New Partnership to Serve Members’ Office Needs

As MCBA’s newest endorsed corporate partner, Corporate Office Centers, will now provide preferred access to office space and services to MCBA members. “We are very pleased to partner with Corporate Office Centers,” said Executive Director Allen Kimbrough. “The office space and business services they provide align well with what many of our members need. We think it will be a popular value-add member benefit.”

Corporate Office Centers has six Valley area locations, including in CityScape across from the courthouse, which will give members ample location flexibility. Corporate Office Centers is an executive suite operator with 34 national locations and provides access to over 500 affiliated locations worldwide. For two decades, Corporate Office Centers has specialized in tenant-ready office infrastructures, providing attorneys with furnishings, state-of-the-art telecommunication systems and services, high-speed Internet connectivity, and access to conference and meeting rooms.

This service allows a new sole practitioner or a small group of practitioners to immediately set up an ideal office and begin practicing without having to purchase furnishings, technology or set up a reception area. They also offer cost effective “Virtual Office” plans that provide a bridge between working at home and a full time office. For a sole practitioner or an attorney leaving a large firm or a large firm that is entering a new market, Corporate Office Centers can provide a flexible alternative to traditional office space with no capital expenditure within a 24- to 36-hour timeframe.

Corporate Office Centers also provides conference and break-out rooms for depositions and mediations, and they have the expertise to provide space to trial teams. “We have worked with several AmLaw 100 firms and know what it takes to provide these firms with the highest quality of customer service while taking as much as possible off the trial team’s plate so they can concentrate on their case,” said Rebecca Romero, marketing director.

See New Partnership to Benefit Members page 11

VLP Celebrates 30 Years of Volunteer Service

For 30 years, the Volunteer Lawyers Program has worked diligently to provide legal services to those unable to afford legal assistance. On June 8, VLP celebrated its 30th anniversary at its annual pro bono awards ceremony, “For Love of Justice.” The ceremony recognized 38 attorneys, firms and programs who received awards for their outstanding efforts in providing pro bono assistance through VLP. Find a complete list of awardees on page 13.

The awards were presented by Arizona Supreme Court Chief Justice Rebecca White Berch, former Arizona Supreme Court Chief Justice Frank X. Gordon, Jr. and Presiding Family Court Judge for the

See VLP Celebrates 30 Years page 13

Supreme Court Upholds Arizona Law Requiring Employers to Verify Workers’ Citizenship Status

An Arizona law aimed at preventing the employment of illegal aliens has survived a lawsuit contending that it is incompatible with federal law. The Supreme Court has affirmed lower federal courts’ rulings that federal immigration laws do not preempt the Legal Arizona Workers Act. Chamber of Commerce of the United States v. Whiting, No. 09-115 (U.S. May 26, 2011).

The Arizona statute requires Arizona employers to verify the legality of workers they hire. It imposes a series of sanctions for knowing and intentional violations; violators face suspension and revocation of their business licenses, including their business charters.

The Chamber of Commerce and others filed suit, arguing that federal immigration law preempts the Act. The Immigration Reform and Control Act expressly preempts “any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.”

One feature of the Legal Arizona Workers Act requires employers to use a program—“E-Verify”—to confirm workers’ eligibility. But the federal law creating E-Verify specifically precludes the federal government from making it mandatory for private businesses. The chamber argued that Arizona could not
Our Identity Crisis

David H. Benton
MCBA PRESIDENT

How do you describe yourself? Lawyer? Attorney? Counselor? Dad, mom? Or the envy of all that know you and those who will assuredly hear about you or meet you? If you answered the last one, may I never have the pleasure of meeting you. But for the rest of us mere mortals, I think the answer to that question is meaningful.

I have always described myself as an attorney - respectful. When I was a young (attorney), everyone had "lawyer" jokes, but nobody told "attorney" jokes. I figured maybe the nomenclature contained inherent respect. Now that I am older (attorney), I realize that was ridiculous. You create, manage and maintain your own respect, no matter what you decide to call yourself.

I am certain you have thought about this.

What will you say when someone asks you what you do? Some of us answer with where we work. Maybe to impress. "The Law Firm of insert-name-here," The Supreme Court. And yes, when spoken properly, it sounds like the words are capitalized. We attorneys are not alone. I work at the Pentagon; NASA; the FBI; I am with the governor's office. Although, I don't get the same reaction when I say, "I am with the government." I wonder why.

Anyway, I think maybe we should change the question. Who are you? I suspect the answers will be thoughtful and inspiring. I am a father; a proud mom of three wonderful children; the big sister of the first doctor in the family; the son of man who went back to school after supporting his family. The responses are endless and the conversation it sparks, profound.

Imagine what you could learn about the legal assistant in your office or the janitor who is coming into the office as you are leaving. Think about all the stories you have inside of you. What would the next social gathering be like? Most of us attend those things to network and socialize with other people in the legal profession. We know what they do, so there is little reason to ask that question. But don't ignore the operative word in the phrase – people . . . in the legal profession. People are not what they do.

I challenge you, and myself as well, to change the paradigm. Unless you specifically decide not to hang around with those in your chosen profession (and you know sometime you do), I urge you to get past the easy stuff and get to the good stuff. Once you get past, "What firm do you work for? What bench are you on these days? How is your trial going?" Ask about what you really want to know: Who are you? Tell me about your newly adopted daughter? How is your grandfather doing?

You know the phrase, "It's called life, not work." I say this to myself constantly. Well yes, because I am constantly working; but most importantly because I must remind myself that we are here to lead a life, not accomplish a task. You have heard me rant about it in this space before – don't email when you could call; don't call when you can walk over and talk. So, right now, put down the Maricopa Lawyer (but only after you have read it cover to cover) and walk over to someone and ask them, Who are you? And prepare to be enlightened.

OPINION

Arnold vs. Sarn: After 30 Years, Now What?

By Charles L. Arnold

After a brief mention as part of a larger story in the Clerk’s Corner of the May edition of the Maricopa Lawyer, the Clerk’s Office suggested that a summary of the Arnold vs. Sarn case would be helpful to more fully cover the extent and history of the case and to demonstrate the importance of historically significant cases.

This is my perspective, as a party to that case who participated in helping write the legislation written in 1980 which formed the foundation for the lawsuit, through 2010 when the case was “put on hold.”

This class action lawsuit was filed in 1981 and was based upon a relatively new statute providing for a full range of community-based service to the seriously mentally ill of our state. As the public fiduciary in Maricopa County, I was the guardian of 600 folks, many of whom were persons with serious mental illness who were not being served pursuant to the statute. That’s the case. Period.

The state’s defense to the complaint was that there wasn’t enough funding to meet the vision of the statute. The court disagreed, directing the defendant state to either seek additional funding from the Legislature or ask the Legislature to repeal the statute, which, the court had found, had created a mandatory duty to provide the services set forth therein.

Thereafter, in 1989, in a 40-page poetic decision authored by Judge Sarah Grant, our Supreme Court (Arizona Supreme Court) affirmed the lower court decision, and ordered that the services be provided.

Indeed, this case represents a classic example of the separation of powers doctrine: the initial statute was passed by the legislative branch, creating a mandatory duty in the executive branch of government, which was interpreted and enforced by the judicial branch.

Since 1991, when the parties reached an agreement to implement the court’s order, known as the “Blueprint” or the “Implementation Plan,” a court monitor was put in place who served as a safety net for many consumers and provided the court with yearly audits of the mental health system in Maricopa County. The purpose of these audits was to see how the defendants were doing in terms of meeting the agreed to exit criteria. The audit regularly showed dismal results, which created a constant energy in the Legislature to repeal or significantly alter the statute that formed the foundation for the lawsuit.

Over the years, since 1991, the court monitor provided invaluable assistance to consumers and families, and helped guide the actions of the defendants directed toward satisfying the requirements of the court order. Last year, in preparing her proposed budget to submit to the Legislature, Gov. Jan Brewer included the repeal of the statute, leading the plaintiffs, represented by the Arizona Center for Disability Law in the Public Interest and the Arizona Center for Disability Law, to approach the governor to negotiate a deal. In order to preserve the statute (even in a vacuum, as funding cuts and service reductions had decimated the mental health system), the plaintiffs agreed to “suspend the suit for two years or for so long as the fiscal crisis continues,” and, most importantly, to immediately disband the Office of the Court Monitor.

Since 1991, I had served as counsel for the court monitor and was not a party to those negotiations. However, the result of those negotiations is now that the case is virtually over. There are no longer pathways for consumers to use to address their grievances; there is no longer objective and independent data kept relating to the successes or failures of our behavioral health system; and our mental health community remains paralyzed by circumstances. Service reduction and budget cuts have made it difficult for many consumers to maintain their community lifestyle, and many advocates remain worried that the worst has yet to bubble up.

It’s unfortunate that the years of hard work by all parties involved in this historic case were never able to result in the satisfaction of the court’s orders, nor able to realize the vision of the underlying statute as passed by our Legislature in 1980. Under the cover of the fiscal crisis, the defendants have been able to accomplish what was never possible during the active life of the case. And, I’m afraid, the price for this action in putting this case “on hold” indefinitely is, and will continue to be, paid by those in our community who are least able to afford it – those with serious mental illness.

Charles L. Arnold, “Chick,” joined Frazer Byun Goldberg & Arnold LLP in June of 2002. He specializes in mental health and elder law, serving the developmentally disabled, the mentally ill, and the elderly and as a judge and commissioner pro tem in the Maricopa County Superior Court, probate division.
Social networking sites can be a great resource for litigation. A quick search of the Internet shows that lawyers have thought of a number of ways to mine and use information from sites such as Facebook in lawsuits, a few ways of which I will mention here.

The most obvious example is a variation on plaintiffs who claim to have a disabling injury being caught on camera while engaged in some sport or physical activity. The variation is that it is now the plaintiff himself who may post the photos on Facebook (as I am writing this, a Congressman from New York is experiencing a similar problem).

Under the Stored Communications Act, it may be difficult to obtain that sort of information from Facebook directly, but there are other ways to get this information. For example, if the party’s account is not set to “private,” the content on their page may be publicly available. Even if the account is set to private, there are a growing number of decisions that find that parties have an obligation to produce information from social networking sites in response to requests for production under Rule 34.

Other age-old discovery issues take on a new life in the social media context:

Imagining a world where a savvy enough individual could obtain information about this lawyer and his case from his Twitter, Facebook, or LinkedIn account may be useful in the courtroom. Other symptoms include nausea, weight change, loss of appetite. The tumors and their spread may cause severe pain. The tumors are usually detected when they start to press on the optic nerves, causing vision problems. Other symptoms include nausea, weight change, loss of appetite, fatigue, joint pain, increase in shoe or ring size, and high blood pressure.

Bull’s tumor was removed in a three-hour surgery with a minimally invasive technique through his nose. “I think if we would not have jumped up and gotten to Barrow, this tumor might have killed me or even blinded me,” said Bull.

Experts say there is no way of knowing how long the tumor had been growing. “I had no idea until that night. It was probably there for years.” Bull says his eyesight is back to normal now, but his life will never be normal again. “I appreciate every moment of every day now,” he said.

### Did You Set Your Facebook Profile to ‘Private’?

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### Local Attorney Ed Bull Recovers Sight After Brain Tumor Surgery

By Lynne Reaves

Medical experts believe as many as one in every 10 people may have a brain tumor. The good news is that most of these tumors, located in the pituitary gland, will never interfere with a person’s life. That was not the case for Phoenix lawyer Ed Bull, however, who was rushed to Barrow Neurological Institute last November with a splitting headache and double vision.

At Barrow, doctors found a golf-ball-sized brain tumor. Luckily the tumor was a pituitary gland mass—rarely malignant—but it had begun pushing on the optic nerve and, left untreated, could have killed me. “I felt like my head was splitting open and by the time my wife got me to the ER, I was seeing double. One of my eyes was looking the other way. I was losing my sight,” said Bull, the president of Phoenix law firm Burch & Cracchiolo. “When they told me I had a brain tumor, I instantly thought the worst. But I was wrong.”

Bull neurosurgeon Andrew Little, MD, is a pituitary tumor expert and says Bull was losing his eyesight rapidly when he met him in the emergency room. “There was bleeding into the pituitary tumor, which caused it to expand rapidly and press on the optic nerve, the nerve that controls vision,” said Little.

The pituitary gland is located in the base of the skull between the optic nerves and largely controls hormones. Researchers say pituitary tumors generally grow very slowly. In rare cases, bleeding occurs inside the tumors and causes severe symptoms. The tumors are usually detected when they start to press on the optic nerves, causing vision problems. Other symptoms include nausea, weight change, loss of appetite, fatigue, joint pain, increase in shoe or ring size, and high blood pressure.

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### A Big Thank You to the Sponsors of Our Very Successful 2011 Summer Associates Social!

Local Attorney Ed Bull Recovers Sight After Brain Tumor Surgery

The Bull Family

A Big Thank You to the Sponsors of Our Very Successful 2011 Summer Associates Social!
Arnold vs. Sarn and other Historically Significant Cases

The Clerk’s Corner in the May edition of the Maricopa Lawyer discussed historically significant cases that have touched the Superior Court in Maricopa County in one way or another. Parties, attorneys, judicial officers and others were encouraged to designate qualifying cases for this designation. The process and forms are readily available and the brief time it takes to file the motion potentially preserves the case for all time.

Arnold vs. Sarn

Among the cases listed as examples was this description: “Public Fiduciary vs. Arizona State Hospital (Sarn case/mental health), which began as a class action in 1981 and continues today.” Fortunately, this cursory write-up caught the attention of Charles Arnold, the “Arnold” in Arnold vs. Sarn, as the case is nationally and internationally known by the legal and non-legal community. Arnold (“Chick” when engaged informally) was willing to share his insight into the case and its far-reaching effects and agreed to have his comments published in this edition of the Maricopa Lawyer.

The value in designating a case as historically significant is that the case remains available to educate and put the legal and social environment in context. Even more valuable is designating cases while the players are still available and passionate about their insight.

The Electronic Record on Appeal Expands

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. Based on the success of the initial pilot, the Clerk’s Office will begin to expand the electronic transmission of the record on appeal to the Court of Appeals, Division One for appeals related to the criminal case type. This fall the Clerk’s Office anticipates using the electronic record on appeal to transmit death penalty cases and election challenges to the Arizona Supreme Court.

To further enhance the electronic record on the criminal appeal cases, effective July 1, 2011, the Clerk’s Office will provide documents associated with the record on appeal, including the index, on a CD-ROM. Public and defense agencies as well as private defense counsel will access the superior court record on appeal through the CD-ROM. This method replaces the former paper process and only applies to public and private attorneys representing a client whose criminal case is on appeal from the Superior Court in Maricopa County to the Court of Appeals, Division One. Access to public records will remain available from the Clerk’s public access terminals located around the valley as well as through the Electronic Court Record Online (ECR Online).

One Woman, MCBA and State Bar Finally Get Death Statute for Vehicles Changed

By Mark Moritz

Estate planning just got a little easier for Arizonans. ARS § 28-2055 has been amended to permit designation of a “transfer on death” beneficiary without the previous requirement that the estate be “small” as defined in § 14-3971 (net value of personal property not greater than $50,000).

28-2055. Certificate of title; content requirements; transfer on death provision; delivery

A. The department or an authorized third party shall print the certificate of title, and it shall contain forms for assignment of title or interest and warranty by the owner, with space for notation of liens and encumbrances on the vehicle at the time of transfer. The certificate of title shall also contain the odometer mileage disclosure statement pursuant to section 28-2058.

B. At the request of the owner and on payment of a fee prescribed by the department by rule, the certificate of title may contain, by attachment, a transfer on death provision where the owner may designate a beneficiary of the title. The attachment shall include a notice to the owner and any beneficiary that the monetary limitation on the transfer of personal property in a decedent’s estate prescribed in section 14-3971 may apply.

Now the statute is consistent with Arizona’s other statutes that permit non-probate alternatives for transferring property at death: Pay On Death/Transfer On Death titling for personal property, and Beneficiary Deeds for real property. A person has been able to name a POD/TOD beneficiary of a bank or investment account with no limit on the value. A person has been able to record a Beneficiary Deed for real estate with no limit on value if it include the “small estate” language? How did it get fixed? Thanks for asking.

It started with one lawyer, Kathie Gummere, who said to herself, “My clients can arrange to leave their entire estates to their heirs with POD/TOD titling and Beneficiary Deeds, except for their vehicles. There should be a similar provision in the law so that heirs don’t have to go through the probate court just to be able to sell Dad’s RV when he dies.” In 2004, she approached then-Senator Bill Brotherton (now a Maricopa County Superior Court judge), who agreed that it was a good idea, and sponsored the legislation in 2005. It did not pass. Gummere tried again in 2006, this time through attorney Jay Polk, who was working on proposed legislation on behalf of the Probate Section of the State Bar of Arizona. The idea never made it into the proposed legislation for that year.

Gummere persisted. In 2008, she contacted Sen. Ken Cheesman. He recognized that it was a good thing for the people of Arizona, but his proposed legislation ran into resistance from the MVD, who seemed to be hung up on the “small estate” language they were familiar with from § 14-3971. Gummere (through Reps. Kirsten Sinema and Andy Biggs) explained to the MVD representatives that it was possible to leave a million dollar bank account via POD titling, but not a $51,000 vehicle. They were not persuaded. As a compromise, Rep. Biggs added the “small estate” language. That appeased the MVD, but didn’t help the people who were forced to hire probate lawyers and go through Probate Court proceedings because Morni’s minivan pushed her estate over the § 14-3971 limit.

Then, the Maricopa County Bar Association’s Estate Planning, Probate & Trust Section got involved. Norm Miller and I corresponded with Rep. Biggs, and met with some people from the MVD, but at that time,
Got a Bully on Your Back? Here’s Why Not to React

It sounds like you are dealing with a bully. Even though we are adults and attorneys, we need to recognize that bullies do exist. In fact, we, as associates, are probably more likely to be the victim of a bully than other more seasoned attorneys and partners. Bullying takes many different forms, from the attorney who tries to strong arm you during settlement to the attorney who literally screams and curses in the courtroom or on the phone. Some bullies will file a motion a day with the court and make personal attacks on you whenever they are given the opportunity. Other bullies are more subtle; they will lie and threaten you with bar complaints, and change their story every day.

In trying to understand why certain lawyers do this, I’ve thought long and hard about my own experiences with bullies. I believe some lawyers bully because they are insecure or incompetent, while others may just welcome the chance to hide behind the adversarial system. Still others may bully because they believe they will somehow gain leverage to help “win” their case. What I’ve learned, however, is that bullying doesn’t pay off in the end, even though you may feel like it does along the way.

An important aspect of understanding bullies is to recognize how a bully makes you feel and to address those feelings. Bullies can make you feel insecure about your abilities and knowledge, confused, angry and even hurt. When you feel like you are being attacked, it is hard not to fight back because, in your mind, you are protecting your reputation and everything you have worked for over the course of your career. But not reacting is probably the best approach. Do not lose your temper or control of your emotions, and do not respond with aggression of your own. Reacting will cause you to lose focus on the case, which is what the bully wants. Your attention and time needs to be on the case, period. However, I do recommend being careful in your interactions with a bully and preparing yourself, as best you can for what you know will be a psychologically draining case. Here are some additional practical pointers:

- Always be prepared, know the law and know the case!
- You should be respected and you can set boundaries with the bully, when appropriate. If the line is crossed, be prepared to end the meeting or telephone call, provided ending the call will not negatively impact your client.
- Take copious notes and document all interactions/communications in writing via e-mail or correspondence.
- Lean on your mentors or the firm’s partners, when appropriate, for guidance. They can also be great sounding boards and they probably have their own “war” stories.
- Fight the urge to “fire back” and take time before you respond to something inflammatory. Ask someone to review anything you write that might be considered less than completely courteous and professional.
- Even though you want the court to know all about how the bully has been acting, hold back. The Judge will figure it out on his/her own, and will take the bully’s behavior into account when and if it is appropriate.
- Most importantly be the better, more professional, and more courteous attorney and person in everything you do! An example? Even though the bully may not give you an extension, extend one when he asks, and do it with grace. Good luck!

I am always on the lookout for innovative writing techniques that aid clarity and promote plain English writing, and one website that never lets me down is www.plainlanguage.gov. Although many of the writing guidelines on this site are intended for those writers drafting federal rules and regulations, the tips and techniques are transferable to other documents as well. Specifically, the “if-then” table is a technique that all legal writers can benefit from using.

An “if-then” table is used to organize complex information that involves a series of possibilities or conditions. When this type of complex information is organized in a table format, a reader can more easily follow it and trace the potential results. A table also helps the reader focus on just those possibilities and conditions that are relevant to the reader.

Simply put, an “if-then” table has a minimum of two columns: (1) a column for “if” to explain the possibility or condition and (2) a column for “then” to illustrate the consequence of the corresponding possibility or condition. More columns can be added for additional conditions. Following is an example of a single-condition table. More examples are available on www.plain-language.gov.

If you claim the following exemption... Then the form to use is...

By using a table instead of a dense paragraph, the information feels more personal to the reader, especially if the table uses first- or second-person pronouns in its headings. These “if-then” tables are useful in client letters, legal memoranda, contracts, handbooks, and notices. Personally, I have used “if-then” tables to explain complex statutes to others and to take my own personal notes when researching.

Now if I could only go back in time to use these tables in all of my writing, then I would be a happy writing professor!
The Premier Paralegal Event is fast approaching and we are looking forward to providing the division with information that will be useful in your daily job responsibilities. This year the conference committee has scheduled two paralegal panels that will focus on the utilization of the paralegal in various practice areas, including transactional, litigation and probate—just to name a few. The market is changing and paralegals are taking on a more essential role in the legal field. The division wants to make sure that you are provided with information that you can take back and use at your place of employment. Please make note of the conference committee meetings: July 7 and 21, August 11 and 18 and September 1, 8, 15 and 22.

Our recent CLE “Representing Veterans in Criminal Cases,” was informative but what I really took away from the presentation was that as a legal professional there are circumstances that require not only an understanding of the law but an understanding of the human psyche and what can happen to an individual who experiences a traumatic event or several traumatic events. The good news is that there is a veteran’s court. The court, which is fairly new, is designated to adjudicate cases involving offenses committed by veterans. For more information about how your firm can assist, please contact Craig Logsdon at Snell & Wilmer.

The National Association of Legal Assistants (NALA) will hold its annual convention in Dallas/Plano, Texas from July 27-30. The NALA elections will be held at the convention, and if you are a member of NALA and cannot attend the conference, you may designate a proxy to cast your vote. Arizona is in Region VII and the director of Region VII is located here in Phoenix. If you have questions or want more information, please visit the NALA website at www.nala.org.

Continue to check the website for updates. Hope to see you at our next board meeting on Aug. 8 at 5:30 p.m. Again, I would like to hear from you! Please feel free to contact me directly at paralegal@maricopabar.org.

If you want to get involved with the conference, please come to the next meeting on July 7 or contact Linda Hasseler at lhasseler@fclaw.com.

Warm Regards,
Kelly L. Gray, C.P.
Meet Our 100% Club Members for 2011
And if you’re not a club member, you’re invited to join!

The Maricopa County Bar Association is pleased to endorse its 100% Club members in this issue of the Maricopa Lawyer. These firms have made a commitment to the bar association and its work on behalf of the local legal profession and the public by assuring membership to all of their attorneys.

The 100% Club also confers special privileges to its member firms: convenient one-payment dues billing, firm name listed on plaque in the bar’s lobby; yearlong listing on the website and weekly E-News, media promotion; 5% discount to firm members on selected CLE programs; and a free promotional advertisement in this issue.

100% Club invitations are now being issued for 2012 and all firms with five or more members are invited to join. Just contact Cynthia at (602) 257-4200 or at cquinonez@maricopabar.org for more information or to become a member.
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Our new managing partner
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Specializing in employment law and commercial litigation.

Mary O’Grady
Our newest member
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It’s an honor for this boutique firm to have three attorneys listed in Southwest Super Lawyers® and for them to be included on the list of Arizona’s Top 50 attorneys. They are partners Steven Plitt, Timothy R. Hyland and William M. Demlong.

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It’s an honor for this boutique firm to have three attorneys listed in Southwest Super Lawyers® and for them to be included on the list of Arizona’s Top 50 attorneys. They are partners Steven Plitt, Timothy R. Hyland and William M. Demlong.

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Congress has approved a final package to fund the federal government through the rest of Fiscal Year 2011, which includes $404.2 million for the Legal Services Corporation, a $15.8 million cut from FY 2010 levels.

Most of the cut comes from LSC’s basic field grants—the core of LSC’s budget—which are distributed to the 136 local, independent nonprofit organizations that form the backbone of America’s civil legal aid system. The rest of LSC’s budget, including funding for technology projects at legal aid programs and loan repayment assistance for legal aid lawyers, was subject to a government-wide cut of .2 percent.

Responding to the cut, LSC Board Chairman John G. Levi said, “…We are grateful that funding cuts will not be as deep as initially proposed, and we look forward to working with the Congress on Fiscal Year 2012 funding to provide even greater access to justice for the growing number of low-income Americans…”

The House of Representatives previously passed a bill that would have cut LSC funding by $70 million. An amendment to eliminate LSC funding entirely was defeated by a bipartisan vote of 259 to 171.

The final cut will nevertheless have real consequences throughout the nation. The president of the Colorado Bar Association said, “Though the loss in federal funds is not as staggering as we had originally anticipated, it still will further impact our ability to effectively and efficiently serve people in need of low-cost or pro bono legal services.”

The bill (H.R. 1473) was signed into law by President Obama on April 15.
Summer Associates Social Brings Out a Crowd

The MCBA Diversity Committee’s annual event quickly became a convivial party for over 100 new and established members of the bench and bar. Held June 9 at the MCBA office, the event was open to first and second year associates, summer associates plus bar leaders and others of the legal community. The overflow crowd came early and stayed late, many taking in a basketball game on the bar’s TV.

A group of young attorneys takes time out for a photo at the Summer Associates Social.

One Woman, MCBA and State Bar

continued from page 4

the legislature was preoccupied with the budget, so that attempt went nowhere. Miller and MCBA-EPPT member T. J. Ryan requested help from the Probate and Trust Executive Counsel of the State Bar of Arizona (PATEC). PATEC Chairman Jim Ryan added it to the proposed technical corrections bill; the PATEC board approved it; the Board of Governors of the State Bar approved it.

Then the State Bar’s lobbyist, Mark Bolton, (Brownstein Hyatt Farber Schreck, LLP) rounded up the legislative sponsors. Jim Ryan attended three separate hearings at the legislature in support of the entire technical corrections bill, the legislature passed it, and then Ryan had to respond to questions about the vehicle TOD section from the governor’s office.

Governor Brewer signed it, and finally, seven years later, Kathie Gummere’s mission has been accomplished!

Many lawyers spent many hours trying to get this legislation passed. They were not motivated by self-interest. In fact, all the lawyers involved knew well that this legislation would reduce the need for Arizonans to hire probate lawyers. So, what was their motivation? A desire to serve the public, to reduce attorneys’ fees, and make things better and easier for the people of Arizona. Next time you see any of the people mentioned above, give them a big “attaboy,” with special thanks and congratulations to Kathie Gummere, who started it all.

The Transfer On Death form is available online at the MVD’s website, as form 96-0561 ("Beneficiary Designation"). As of this writing, it still has the “small estate” language at the bottom of the page, but we hope and expect that it will be corrected by the statute’s effective date, July 20, 2011.

Lawyer Referral Service Needs You

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BOOK REVIEW

**Scorpions: The Battles and Triumphs of FDR’s Great Supreme Court Justices**

by Noah Feldman


By Judge George T. Anagnost,

Pecos Municipal Court

Exploring in depth the backgrounds, accomplishments, and varied personalities of U.S. Supreme Court justices seems to validate Benjamin Disraeli’s urging that to really understand human events, one should read biography, not history. The justices’ stories are no exception. The details of their youth, personal struggles, and perhaps the lucky circumstances that brought them to the bench provide great reading for the legal historian.

Scorpions (the title refers to a description of the justices by a former law clerk), is Noah Feldman’s study of four of FDR’s New Deal appointees – Hugo L. Black, William O. Douglas, Robert H. Jackson, and Felix Frankfurter. His work is a fine contribution to Supreme Court biography and can be highly recommended. With the same qualities of style, well-turned phrases, and detail akin to Melvin Urofsky’s Louis D. Brandeis or William Wiecek’s Holmes Devise volume on the court from 1941 to 1953, Feldman shows how the justices’ ideological divisions affected the substance of their decisions, and, more significantly, how the social and economic tensions that America endured during the New Deal Era parallel similar tensions happening today.

Yes, all the justices were committed to social betterment and reforming American society, but just what form that social change should take and what legal structure the Constitution required in the process revealed little consensus. In 1937, when the Stewart Machine Company sued the Commissioner of Internal Revenue to recover a $465 payroll withholding assessment, the Supreme Court’s affirmation of federal statutes providing for mandatory unemployment tax contributions framed the contours of core issues that persist to the present. What is the true scope of federal power? What limits must be imposed to give proper deference to states’ rights and personal liberties? In the opinions of these four justices one can see initial articulations of the doctrines of originalism, selective incorporation under the Fourteenth Amendment, and the question of judicial restraint versus judicial activism.

For Feldman, the dominant theme of his portrayal is a study in contrasts. From humble beginnings on an Alabama farm and political ties to the Ku Klux Klan, Black supported broad national economic policies and championed minority civil rights (so much so that on return visits to Alabama, he donned a bullet-proof vest).

From isolated surroundings in Yakima, Douglas became an expert in far-reaching federal securities and bankruptcy laws. Robert Jackson grew up in rural New York but, like the others, showed great aptitude for legal thinking and academic excellence such that he would become one of the Supreme Court’s most eloquent and oft-quoted writers.

Finally, Frankfurter was the American Dream personified. Unable to speak English when he arrived from Vienna at the age of twelve, he became a brilliant and demanding professor whose students, known as Felix’s “happy hot dogs,” filled the ranks of government agencies and law clerkships. As a justice, he left a mark in all areas of constitutional law and due process analysis. Not as well known was his efforts behind the scenes to urge his colleagues to attack segregated public schools, a long undertaking helped providentially by the arrival of Earl Warren and culminating in Brown v. Board of Education, the last major opinion that included all four of the FDR appointees.

During their tenure, the Scorpion justices ruled on New Deal legislation, Japanese internment, loyalty oaths, the communist party prosecutions, criminal procedure, the Establishment Clause, voting rights, and the president’s attempted seizure of the steel mills during the Korean War. All the while, Feldman describes justices whose strongly held beliefs led to disagreements and icy interactions.

For Frankfurter, it became personal when his brethren voted to reverse the Gobitis Flag salute decision and rejected his view that a citizen’s obedience to his country took precedence over religious beliefs. In 1945, when press accounts about the bitter rivalry between Black and Jackson over the newly available chief justice position put the Court in such a negative light, President Truman appointed Fred Vinson, in part to put the matter to rest.

Early in his career as a private attorney in New York, William Douglas experienced severe migraines and stomach pain that brought back frightful memories of his childhood bouts of peritonitis. Eventually he consulted Dr. George Draper, FDR’s personal physician, who believed that analysis of the patient’s mental state, the “psychological factor,” was the key to understanding a physical ailment. Remarkably, during one session Douglas was given a fluoroscope and allowed to see his own digestive tract as Draper whispered in his ear, “Rudolph Valentino died of peritonitis.” Witnessing the visible change on the screen, Douglas understood the message: sometimes fear is all in the mind.

At a time when America again struggles over the meaning of the Constitution and “rational” minds somehow posit violence as a means of social change, perhaps it would be prudent to re-read American biography a bit more carefully and ponder those dangers that are real and those that are illusory.

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To learn how you can benefit from this partnership or to inquire about Corporate Office Centers’ Phoenix locations, contact Cathy Judge at (602) 953-5300 or mdbp@coropoff.com. Be sure to identify yourself as an MCBA member. More information about Corporate Office Centers may be obtained at http://corporateofficecenters.com.

**Got an Itch To Write More Than Motions?**

Maricopa Lawyer welcomes contributions, from news and feature articles to humor and opinion pieces, that are law-related or of special interest to the legal profession. The Maricopa Lawyer editorial board reserves the right to reject articles and to edit contributions for length or content. Contributions must be submitted to maricipalawyer@maricopapar.org or Maricopa Lawyer, Maricopa County Bar Association, 303 E. Palm Lane, Phoenix 85004.

**JULY 2011 CALENDAR**

- **MCBA Office closes at Noon for July 4 holiday**

- **Paralegal Conference Committee**
  - Meeting: 5:30 p.m.

- **Executive Committee meeting**
  - Meeting: 7:30 a.m.

- **Public Lawyers Division Board meeting**
  - Noon

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

Judge Q-and-A: Talking with Judge Danielle J. Viola

Q. What has surprised you the most about making the transition from a partner at Snell & Wilmer to a superior court judge?

As a judge pro tempore, I enjoyed having the opportunity to evaluate cases as an outsider rather than as an advocate. My experience with settlement conferences also gave me the opportunity to learn about new areas of the law and to interact with attorneys with whom I was unfamiliar. Conducting settlement conferences served as a catalyst to exploring a career on the bench.

Q. What were you doing when you were notified of your appointment to the bench?

I was in the midst of day one of a bankruptcy court trial when I was notified of my appointment. I returned to my office during a break to find several phone calls waiting for me. When I returned the call and heard the news, I was ecstatic. After the call, I realized that I would have to balance my excitement about the appointment with my duties related to the rest of the week-long trial.

Q. What’s your favorite quote?

“I’d rather be a failure at something I love than a success at something I hate.”

Q. If you had a day to spend with anyone (living or dead, real or fictional), who would it be and what would you do?

Today, I would have to say Louis Zamperini. I just finished reading Unbroken by Laura Hillenbrand, which is about Zamperini’s life. He was a man who lived an amazing life as an Olympic athlete, a plane crash survivor, and a POW during World War II. He endured under circumstances where others could not, and he seems to have lived his life without regret. I would spend the day listening to him and discussing his experiences.

New Judges and Commissioners Appointed

Judge Killed in Accident Commemorated

On April 27, friends, family and colleagues paid tribute to Judge John Manuel Gaylord, who was killed in a motorcycle accident on April 6, 2007, as his official portrait was unveiled. The portrait will be on display in the hallway between the Central and East Court Buildings.

Judge Gaylord was appointed to the Maricopa County Superior Court bench in 2000, and he served in family, criminal, and juvenile court before his death in 2007. His work on the bench touched many lives, and he especially enjoyed his time working with juveniles. In juvenile court, he had the opportunity to positively impact the lives of young people – a goal he also pursued throughout a lifetime of volunteering on school boards and in the Boy Scouts of America.

In Memoriam 1931–2011

Retired Judge Peter T. D’Angelo died peacefully at this home on May 14. Judge D’Angelo was appointed as a Maricopa County Superior Court judge in 1982. During his judicial career, he presided over civil, criminal and family law matters. He retired from the bench in 2000 after 18 years of service.

Interviews

New Judges and Commissioners Appointed

Wendy S. Morton, former city of Phoenix judicial officer and nationally award-winning author and illustrator, to serve as Superior Court commissioner.

Comr. Morton has a rich law and mass communications background. Prior to joining the City of Phoenix, Comr. Morton served four years as a city of Scottsdale judge and four years as an administrative law judge for the Arizona Office of Administrative Hearings. She also served as a consultant for the Supreme Court of Arizona, Administrative Office of the Courts.

Prior to her judicial career, she worked nine years as a deputy court attorney in the Maricopa County Attorney’s Office and one year as a special deputy court attorney for Pinal County.

While working on her legal career, Comr. Morton continued to work in the field of mass communications. She serves as the chair of the Arizona Attorney editorial board. In 2010, she produced and directed a documentary series for the Arizona Supreme Court entitled Legends of the Arizona Judiciary. She also is the author and illustrator of two books: Court Story, a nationally award winning bi-lingual coloring book that teaches children about the court system and Flipper and Dipper and the Treasures of 6 Bird published by Syracuse University Press.

Commissioners Become Judges

Judges James Blomo and Gerald Porter have served as commissioners since 2003. Before his judicial appointment, Judge Blomo was presiding over criminal matters. Prior to serving as a commissioner, he worked as a judge pro tem for the City of Tempe and a deputy county attorney for Maricopa County, and he spent several years in private practice specializing in criminal defense, civil matters and domestic relations.

Judge Blomo graduated from the University of San Diego College of Law in 1989, and he received his undergraduate degree from the University of Southern California in 1984.

His appointment filled the vacancy created by the retirement of Judge Robert Budoff.

Judge Porter was serving as a commissioner in probate and family court. He served as associate presiding judge for limited jurisdiction courts from 2003 to 2006, and as the Scottsdale justice of the peace from 2001 to 2003. Previously, he was a senior policy advisor to Gov. Fife Symington and the Arizona Corporation Commission.

He graduated from Creighton University School of Law in 1993, received his Masters of Business Administration from Creighton University in 1990, and received his undergraduate degree from the University of Nebraska in 1989. His appointment filled the vacancy created by the retirement of Judge Edward Burke.

Morton is New Commissioner

Presiding Judge Norman Davis appoint-

ed Wendy S. Morton, former city of Phoenix judicial officer and nationally award-winning author and illustrator, to serve as Superior Court commissioner.

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Five Distinguished Superior Court Judges Retire

After long distinguished careers, five Superior Court judges retired on June 30. Judge Gary E. Donohoe, Judge M. Jean Hoag, Judge J. Kenneth Mangum, Judge Ruth H. Hilliard and Judge Brian R. Hauser will all be missed.

Judge Gary E. Donohoe

Judge Donohoe has served the court and community for 21 years on the bench with multiple assignments in the civil, probate, criminal and family court departments.

“We all know the tremendous contribution Gary made to this court and the rule of law during his tenure as criminal presiding judge. Not only did the criminal department make major steps forward in case management and court processes under his leadership, but he lead with dignity and professionalism that inspired everyone at the court and in the community,” Presiding Judge Norman Davis said.

“More recently Judge Donohoe has taken on the challenge to implement improvements in the probate department as the associate presiding judge working with Judge Rosa Mroz, and has provided exceptional knowledge, strength and leadership in this area as well.”

Judge Donohoe was appointed as a Superior Court judge in August 2000. Before his appointment as a judge, he served 11 years as a Superior Court commissioner. Judge Donohoe is a native of Tucson and attended the University of Arizona. He earned a Bachelor’s in psychology in 1970 and a Master of Science in urban planning in 1972. He worked with the city of Tucson planning department for a short while before moving to Flagstaff to work as an urban and regional planner with the Northern Arizona Council of Governments. In 1976, he returned to the University of Arizona and earned his law degree with honors in 1979. He worked briefly for the Arizona Attorney General and then joined the Phoenix law firm Robbins & Green, where he worked for 10 years focusing on civil litigation.

In 2008, Judge Donohoe was awarded the 2008 Judicial Award of Excellence by the Public Lawyers Section of the State Bar of Arizona for extraordinary and exemplary contributions to the state and justice system.

“If we still have true American heroes, and I believe we do, Judge Donohoe is at the top of my list. An era is passing,” Judge Davis said.

Judge M. Jean Hoag

Judge Hoag has served in the family, civil, probate, and juvenile departments of the court. During her tenure, she also served as the presiding judge of the Southeast Regional Center and the associate presiding juvenile judge.

“I will personally miss Jean’s light-hearted, cheerful spirit even in difficult times, and the advanced course on Minnesota culture she taught everyone. Judge Hoag has served the court and community with honor and distinction,” Judge Davis said.

Judge Hoag became a Superior Court judge in 1996 after 13 years as a felony prosecutor at the Maricopa County Attorney’s Office. Her last five years as a prosecutor, she specialized in the prosecution of sex crimes and physical abuse cases. She also served as an Assistant State Attorney General assigned to the organized crime division. Before coming to Arizona in 1988, Judge Hoag worked as an Assistant Hennepin County Attorney in Minneapolis, Minnesota, specializing in the prosecution of domestic violence. She was adjunct faculty at William Mitchell College of Law in St. Paul, Minnesota from 1983 until 1988. In 1982, she graduated cum laude from the same college. In 1969, she received her Bachelor’s degree in secondary English education from Mankato State University in Minnesota.

Judge J. Kenneth Mangum

In his 20 years as a judge with Maricopa County Superior Court, Judge Mangum has presided over civil, family, criminal and juvenile court calendars.

Prior to his judicial appointment, Judge Mangum was an attorney for the law firm of Robbins & Green. He was also in the Judge Advocate General Corps in the United States Navy; he received his juris doctorate from the University of Chicago in 1972, and his Bachelor’s degree, magna cum laude, from Brigham Young University in 1969.

“We will miss his experience, wisdom, good humor, and steady manner in handling complex issues and cases in every area of the law. Ken was one of the experienced judges when I came to the bench and was always generous with his advice, encouragement and mentoring to me and many others,” Judge Davis said.

Judge Ruth H. Hilliard

Judge Hilliard has served as a judicial officer with Superior Court for 26 years, longer than any other judge. She came to the court as a commissioner, and was appointed judge just one year later.

During her 26 years, she has presided over civil, criminal and family court calendars.

“I have long admired her ability to cut through the sophistry and address the real issue in any case or matter before her,” said Judge Davis. “We are losing a gifted and exceptional colleague to retirement, and I wish her the best in whatever awaits her.”

Prior to her judicial career, Judge Hilliard was in private practice. She specialized in personal injury law, medical malpractice cases, appellate work and general civil litigation.

Judge Hilliard earned her juris doctorate from Case Western Reserve University, Cleveland in 1977. She received her Bachelor’s degree from Connecticut College for Women in 1971.

Judge Brian R. Hauser

After 20 years of service with Maricopa County Superior Court, Judge Hauser announced his retirement.

In his letter to the governor, Judge Hauser was appreciative of the opportunity to serve as a Superior Court judge. Judge Hauser wrote, “With the gratitude for my appointment and for the voters who retained me in office five times, I resign from the office of Judge of Superior Court.”

During his judicial career, Judge Hauser has handled criminal, juvenile, civil and family court calendars. “Brian brought years of experience gained as an attorney serving in both the public and private sectors to the bench. He has the reputation as an extremely intelligent, forthright and fair judge,” Judge Davis said. “Judge Hauser will be difficult to replace.”

Prior to becoming a judge, Judge Hauser worked in the civil division of the Maricopa County Attorney’s Office. He also served in the Organized Crime and Racketeering Division of the Arizona Attorney General’s Office between 1980 and 1984. He was in private practice from 1977 to 1979, as an associate in the firm of Carroll, Creamer, Carroll and Duffy in Philadelphia, Pennsylvania. He earned his bachelor’s degree in 1974 and his law degree in 1977 from Temple University.

“I have the greatest admiration and respect for these great Judges,” said Judge Davis. “We will miss them, and I wish them well in their retirement.”

VLP Celebrates 30 Years

continued from page 1

Maricopa County Superior Court
Carey Snyder Hyatt.

VLP Outstanding Volunteers

PROGRAM SUPPORT AWARD
G. Gregory Kelly
Office Operations Volunteer of the Year
Louis Meyer
Law Student of the Year
Maribel Schaffer
Marilyn Benesch Paralegal of the Year
Frontier Private Process Service
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Phillip F. Rust III
Private Investigator of the Year
ATTORNEY OF THE MONTH AWARDS
Patrick F. Dutton
Laura Donovan
Ostilla Diaz

Michelle M. Morgan
William J. Birmingham Clinic Services Award
Cheryl A. Koch-Martinez
Tenant’s Rights Clinic Attorney of the Year
Stanley A. Buzzelle II
Consumer Education Attorney of the Year

LITIGATION AWARDS
Kathryn Hackett King
Consumer Litigator of the Year
Deshon Pullen
Family Law Litigator of the Year

FAMILY LAWYERS ASSISTANCE PROJECT
E.L.A.P. AWARDS
Tracy M. Krall
E.L.A.P. “Lifesaver” of the Year
Shawanna R. Riggers
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MCBA FRANK X. GORDON,
JR. TRAVELING AWARD
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Justice at Stake Campaign and Justice for All

Gary E. Donohoe

Ruth H. Hilliard

Brian R. Hauser
Zwick Brings Clients Comfort Amid Financial Hardship and Uncertainty

By Peggi Cornelius, CVA

Four months and 64 clients after his first inquiry about pro bono opportunities at the Volunteer Lawyers Program (VLP), patent attorney David Zwick has been honored as the VLP “Attorney of the Month.” Although his expertise and talents in the area of intellectual property law might not seem a likely match to the needs of low-income clients with a variety of civil law concerns, Zwick says the divergent nature of the work is a part of what drew him to it. “At present, I’m between jobs. I didn’t want to go stir-crazy; and I wanted to sharpen my legal skills in some areas other than IP law.”

Supreme Court Affirms Arizona Law Requiring Employers to Check Workers’ Status

COURTWATCH, continued from page 1

Building on Knowledge to Help Others

Two or more days a week, Zwick conducts in-person and telephonic case evaluation interviews with people seeking pro bono assistance through Community Legal Services and the VLP. Problems presented may range from requests for guardianship of incapacitated adults, disputes with home- owner associations, and breach of contract claims, to harassment by creditors and debt collection law suits.

Zwick’s interview summaries provide a basis for staff discussions regarding the legal merits of each application for assistance, and for decisions regarding the need for legal representation beyond brief service or legal advice. By attending CLE presentations, researching issues himself, and consulting with VLP director Patricia Gerrich and CLS staff attorney Bradley Gelder, Zwick has become increasingly familiar with laws related to the concerns of VLP clients.

Removing the Fear of Uncertainty

Within a short time of his first interviews, Zwick expanded his fact-gathering sessions to include providing legal advice related to consumer law. In reflecting on what has most impressed him about working at VLP, Zwick commented, “The circumstance that stands out most is the sheer number of people who were living a comfortable lifestyle, until they lost their jobs. Now, they are in the new and very uncomfortable position of not being able to meet their financial obligations. It’s gratifying to educate clients regarding collection and bankruptcy options. They’re always appreciative and usually walk away having lost the sense of dread and terror that they are going to wind up on the street.”

In a recent interview with a 65-year-old client who had undergone many operations and was no longer able to earn income, Zwick addressed the client’s primary concern by discussing the legal process involved in the lawsuit that had been filed to collect a credit card debt. When it was clear there was no basis for a legal defense, Zwick went further.

He discussed the client’s newly entered lease agreement with a roommate, his joint bank account with a brother, and the practical aspects of keeping his modest disability income protected from possible garnishment efforts by creditors. On departure, the client understood why it was not necessary to seek bankruptcy dismissal of his debts, and knew he could return for further advice should his circumstances change.

Inspired by Activism and Initiative

Not surprisingly, Zwick’s reasons for his pro bono endeavors go beyond being temporarily unemployed. California born and raised during the days of Cesar Chavez, Zwick notes his parents stressed the importance of education, were politically active, and supported many human rights initiatives. “I believe we have a duty to help those in need. And, as lawyers, we have the unique ability to assist people in navigating the very complex and often scary legal system,” he said.

David Zwick

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Not surprisingly, Zwick’s reasons for his pro bono endeavors go beyond being temporarily unemployed. California born and raised during the days of Cesar Chavez, Zwick notes his parents stressed the importance of education, were politically active, and supported many human rights initiatives. “I believe we have a duty to help those in need. And, as lawyers, we have the unique ability to assist people in navigating the very complex and often scary legal system,” he said.

David Zwick

By discussing the legal process involved in the lawsuit that had been filed to collect a credit card debt, Zwick went further.
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Supreme Court Upholds Arizona Law

COURTWATCH, continued from page 14
cluded a critical distinction between the two causes of action.

“In a traditional negligence claim, damages must be proved for a claim to exist,” he wrote. “Where there are no damages in a negligence case, there is simply no cause of action upon which a plaintiff can recover.” “Thus, he continued, “were a jury to find in favor of a plaintiff on a negligence matter and award zero damages, the verdict would be defective as a matter of law.

But a wrongful-death claim is different. It is a creature, not of the common law, but of statute. And the pertinent statute does not make damages an element. Rather, if the jury finds the defendant liable for the wrongful death, then it “shall give such damages as it deems fair and just.”

Consequently, Barker held, “[t]he statutory language does not preclude an award of zero damages if that is the amount the fact finder determines to be fair and just.” He pointed to Quinones v. Andersen, 144 Ariz. 193, 696 P.2d 1342 (App. 1984), where the court had upheld a jury’s award of zero damages for the wrongful death of the plaintiff’s husband. The non-award was legal because evidence of the couple’s abusive relationship justified the jury in concluding that “a just and fair award for this loss was zero.”

“The key distinction between a negligence claim and a wrongful death claim is that damages in a wrongful death claim are not tied to the liability-causing event (the negligent act),” Barker explained. “Rather, damages are based on the injuries that come from the result of the negligent act (the death).”

Joining him in affirming the judgment were Judges Donn Kessler and Jon W. Thompson.

Classifieds

Elects

At CLS annual meeting, held May 11, attorney Greg Garcia was elected president of the board of directors. Garcia wears many hats, and sometimes all in one day. He is an attorney at Polinelli Shughart, P.C., one of Arizona’s 25 largest law firms, sits on numerous committees and boards, has authored publications about biotech law and generic testing and is a member of many local bar associations and law related committees. But the thing Garcia values most is the difference he makes as a result of his involvement with Community Legal Services (CLS), Arizona’s largest, civil legal aid program.

Appointments

Lewis and Roca announces that Scott Brown has been appointed as the co-chair for the American Bankruptcy Institute’s Bankruptcy Litigation Committee. Brown is a partner in the firm’s bankruptcy and creditors’ rights group and is a trial attorney specializing in bankruptcy litigation. He practices primarily in the area of bankruptcy law, but devotes a significant amount of his time to commercial litigation, pre-bankruptcy workouts, and collections. Brown also represents both secured and unsecured creditors, as well as trustees, committee members and debtors, in all aspects of Chapter 11 business bankruptcy cases, including workouts and litigation.

 widescreen

Phoenix School of Law Associate Professor Keith Swisher is being honored with the American Bar Association’s 2011 Rosen & Rosen Young Lawyers Professionalism Award. This is a national award, and it honors a lawyer’s commitment to legal and judicial ethics, lawyer professional responsibility, and professional regulation. The award will be presented during the National Conference of Bar Presidents/National Association of Bar Executives annual award luncheon that will be held in conjunction with the ABA Annual Meeting on Friday, Aug. 5 in Toronto. Swisher joined Phoenix School of Law in 2009, and currently teaches professional responsibility and torts.

Phoenix School of Law Professor Penny Willich has been appointed as the new associate dean of academic affairs. She entered her post, 1, replacing Shandrea Solomon, who stepped down to become a full-time associate professor. Before teaching at PhoenixLaw, Willich served as the first African American woman trial court judge in Arizona’s history from 1999 to 2005. “Willich says she is looking forward to working with all of her PhoenixLaw colleagues to develop a “Center of Excellence.” “This new job is a set of new responsibilities in a labor of love,” she said.

Phoenix School of Law was honored as one of the top law schools in the country for its diversity efforts with the 2011 Law School Admissions Council’s Diversity Matters Award at the organization’s annual meeting in Los Angeles on Saturday. PhoenixLaw was among the more than 200 LSAC member schools that were considered for the award. This year’s award is given to schools that are seriously committed to diversity, and who demonstrate this through their recruitment efforts directed toward underrepresented minority candidates. Phoenix School of Law has made diversity an integral part of its mission through the creation of the Diversity Committee and Dean’s Diversity Council which provide opportunities to identify and resolve challenges facing the school’s diverse community. The faculty has a 37 percent diversity rate, and is an integral part of these two committees.

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 of national stature), CLE presentations and other continuing legal education courses are not accepted. In addition, the Maricopa Lawyer will not print notices of honors determined by other publications (e.g., Super Lawyers, Best Lawyers, etc.). Notices are printed at no cost, but should 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.
$311K GOAL FOR 2011 CHARITY DRIVE

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[A letter to all Maricopa County Lawyers]

THE MARICOPA COUNTY BAR FOUNDATION...
LAWYERS CARE, THEY REALLY DO CARE!

For nearly 30 years, you, through your contributions to the Maricopa County Bar Foundation, have been quietly helping dozens of Arizona organizations help those in need in our community. Among others, you have helped the Homeless Legal Assistance Project, the Justice Project, the Never Again Foundation, Wills for Heroes, Friendly House, the AZ Senior Citizens Law Project, Advocates for the Disabled, Fresh Start Women’s Foundation, the Guadalupe Law Center and Arizonans for Children.

The Foundation has made grants of over $315,000 during the years of its service. There is so much more that can be accomplished and so much more that needs to be done. Every year the Foundation receives grant applications from far more organizations that it can possibly help. The MCBF needs our help to continue its good work. The Trustees of the Foundation have embarked on the Lawyers Really Do Care campaign to assure that the Foundation will be here in the coming years to help many of the new and worthy projects in our community.

Keep up your good work, continue to support your Bar Foundation and help us meet the Foundation’s goal for 2011. Make sure that 30 years from now, you can look back and say with pride, ‘I helped MCBF make a difference: I am a lawyer who really did care.”

Again, thank you,

Rebecca A. Albrecht

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