). In addition, studies indicate that attorneys experience extraordinarily high levels of stress at work. Particularly for those that practice litigation, it may be difficult to make time for a relationship when we are gearing up for a trial or are in trial.

So, when dating lawyers, my most important piece of advice is to understand the time commitment and the stress associated with our jobs. You have to accept that your lawyer partner may not be as emotionally or physically available as non-lawyer partners. But this also means helping your lawyer partner to take the time to cultivate the relationship and separate themselves from work so they can fully enjoy their partner. As an example, some lawyers take vacations with their spouse/families in which they bring absolutely no work, and are unavailable by phone or e-mail. This gives them time to rechage those very important relationships without the intrusion of work-related stress.

Lawyers Love to Talk: So Do I!

As important as understanding the job is communication in a relationship. This means the couple needs to discuss (without sounding totally cheesy) their feelings and time commitments. For instance, a lawyer should consider telling his partner that he has a big arbitration coming up on Friday. He knows he will be up all night on Thursday preparing and is feeling very stressed. His partner then needs to do the best they can to understand his schedule and plan accordingly. Maybe leaving him alone on Thursday and scheduling a movie date on Friday, after the arbitration, is the answer.

Telling your partner – whether they’re a lawyer or not – what you are feeling and what your general schedule looks like will help them to be more considerate and will indirectly help your relationship. But, with great talking comes greater responsibility not to divulge client/case information (even though it may be hard not to do that) and to reserve case-related information for the appropriate person and venue. Instead, use partners and/or colleagues with whom you may ethically discuss a case to blow off steam and discuss ideas. This way, the couple can focus on “couple stuff” and not “work stuff.”

Argue Like a Layperson
Edward Packard, Jr. said: “Law students are trained in the case method, and to the lawyer everything in life looks like a case.” As lawyers, we are trained to think and analyze problems in a very specific way. Although this is what makes us good at our jobs, it does not make us good at relationship conflict resolution.

As a lawyer, a motion filed usually requires a response, and then a reply. However, in a relationship, always responding and getting the “last word in” is not the best approach. Instead, picking and choosing your battles is a much healthier way to approach conflict, i.e., you do not always have to file a response!

Further, winning is not nearly as important in a relationship as it is in court. When arguing a point, lawyers rely on proof or evidence to convince the court and the jury. However, in relationship conflict we do not always need, or have evidence (unless you keep a court reporter in your kitchen). So, lawyers need to learn to handle disputes like a lay person. This means relying less on evidence and more on the needs of the couple, whether “proven” or not. With just a little thoughtfulness, you can be in love and be a lawyer.

― Ask an Associate is a monthly column which allows attorneys to anonymously submit questions to a real-life associate attorney. Questions cover a wide range of issues from marketing to office dynamics. To send your questions, please e-mail Nicole Siqueiros at nsiqueiros@hallierlaw.com.
Get to know the BUSINESS SIDE OF COX.

With Cox Business on the case, you can securely share files faster, simplify billing by tracking client calls, and save important fax and phone messages using VoiceManager.SM

$95 PER MONTH*

Business-class Internet, phone and UNLIMITED long distance

- Up to 33 phone features including voice mail, call forwarding and three-way calling
- 5M download/1M upload Internet
- Security Suite to eliminate potential viruses
- Online backup to protect your data

Call Today!
623-594-7297
coxbusinessaz.com

*Offer valid until 10/31/11 to new customers of Cox Business VoiceManagerSM Basic Service and Cox Business InternetSM 5 Mbps/1 Mbps in Arizona. Cox-wired, subscribable locations. Minimum three-year service contract required for free installation. Fees installation offer includes waived phone activation fees and waived Internet installation fees. Additional costs for installation, construction, inside wiring, and equipment may apply. Offer price includes monthly service fees for one VoiceManager Basic line with up to 33 free features, 5M/1M Internet service and unlimited long distance every month for calling within the continental United States, Alaska, Hawaii, Guam, Puerto Rico and the U.S. Virgin Islands. Unlimited long distance applies up to 10 lines. Each line over 10 is charged .05/minute long distance for intra/interstate calling. Offer does not include applicable taxes, surcharges or fees. Discounts are not valid in combination with or in addition to other promotions, and cannot be applied to any other Cox account. Telephone modem equipment may be required. Modem uses electrical power to operate and has backup battery power provided by Cox if electricity is interrupted. Telephone service, including access to 911 service, will not be available during an extended power outage or if modem is moved or inoperable. Cox cannot guarantee uninterrupted or error-free Internet service or the speed of your service. Rates and bandwidth options vary and are subject to change. Services not available in all areas. Other restrictions apply. Telephone services are provided by CoxNational Telecom, LLC. © 2011 CoxCom, LLC, a subsidiary of Cox Communications Arizona. All rights reserved.
Get real-world advice from legal professionals in Maricopa County

YOUR LIFE IN THE LAW

November 2-3, 2011 • A two-day program for new lawyers of all ages

<table>
<thead>
<tr>
<th>DAY 1 • WEDNESDAY • NOV. 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:15 - 9 a.m.</td>
</tr>
<tr>
<td>9:00 - 10 a.m.</td>
</tr>
<tr>
<td>Your reputation is like a bank account–make daily deposits and very few withdrawals. This program will suggest what is required to make and protect it.</td>
</tr>
<tr>
<td>PRESENTER: Chief Justice (Ret.) Charles E. “Bud” Jones</td>
</tr>
<tr>
<td>10 - 10:15 a.m.</td>
</tr>
<tr>
<td>10:15 - 11:45 a.m.</td>
</tr>
<tr>
<td>How does one achieve professional satisfaction and success in the practice of law? The answer to this question is as varied as the makeup of our bar. This panel will lead a wide-ranging discussion of how lawyers from diverse practice backgrounds have built their careers from the start.</td>
</tr>
<tr>
<td>PANEL OF PRESENTERS: Steve Hirsch, Bryan Cave (moderator), Hon. Ann Scott Timmer, Arizona Court of Appeals, Leslie Satterlee, Greg L. Woodnick, PLLC, Barbara Rodriguez-Pashkovski, Gust Rosenfeld, Dan Lowrance, Maricopa County Public Defender’s Office, Kevin Quigley, Quares &amp; Brady</td>
</tr>
<tr>
<td>11:45 a.m. - 1 p.m.</td>
</tr>
<tr>
<td>Pro bono work enriches your life in ways you can’t imagine. Besides helping people, often those in desperate need, you gain a special kind of satisfaction. Most often heard from attorneys regularly engaged in pro bono: “I get back much more than I give.”</td>
</tr>
<tr>
<td>SPEAKER: Pat Gernich, Executive Director, Volunteer Lawyers Program</td>
</tr>
<tr>
<td>1:00 - 2 p.m.</td>
</tr>
<tr>
<td>During your career, you’ll often be placed in positions of dealing with situations that involve ethical issues. In this program you will learn how to avoid some of the more common pitfalls new lawyers run into.</td>
</tr>
<tr>
<td>PRESENTER: Lynda C. Shely, The Shely Firm, PC</td>
</tr>
<tr>
<td>2 - 2:15 p.m.</td>
</tr>
<tr>
<td>2:15 - 3:30 p.m.</td>
</tr>
<tr>
<td>One of the most important elements of your practice will be to build an effective work team to serve clients in the best possible manner—and, of course, to generate profits. This program will provide you with strategies on how to manage and cultivate a positive working relationship with your staff.</td>
</tr>
<tr>
<td>PRESENTERS: Maureen Zachow, CPS, Snell &amp; Wilmer, Cami Barnella, CP, Sacks Tierney, Lee Davis, Lee Davis and Associates, Inc., Felice Wortman, Gallagher and Kennedy</td>
</tr>
<tr>
<td>3:30 - 5:00 p.m.</td>
</tr>
<tr>
<td>Networking is a skill all lawyers need, especially in this difficult job market, in order to find employment, grow their practices, reputations, and leadership opportunities. In this program you’ll learn the skills and techniques to make contact in a professional manner and get professional results.</td>
</tr>
<tr>
<td>PRESENTER: Phyllis Hawkins, Phyllis Hawkins and Associates Inc.</td>
</tr>
<tr>
<td>5:00 - 7:00 p.m.</td>
</tr>
<tr>
<td>For New JDs, New Admittees, New Lawyers, plus Bar Leaders and MCBA attorneys and judges</td>
</tr>
<tr>
<td>Meet, greet, mingle and practice your professional networking skills at this casual reception as you enjoy beer, wine or soda and hors d’oeuvres.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DAY 2 • THURSDAY • NOV. 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:15 - 9 a.m.</td>
</tr>
<tr>
<td>9:00 - 10:30 a.m.</td>
</tr>
<tr>
<td>Larry J. Cohen, Cohen Law Firm</td>
</tr>
<tr>
<td>10:45 a.m. - 12:15 p.m.</td>
</tr>
<tr>
<td>Larry J. Cohen, Cohen Law Firm</td>
</tr>
<tr>
<td>12:15 - 1:15 p.m.</td>
</tr>
<tr>
<td>Overwhelmed? Stressed? Burned out? Ever wake up in the middle of the night with thoughts of work spinning through your mind? I can help. Learn time-tested tips and tricks to tame your inbox, organize your world, and work smarter.</td>
</tr>
<tr>
<td>SPEAKER: James A. Fassold, Gray &amp; Fassold, PC</td>
</tr>
<tr>
<td>1:35 - 2:45 p.m.</td>
</tr>
<tr>
<td>What do think about your negotiation skills? Whether you’re already pretty good or think you have a lot to learn, this program will help you improve.</td>
</tr>
<tr>
<td>PRESENTERS: James Goodnow &amp; Marc H. Lamber, Fenmore Craig</td>
</tr>
<tr>
<td>2:45 - 3:00 p.m.</td>
</tr>
<tr>
<td>3:00 - 4:30 P.M.</td>
</tr>
<tr>
<td>Hear it straight from the judges themselves. This panel discussion by five judges of the Maricopa County Superior Court will give you a sense of how to comport and prepare yourself for a court appearance.</td>
</tr>
</tbody>
</table>
The Easiest Way to Get Paid!

✓ Accept Visa, MasterCard, Discover & Amex
✓ Save up to 25% off standard fees
✓ Control cash flow & increase business
✓ Accept credit cards for retainers
✓ Avoid commingling client funds

LawPay’s unique processing program correctly separates earned and unearned transactions keeping your firm compliant. The process is simple. Begin accepting payments today!

Accept payment online through our Secure Payment Link

866.376.0950
www.LawPay.com/mcba
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.

**PROGRAM LOCATION**

Unless otherwise specified, all programs are held at the Maricopa County Bar Association office at 305 E. Palm Lane, Phoenix 85004.

**ATTENDANCE POLICIES**

**ADVANCE REGISTRATION**

Full payments must be received in advance of the program before you are considered registered.

**LATE REGISTRATION**

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

**WALK-IN**

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.

**CANCELLATIONS/REFUNDS**

Refunds, less a $10 fee, will be issued only if the MCBA receives your cancellation, in writing by mail, fax at (602) 682-8601, or email aperez@maricopabar.org at least two business days prior to the program.

**NO SHOWS**

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.

**THURSDAY ■ OCT. 13**

7:30 - 8:30 AM

**Breakfast included**

**Parking included**

**HOLDING THE PR’S HAND: GUIDING THE INDIVIDUAL THROUGH THE ESTATE SETTLEMENT PROCESS**

This seminar will provide “best practices” tips on how to help the individual personal representative get through the maze of his or her legal duties, with particular emphasis on what constitutes “reasonable accommodation.”

**Sponsored by:**

- Environmental Law Section
- Paralegal Division
- Public Lawyers Division
- Section members
- MCBA members
- Non-members
- Law student members

**COST:**

- Estate Planning, Probate & Trust Section members: $55
- MCBA members: $62.50
- Non-members: $92.50
- Law student members: $10

**TUESDAY ■ OCT. 25**

4 - 5 PM

**2011 Employment Law Update**

May qualify for up to 1 standard CLE credit hours

**Sponsored by:**

- Employment Law Section
- Review major Supreme Court decisions from the last term and legislative and regulatory developments impacting the workplace.

**Presenters:**

- David Villadolid, Burch & Cracchiolo, PA
- Jeffrey Toppell, Jackson Lewis, LLP
- Laura Lawless Robertson, Greenberg Traurig, LLP

**Cost:**

- Employment Law Section members: $30
- MCBA members: $35
- Non-members: $50
- Law student members: FREE

**THURSDAY ■ NOV. 3**

7:30 - 9:30 AM

**Breakfast included**

**The Times They Are A’Changin’ Recency Developments in Arizona’s Probate Code & Rules**

May qualify for 2 standard CLE credit hours.

**Sponsored by:**

- Estate Planning, Probate & Trust Section
- Phoenix School of Law, 1 N. Central, Phoenix

This seminar will provide a summary of 2011’s probate legislation and Arizona probate rule changes, including:

1. SB 1499 – Omnibus Probate Bill and its changes
2. HB 2403 – Attorney/client privilege in probate matters
3. HB 2211 – Inpatient treatment & evaluations
4. HB 2402 – Inpatient POA/driving privileges
5. SB 1081 – Standby guardians
6. HB 3424 – Creation of Probate Advisory Panel
7. Proposed changes to Arizona Rules of Probate Procedure

**Materials**

Materials will include samples of budgets, estimates and accounting forms.

**Presenters:**

- Jay M. Polk, Barnum & Polk, PLLC

**Cost:**

- Estate Planning, Probate & Trust Section members: $70
- MCBA members: $80
- Non-members: $120
- Law student members: $10

**FRIDAY, OCTOBER 7 ■ SESSION 1**

**Criminal Cases, from initial appearance to trial, with judges Robert Cottingham, Joseph Kreamer, Warren Granville, Randall Warner, Jeanne Garcia and Janet Barton and court commissioners Brian Rees and Julie Newell.**

**Cost:**

- Law student members: $50

**FRIDAY, NOVEMBER 18 ■ SESSION 5**

**Civil cases with Civil Presiding Judge Robert Oberbillig, judges Jeanne Garcia and John Ditworth, and Civil Court Administrator Peter Kiefer.**

**Cost:**

- MCBA members: $65
- Non-members: $92.50
- Law student members: $10

**SPONSORED BY:**

- Environmental Law Section

May qualify for up to 2.0 credit hours

Not just for environmental lawyers, this event will let you enjoy a selection of wines and hors d’oeuvres while you listen to our two speakers give you an overview of how climate change will literally change our lives in the near future. After the presentation, you have the option of touring the winery and sampling more of the vineyard’s good stuff. This is a great CLE to attend in conjunction with the weekend in Sedona or surrounds.

**Cost:**

- Environmental Law Section - $95
  - MCBA member - $100
  - Non-members - $150
  - Student members - $100
  - Guests - $35 each

**If you register before September 21, take $5 off the price (Guests excepted).**

**WINE AND CLE**

**How Climate Change Changes Everything**

**PAGE SPRINGS CELLARS & VINEYARD**

**1500 N. Page Springs Rd., Cornville, AZ**

**FRIDAY ■ OCT. 7 ■ 3:00 - 5:00 P.M. ■ WINERY TOUR FOLL OWS**

**The Cost of “Green”**

Marrin T. Jones, Gust Rosenfeld

There is probably no topic in the area of environmental law receiving more attention these days than our sources of energy for the future. Whether you call it “alternative energy,” “renewable energy,” or “going green,” people from the President of the United States down to the youngest school children are asking where we’re going to get our energy in the future.

Most agree that there are good reasons for “going green,” but in the immortal words of Kermit the Frog, “It’s not easy being green.” Many misconceptions remain about the advantages and disadvantages of renewable energy in its various forms. Marrin Jones will provide detailed look at the different renewable energy sources and lead us in a discussion as to whether the cost of renewable energy outweighs the benefits.
The Commission on Judicial Conduct announced today that it has filed formal charges against Judge Phillip Woolbright of the Arrowhead Justice Court. Woolbright has served as a justice of the peace since January 2011.

The commission has charged the judge with violating a number of rules contained in the Arizona Code of Judicial Conduct and Article 6.1, Section 4 of the Arizona Constitution, which prohibits a judge from engaging in “conduct prejudicial to the administration of justice that brings the judicial office into disrepute.”

The charges stem from the judge’s actions following the issuance of an order of protection against him. The commission alleges that, on a number of occasions, Woolbright’s actions were improper and created the appearance of impropriety, in addition to eroding public confidence in the judiciary and in his impartiality. It also alleges that the judge’s actions demonstrate that he abused the prestige of his office and permitted his personal, family circumstances to influence his judicial conduct.

No date has been set for the formal hearing. The commencement of formal proceedings against a judge does not mean that the charges are true; it only means that the commission has found reasonable cause to file charges, which still must be proven in an evidentiary hearing. Charges that are proven by clear and convincing evidence could result in findings that the judge violated the Code of Judicial Conduct or applicable sections of the state constitution governing judicial conduct. Charges that are not proven are dismissed.

If the commission finds that a judge is guilty of judicial misconduct, it can recommend to the Arizona Supreme Court—the final authority in all matters involving judicial discipline—that the judge be censured, suspended without pay, or removed from office for judicial misconduct.

The 2011 CIO 100 Awards honor 100 companies that exemplify the strategic partnership of IT and business. Superior Court’s FARE Program was chosen as one of the top 100 programs to receive this honor.

FARE (Fines/Fees and Restitution Enforcement) was developed to help relieve pressure on the Court’s Court Technology.

Presiding Judge Norman Davis presents Jessica Funkhouser with a plaque at her retirement party. Funkhouser, a former special court counsel and an expert on election law, retired after more than 30 years as a public servant.

Arizona Supreme Court Chief Justice Rebecca White Berch administers the oath of office to Judge Mark H. Brain during his investiture ceremony in the Board of Supervisors Auditorium in Phoenix.

Arizona Supreme Court Chief Justice Rebecca White Berch with Judge Bruce Cohen, who the Arizona Supreme Court selected as its 2011 Judicial Branch Distinguished Service Award winner in the Improving Public Trust and Confidence in the Arizona Courts category.

Gov. Jan Brewer has announced the appointment of court Commissioner Cindy Bailey to the Maricopa County Superior Court.

Bailey currently serves as a Superior Court commissioner in the criminal division where she presides over preliminary, restitution and sentencing hearings as well as plea matters.

Before becoming a court commissioner, Bailey spent five years with the civil and criminal divisions at the Maricopa County Attorney’s Office. Her state government employment includes service as the Arizona State Senate’s Rules Attorney and Judiciary Committee Analyst. She also worked at Kinmeter & Derrick, PC; Fromm, Smith & Gadow; Bailey Law Offices, PLC and the Grant County Prosecutor’s Office in Marion, Indiana. Bailey graduated from Arizona State University in 1988 and completed her law degree from the ASU College of Law in 1992.

In addition to an impressive background in law and the legislative process, Bailey has been an active participant in her community—assisting in schools, hospices and churches, volunteering through the Leukemia & Lymphoma Society, and coaching volleyball through National Youth Sports.

Brewer said it is an honor to appoint Bailey to the court. “Whether in public service or private practice, she has always served with distinction. I’m confident she will make an outstanding addition to the Maricopa County Superior Court.”

The appointment of Bailey was made to fill the vacancy created by the retirement of Maricopa County Superior Court Judge Gary Donahoe.
MCBA at Phoenix School of Law

David Benton, center, MCBA governing board president and deputy county attorney for the Maricopa County Attorney’s Office, talks to Phoenix School of Law students about his path to becoming a public attorney at a Sept. 14 Q-and-A discussion held at the school. Seated to his right is Hillary Rossman, an attorney with the FBI, and Mary Beth Joublanc, the State Privacy Officer at the Arizona Department of Administration.

Annie Foster, assistant attorney general in the civil division of the Arizona Attorney General’s Office, talks to Phoenix School of Law students at a Q-and-A discussion about becoming a public lawyer.

Candidate Biographies for 2012 Board of Directors

ZACHARY CAIN
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 Maricopa County Bar Association and the Native American Bar Association of Arizona. As a 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
Michael Kielksy is a partner in the Scottsdale firm of Kielksy Rike, PLLC. He is a member of the state bars of Arizona and California, and admitted to Arizona’s U.S. District Court. Kielksy’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, a sister bar association of the MCBA serving the East Valley.

Kielksy 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, has been outspoken about giving force and effect to the Arizona Constitution’s Declaration of Rights, which holds that governments are established to protect and maintain individual rights.

CATHY L. KNAPP (Incumbent)
Cathy L. Knapp is an attorney with the Trusts & Estates Group of Quarles & Brady, LLP in Phoenix. Cathy practices in the areas of estate planning, probate and trust administration and advises owners of closely held businesses and tax-exempt organizations.

Cathy serves on the board of the MCBA Estate Planning, Probate and Trust Section. She is a member of the Phoenix Women’s Commission and of 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.

CHRIS RIKE
Chris Rike is a partner in the firm of Kielksy 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.

NORMA IZZO MILNER
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 for the federal immigration judges in Arizona. Norma 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.

Norma 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. Norma 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, Norma devotes herself to husband Chris and their two sons, Johnny and Jack.

CHRIS RIKE
Chris Rike is a partner in the firm of Kielksy 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.
Environmental Law Book Gets Update

Maribeth Klein, also an attorney at Polsinelli Shughart, started the process of updating the first edition of Most Commonly Asked Questions in Environmental Law by seeking the assistance of the Environmental Law Section membership to review and update individual chapters of the 2005 edition.

Authors who had contributed to that edition were given first dibs at updating their work before new participation was sought. Throughout the updating process the section's executive committee provided advisory assistance and input and served as a board of editors.

Burnside said he learned a lot about the current edition of the Bluebook, a style guide that prescribes the most widely used legal citation system in the United States, while working on the latest edition, especially in relation to citing electronic materials. As a law review editor at the Arizona State University College of Law in the mid to late 1990s, he said electronic source citing was not a widespread practice.

He said his team received a lot of support and dedication from the authors and other editors and that those who have seen the current edition have been very complimentary about the book’s scope and coverage.

Court’s FARE Program Recognized

Services as it searched for a way to improve collections of fines, fees and other court-ordered financial obligations following two declared financial crises in fiscal years 2002-2003 and 2008-2009. One part of the program, Backlog FARE, implemented an automated, web-based payment system that made it much easier for individuals to submit payments than it had been under the previous system. It also made it easier to share case and financial data between the courts and various government agencies.

FARE has nearly doubled the monthly take of delinquent collections, and in calendar year 2010 it brought in over $1.5 million more than had been collected using the older process, even though it had not been implemented for the full year in some courts.

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.

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

It’s easy to join! Call Jennifer Deckert at (602) 257-4200, ext. 117.

Court Appointed Receivers and Referees

19 years of serving the insolvency community

“Committed to improving the value of your client’s assets, at the lowest cost, while disputes are resolved.”

Receivership, Referee & Partition Assignments
Real Estate Management & Sales
Business Management & Sales
Family Estate Management & Sales
Real Estate & Business Evaluations

ARIZONA OFFICE
40 N. Central Ave., Suite 1400
Phoenix, AZ 85004
Tel: (602) 343-1889

NEVADA OFFICE
7251 W. Lake Mead Blvd., Suite 300
Las Vegas, NV 89128
Tel: (702) 562-4230

SOUTHERN CALIFORNIA OFFICE
11460 W. Olympic Blvd., Suite 200
Los Angeles, CA 90064
Tel: (310) 552-9064

NORTHERN CALIFORNIA OFFICE
793 Folson Street, 1st Floor
San Francisco, CA 94107
Tel: (415) 848-2984

www.ReceivershipSpecialists.com
Attorneys Reprimanded in Separate Trial Court Cases

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 maricopawriter@maricopabar.org.

New Hires

Dominica Minor joins north Scottsdale law firm, Nussbaum Gillis & Dinner, P.C., as a partner. Minor has practiced law since 1999 and focuses her practice on construction and real estate matters, contract-related disputes, contract review, and helping clients to improve their collection, compliance, and business practices. She represents clients in state and federal courts in general civil and complex commercial litigation cases.

Elections

The national law firm of Quarles & Brady LLP announced that David E. Funkhouser III, an attorney in the firm’s Phoenix office, was elected to the Arizona Advocacy Network’s Board of Directors. His term began on Aug. 1 and will run through 2013. Funkhouser handles complex commercial litigation matters with emphasis in real property disputes, construction disputes, consumer lending, contract disputes and other commercial torts. In addition, he routinely represents financial institutions in all aspects of litigation. Funkhouser is heavily involved in the community and currently serves as treasurer of the Maricopa County Bar Association Board of Directors. He will serve as president-elect in 2012 and will ascend to the position of president in 2013. He is also a founding member of the Maricopa County Bench and Bar committee.

Bryan Cave Partner Neil Irwin has been elected as treasurer of Greater Phoenix Economic Council and also elected as a member of the executive committee and board of directors for the fiscal year 2011-2012. This will be the third year that Irwin has served as treasurer. He has been a member of GPEC’s executive committee and board for seven years and served as chairman during one of those years. For more than 35 years, Irwin has practiced business law with a special emphasis on transactional matters for many private and public companies. He currently represents both companies as well as high net worth individuals in a variety of activities ranging from the purchase and sale of assets and businesses to managing litigation in multiple jurisdictions.

Recognition

The Scottsdale Bar Association presented its 2011 Award of Excellence to Randy Nussbaum of the north Scottsdale law firm of Nussbaum, Gillis & Dinner, P.C., in recognition of Nussbaum’s 30 years of service to the Scottsdale Bar and the legal community. Nussbaum’s involvement has included his chairmanship of the Bankruptcy Ambushes Lurking in the Legal Jungle seminar, his years of dedication to the High School Mock Trial program, and his monthly presentation of “What’s New in the Law” at the monthly Scottsdale Bar luncheon meetings.

Steve Wolfson of Mariscal, Weeks, McIntyre & Friedlander, P.A., has been selected by Arizona State University, Sandra Day O’Connor College of Law, to receive the Outstanding Alumnus Award, Class of 1991.

Bullet 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 of national stature), CLE presentations and political announcements are not accepted. In addition, the Maricopa Lawyer will not print notices of honors determined by others (e.g., Super Lawyers, Best Lawyers, etc.). Notices are printed at no cost, must be submitted in writing, and are subject to editing. Items printed as space is available. News releases regarding lawyers who are not MCBA members in good standing will not be printed.

Attorneys Reprimanded

Sannece and his client, and ordered the other parties and attorneys to appear to determine if they were culpable.

The attorneys and parties responded in writing, pointing out that they needed Willson’s record to prepare for her cross-examination. They also observed that the rules gave Willson the means to address her problems. They informed the judge that they were parties to a Common Interest Agreement and that the attorney-client privilege precluded them from divulging any discussions they may have had about the subpoena.

At the hearing, Sannee told the judge that he did not know how much material his subpoena would cover and reminded the court that Willson could have easily used the discovery rules to limit its scope. The judge rejected his arguments.

The judge asked Sannee to identify all the parties to the Common Interest Agreement. Sannee responded that that information was itself privileged. The judge disagreed, ordering him to answer or be held in contempt, refusing a request to stay that order to allow Sannee to seek appellate review. Under pressure, Sannee divulged the identities.

The judge then asked whether the other parties had joined in the decision to issue the subpoena. When Sannee refused to answer, the judge held him in contempt. He had Sannee handcuffed right there in the courtroom. Sannee could have alleviated the problem had he not known how many reports Willson had no way of knowing how many reports Willson had generated during the pertinent time period.

Willson could have alleviated the problem “if she had sent a simple written objection.” Thus,”[t]he first time any counsel had noticed of the court’s concern was at the . . . status conference, when the court declared its view that the subpoena was intended to harass.”

Swann held that “the subpoena was a proper means of gathering information in anticipation of cross-examination relating to an expert’s bias and methodology.” The document request was not overbroad, he concluded, because when the attorneys served the subpoena, they had no way of knowing how many reports Willson had generated during the pertinent time period.

Wilson could have alleviated the problem “if she had sent a simple written objection.”

Sannece was reprimanded by the trial court for the following actions.

The judge found the following actions.

1. An attorney’s assertion that seeking Willson’s court evaluations was a standard discovery practice. Their conduct, he concluded, constituted harassment: “[S]ome things just kind of jump out at you. You can’t articulate the reasons for it.”

2. The judge held that expanded and other sanctions on the attorneys.

They filed a special appeal. The court of appeals, in an opinion by Judge Peter Swann, agreed that the trial judge “had no legal basis for the sanctions imposed against them.”

3. “The entire situation arose because a party or party witness lodged an appropriate objection pursuant to the governing rules,” he wrote, “but because a court-appointed witness complained directly to the judge in a private telephone call.” Thus, “[t]he first time any counsel had noticed of the court’s concern was at the . . . status conference, when the court declared its view that the subpoena was intended to harass.”

Swann also faulted the “judicial process and procedure” for not following proper procedure and gathering the necessary evidence. “The trial court made clear that the only evidence it was interested in receiving was the names of the attorneys who participated in the [Common Interest Agreement] and those who agreed to issue the subpoena.”

4. “[N]ot even a court’s inherent authority to reduce abuses of the judicial process can support the imposition of sanctions based on vague hunches or inarticulable reasons,” he wrote.

Swann also faulted the judge for not recognizing the problems he had created by requiring the attorneys to reveal privileged communications. The judge should have granted a stay to allow the attorneys to seek appellate review of his order.

Swann also faulted the judge for not following proper procedure and gathering the necessary evidence. “The trial court made clear that the only evidence it was interested in receiving was the names of the attorneys who participated in the [Common Interest Agreement] and those who agreed to issue the subpoena.”

“Even a court’s inherent authority to reduce abuses of the judicial process can support the imposition of sanctions based on vague hunches or inarticulable reasons,” he wrote.

Swann also faulted the judge for not recognizing the problems he had created by requiring the attorneys to reveal privileged communications. The judge should have granted a stay to allow the attorneys to seek appellate review of his order.

Swann also faulted the judge for not following proper procedure and gathering the necessary evidence. “The trial court made clear that the only evidence it was interested in receiving was the names of the attorneys who participated in the [Common Interest Agreement] and those who agreed to issue the subpoena.”

“Even a court’s inherent authority to reduce abuses of the judicial process can support the imposition of sanctions based on vague hunches or inarticulable reasons,” he wrote.

Swann also faulted the judge for not recognizing the problems he had created by requiring the attorneys to reveal privileged communications. The judge should have granted a stay to allow the attorneys to seek appellate review of his order.

Swann also faulted the judge for not following proper procedure and gathering the necessary evidence. “The trial court made clear that the only evidence it was interested in receiving was the names of the attorneys who participated in the [Common Interest Agreement] and those who agreed to issue the subpoena.”

“Even a court’s inherent authority to reduce abuses of the judicial process can support the imposition of sanctions based on vague hunches or inarticulable reasons,” he wrote.

Swann also faulted the judge for not recognizing the problems he had created by requiring the attorneys to reveal privileged communications. The judge should have granted a stay to allow the attorneys to seek appellate review of his order.

Swann also faulted the judge for not following proper procedure and gathering the necessary evidence. “The trial court made clear that the only evidence it was interested in receiving was the names of the attorneys who participated in the [Common Interest Agreement] and those who agreed to issue the subpoena.”

“Even a court’s inherent authority to reduce abuses of the judicial process can support the imposition of sanctions based on vague hunches or inarticulable reasons,” he wrote.

Swann also faulted the judge for not recognizing the problems he had created by requiring the attorneys to reveal privileged communications. The judge should have granted a stay to allow the attorneys to seek appellate review of his order.

Swann also faulted the judge for not following proper procedure and gathering the necessary evidence. “The trial court made clear that the only evidence it was interested in receiving was the names of the attorneys who participated in the [Common Interest Agreement] and those who agreed to issue the subpoena.”

“Even a court’s inherent authority to reduce abuses of the judicial process can support the imposition of sanctions based on vague hunches or inarticulable reasons,” he wrote.

Swann also faulted the judge for not recognizing the problems he had created by requiring the attorneys to reveal privileged communications. The judge should have granted a stay to allow the attorneys to seek appellate review of his order.

Swann also faulted the judge for not following proper procedure and gathering the necessary evidence. “The trial court made clear that the only evidence it was interested in receiving was the names of the attorneys who participated in the [Common Interest Agreement] and those who agreed to issue the subpoena.”

“Even a court’s inherent authority to reduce abuses of the judicial process can support the imposition of sanctions based on vague hunches or inarticulable reasons,” he wrote.

Swann also faulted the judge for not recognizing the problems he had created by requiring the attorneys to reveal privileged communications. The judge should have granted a stay to allow the attorneys to seek appellate review of his order.

Swann also faulted the judge for not following proper procedure and gathering the necessary evidence. “The trial court made clear that the only evidence it was interested in receiving was the names of the attorneys who participated in the [Common Interest Agreement] and those who agreed to issue the subpoena.”

“Even a court’s inherent authority to reduce abuses of the judicial process can support the imposition of sanctions based on vague hunches or inarticulable reasons,” he wrote.

Swann also faulted the judge for not recognizing the problems he had created by requiring the attorneys to reveal privileged communications. The judge should have granted a stay to allow the attorneys to seek appellate review of his order.

Swann also faulted the judge for not following proper procedure and gathering the necessary evidence. “The trial court made clear that the only evidence it was interested in receiving was the names of the attorneys who participated in the [Common Interest Agreement] and those who agreed to issue the subpoena.”

“Even a court’s inherent authority to reduce abuses of the judicial process can support the imposition of sanctions based on vague hunches or inarticulable reasons,” he wrote.
Scott W. Hyde

By Peggi Cornelius, CVA

Attorney Scott W. Hyde believes the value and satisfaction in practicing law comes with helping people in need. Acting on his belief, Hyde joined the Volunteer Lawyers Program. It keeps me grounded. And I learn so much, not just about practicing law, but about how to deal with different types of people with varying personalities.” A third-generation Arizona native, Hyde has followed in the professional footsteps of elderly members of his family. “My father and uncle are practicing lawyers, and my grandfather was a Superior Court judge,” he said. “Their dinner table stories of trials and tribulations influenced me, and I was incredibly entertaining.”

In his own law practice, Hyde has developed expertise in bankruptcy, real estate, foreclosure, estate planning, and business law. His current pro bono work through the VLP involves advising pro se litigants in the Bankruptcy Court. Hyde serves as a friend of the court during reaffirmation hearings to inform debtors of the pros and cons of reaffirming certain debts, such as vehicle loans. In addition to his work in reaffirmation hearings, Hyde also serves as a volunteer in the court’s Self Service Center, providing advice to those considering whether or not to petition for bankruptcy.

Staff member and client advocate Danae Brownell notes that VLP’s coordination of volunteer lawyers and law students at the reaffirmation hearings is a relatively new endeavor that relies on experienced bankruptcy attorneys. “It provides an important service to pro se litigants and simultaneously creates a learning environment for students and recent graduates from the Sandra Day O’Connor College of Law and the Phoenix School of Law. Students who have had an opportunity to work with Mr. Hyde have commented positively on his skills as a mentor.”

“As an undergraduate, I majored in mathematics and almost became a teacher before deciding to attend law school,” said Hyde. “Pro se litigants, law students and new attorneys often feel nervous about appearing in front of a judge or trustee. If I can help calm nerves and alleviate fears, especially in letting litigants know their problems have solutions, that’s my goal.”

A Lawyer with Math Skills Helping Others Pro Bono

Volunteer Lawyers Program Thanks Attorneys

The Volunteer Lawyers Program thanks the following attorneys and firms for agreeing to accept 34 referrals from VLP to help low-income families. VLP supports pro bono service of attorneys by screening for financial need and legal merits and provides primary malpractice coverage, donated services from support professionals, training, materials, mentors, and consultants. Each attorney receives a certificate from MCLA for a CLE discount. For information about cases and other ways to help, please contact Pat Gerrich at VLP at 602-254-4714 or pgerrich@clsaz.org.

Bankruptcy
Daniel E. Garrison
Andante Law Group of Daniel E. Garrison
Mack J. Hawkes
Hawkes Law Firm
Karev Mostafavi—2 winners
Mostafavi Marco & Wimmer
Nathanial James Odle
The Doyle Firm
Jared G. Parker
DeCouscini McDonald Yeberin & Lacy
David G. Preudhomme
Preudhomme Law Group
Dennis Raymond Riccio Jr
Sole Practitioner
F. Javier Sobhano
The Sobhano Law Firm
Robert Ray Teachey
Sole Practitioner

Consumer Issues
Jeffrey R. Brooke
Bowman and Brooke
Kirsten Copeland
Sole Practitioner
Jennifer Lyn Melton
Bowman and Brooke

**pro bono spotlight on current need**

Attorneys are needed to assist 7 low-income families with uncontested adult guardianship cases to care for relatives with disabilities. Two families speak Spanish.

To help, please call Pat Gerrich at 602-254-4714.

Attorneys Reprimanded

COURTWATCH, continued from page 14

a legal position with which the court disagrees.” Swann continued, “the notion that they can properly be handcuffed in the courtroom undercuts the rules of procedure and ethos of the courts of this state.”

“No attorney should fear that the assertion of privilege will result in the deprivation of his or her liberty until the full measure of due process has been afforded,” Swann concluded. Joining in vacating the orders were judges Patrick Irene and Maurice Portley.

The State Bar of California grants membership to graduates of California law schools that are not ABA-accredited. Mark S. Corrinet graduated from a non-accredited California law school and practiced law in that state. He later moved to Oregon and applied to take the bar exam but was refused, evidently because of his unaccredited law school.

The federal court in Oregon requires its members to be members of the Oregon bar. Corrinet was nevertheless admitted to the federal bar, having been waived in by the then-chief judge. He did not regularly practice in that court, but he did maintain his good standing.

Corrinet recently represented the plaintiff in a personal-injury action in the federal court. The judge assigned to the case scheduled a hearing on a show-cause order, but he did not reveal its purpose.

When Corrinet arrived at court, the judge informed him for the first time that he was the subject of the hearing and had to show cause why he should not be disbarred because he was not a state-bar member. At the end of the hearing, the judge allowed him to remain on the federal bar’s rolls, temporarily, on condition that he seek membership in the state bar.

When Corrinet’s efforts with the Oregon bar proved unsuccessful, the judge entered an order revoking his federal bar membership. Corrinet appealed. A panel of the Ninth Circuit agreed. In re Corrinet, No. 10-35568 (9th Cir. July 19, 2011).

Writing for the court, Circuit Judge A. Wallace Tashima noted that the United States Supreme Court had long recognized that attorneys subject to disbarment are entitled to due process, holding: “Disbarment being the very serious business that it is, ample opportunity must be afforded to show cause why an accused practitioner should not be disbarred.” The district judge’s first error, Tashima held, was the failure to provide proper notice to Corrinet. “The docket entry setting the hearing does not indicate which party was required to show cause or for what reason.” The judge also failed to follow the district court’s disciplinary rules in conducting the hearing, which required giving the attorney proper notice and the opportunity to file a written response. Tashima also held that the district judge could not be both the complainant and the decisionmaker. Under the local rules, the chief judge was to appoint a presiding officer for the disciplinary hearing.

The district judge had also improperly required Corrinet to gain state-bar membership, Tashima held. The attorney was improperly denied the opportunity to present his defense against disbarment. “Instead, apparently put on the spot and unprepared, Corrinet could only agree to pursue admission to the Oregon State Bar.” On top of that, Corrinet was not given an adequate opportunity to seek state-bar admission.

Joining Tashima in reversing the district judge was Chief Judge Alex Kozinski. Judge Sandra S. Ikuta dissented, contending that the court lacked jurisdiction over the appeal.
DRIVE HOPE HOME

CASE, HUFF & ASSOCIATES INC.
2011 PRO BONO GOLF CLASSIC
AT LEGACY
NOVEMBER 5, 2011
REGISTRATION 6:30 AM | SHOTGUN START 7:00 AM

$311K GOAL FOR 2011 CHARITY DRIVE

"LAWYERS REALLY DO CARE."

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

www.maricopabar.org