Court upholds dismissal of Yarnell residents’ case against the state

In the second published opinion to come out of litigation arising from the Yarnell Hill Fire of 2013, Division One of the Arizona Court of Appeals has affirmed the dismissal of a suit by Yarnell residents claiming that the State of Arizona bungled the efforts to fight the fire. Agreeing with the superior court, the court held that the state owed no tort duty to the plaintiffs. They appealed.

In his opinion for the court, Judge Kent Cattani called the question of duty a threshold one, for without a duty, a negligence action cannot be pursued. Noting that the existence of a duty is a legal question for the court to decide, and quoting the Arizona Supreme Court, he wrote that it may "arise from a variety of sources, including a special relationship between the parties — whether contractual, familial, or based on 'conduct undertaken by the defendant'—or as an expression of public policy."

Cattani examined the plaintiffs’ contention that "sound public policy imposed a duty of care on the State to protect Yarnell and its people," and he rejected it. "[P]ublic policy may also militate against recognition of a tort duty," he wrote, "and it does so here.” The plaintiffs argued that the state has a duty of “protecting private property against a natural occurrence on public land maintained in natural condition,” but Cattani found that contention “unworkably broad.”

He was unpersuaded by the plaintiffs' proposed limitation “that the state had only assumed a duty by in fact attempting to suppress the fire.” Adopting that argument, he concluded, “would lead to perverse incentives.” He wrote that “imposing a tort duty based on the State's undertaking to provide an emergency response could instead encourage inaction: the State could shield itself from liability by simply doing nothing.” He found that result “contrary to the overriding needs of the public.”

Other factors also colored Cattani's decision. “[T]he duty advanced by the Residents would prioritize nearby private property interests at the expense of consideration of broader state interests," he wrote. He noted that the legislature has statutorily directed the state forester to provide wildfire-suppression services that “are immediately necessary to protect state lands” and to act in “the best interests of this state.”

See Court upholds dismissal page 6
Nominate your mentor for the Maricopa County Bar Hall of Fame

Over my career, I have been fortunate to have mentors, formal and informal, who have modeled for me what it means to be a great lawyer. Some of these mentors have had big personalities and captured the attention of anyone in a meeting or the courtroom as soon as they started speaking. Others were impactful by working quietly behind the scenes, but nevertheless changing the legal landscape with understated, yet powerful, writing and advocacy. And still, others taught me that while legal acumen is an important skill, one must develop and refine one’s emotional intelligence like any other tool upon which an attorney or judge relies. Each of us has mentors, and the Maricopa County Bar Hall of Fame is one way to recognize those who have impacted us, our practices and the community as a whole.

In 2008, Judge Glenn Davis, then the president of the MCBA, worked with the MCBA staff and board of directors to create the Maricopa County Bar Hall of Fame. Each year, the MCBA inducts both pioneers of the Arizona legal profession and those attorneys in the modern era. Those inducted are varied in their backgrounds, practice areas and philosophies. What is consistent throughout the list of inductees is that each inductee positively and meaningfully advanced law and justice in Arizona, through their legal work and their presence in the larger community.

The list includes amazing attorneys and jurists such as Roxana Bacon, accomplished attorney who broke down gender barriers in the Phoenix legal community, first female lawyer representative to the Ninth Circuit and the first female Arizona State Bar president (and my mentor when I was a paralegal and law student); Hon. Hayzel B. Daniels, legislator, accomplished judge and jurist, and a pioneer in the desegregation of Arizona schools; and Hon. Elizabeth Finn, the Presiding Glenndale City Court Judge, who has earned accolades nationwide for advancing mental health programming and domestic violence prevention and who is well known for her meticulous and compelling examination of the Civil Rights Movement in Arizona. I encourage you to take a look at the list on the MCBA website and learn more about this inspiring group of lawyers and judges who have shaped and, in many cases, continue to shape the legal landscape in Arizona.

The MCBA is in the process of seeking nominations for this year’s Maricopa County Bar Hall of Fame. It is an effort to find some common themes and ideals that unify the varied list of inductees, we have developed some general criteria for this year’s nominations. We are focusing on attorneys and judges who have: 1. Demonstrated significant leadership, advocacy and accomplishments in service to the community or the profession.

1. Demonstrated significant leadership, advocacy and accomplishments in service to the community or the profession.
2. Made significant or unique contributions to the law or the administration of justice; and/or
3. Demonstrated significant leadership, advocacy and accomplishments in service to the community or the profession.

We are taking submissions through May 15, 2017. We have distributed additional information through email and on the MCBA website. I encourage our readers and members to take a moment to consider the mentors who have inspired them, and nominate someone to join this distinguished list.

I also encourage each of you to join us at the Hyatt Regency in downtown Phoenix on Oct. 26, 2017, at the Maricopa County Bar Hall of Fame Luncheon. If you have not been, it is an event light on boring speeches and heavy on wit, war stories, thoughts about the power and responsibility that accompany a bar license or judicial appointment, and inspiration about how to be an ambassador of the community. I leave the event each year with a renewed sense of purpose and a reminder that I am surrounded by a community of lawyers and judges who embody the principles that each of us swear to when we are first inducted as attorneys. I hope you will join us this year.
Stressed? Never fear, the MCBA can help!

Stress is a normal part of our lives and we have all heard how chronic stress can impact our overall health, cause depression, and lead to substance abuse, physical ailments and other somatic complaints. I don’t think it will come as a big surprise to many readers that lawyers have higher rates of clinical depression and substance abuse than the general population. In fact, according to the Dave Nee Foundation website — which is an organization combating the social stigma associated with depression, especially among those in the legal profession — lawyers are the most frequently depressed occupational group in the United States and are ranked fifth in incidence of suicide by occupation. As if that were not alarming enough, lawyers are 3.6 times more likely to suffer from depression than non-lawyers.

Many of you may not know that in my prior career, that is I was a school psychologist. The education and training I received for that career always came back to the fact that human beings are social creatures and a person’s social network (or lack thereof) can have a huge impact upon a person’s life, especially with regard to how that person deals with stressors. It is well documented throughout research that having a supportive network can reduce psychological distress such as depression anxiety, and other mental health concerns. Not having a network of like-minded individuals may leave a person feeling lonely, create social phobias and even bring on panic attacks in reaction to stressors. Informational support coming from advice, guidance or suggestions for coping can be helpful to a person’s ability to cope and deal with daily stressors effectively.

To help Maricopa lawyers cope, the MCBA (under the direction of current MCBA President Norma Lazo) has developed the Lawyer Wellness Program. Through this program, the MCBA hopes to bring awareness and resources to its members about how to cope with stress effectively. One such resource provided by the MCBA is the TED Talk events, which will be focusing on topics related to overall wellness. The TED Talks are offered every other month at the MCBA.

For those of you unfamiliar with TED Talks, TED is a media organization that airs online lectures for free distribution, under the slogan “ideas worth spreading.” The talks produced by the organization are short, powerful presentations (usually 18 minutes or less) that cover a wide array of topics such as science, business, global issues, education and wellness. Ideally, TED Talks are used to elicit a productive conversation among the audience and to offer problem-solving tips.

Each Ted Talk event also provides great opportunities for networking with your colleagues. At each event, there is time allotted for social interaction between attendees and, thanks to the generous sponsors of each event, there is beer and wine offered to further lubricate your social skills. Each TED Talk features two different presentations along with additional time for group discussion to help attendees process the information communicated and share ideas. The next TED Talk will be held on June 27, 2017, at the MCBA. The event will feature a talk about perspective, sharing stories full of wit and wisdom to remind us that we’re all part of each other’s support systems, and a talk on how to assert yourself and navigate through tricky social situations and expand your personal power. If you are interested in attending, please RSVP on the event calendar on the MCBA website.

We hope all members know that the MCBA is here to support its members’ professional and personal growth. There are countless opportunities for you to get involved and grow your practice, as well as make important connections and grow your supportive social network. If you are not currently an MCBA member, I encourage you to contact me to discuss the various member benefits that are available.
PARALEGAL DIVISION PRESIDENT

Nilda Jimenez

The perks of membership

In January, I attended an MCBA Leadership Luncheon. One of the questions we were asked is, “Why did you join and continue to be a member of the MCBA?” As each person responded, I began listing my own reasons as to why I originally joined and why I continue to be an active member.

Did you know there is an organization for just about every profession, industry and area of personal interest? In the legal field, specifically, there are voluntary and mandatory organizations. This article will address voluntary membership organizations and the reasons an individual may join them. Of course, reasons vary from person to person, so I will share the values that I receive and how you too can maximize the benefits to enhance your career.

One of the most important benefits of membership is the networking opportunities. For example, an MCBA membership provides many opportunities to meet people and make new connections. Each Continuing Legal Education (CLE) presentation, luncheon, award dinner, fundraiser, etc. provides a new opportunity to meet people who can help you enhance your professional goals. These events gather like-minded professionals, which is the first step in meeting people who work in areas of law that are familiar and unfamiliar to you — this is a great advantage as you can tap into their experience and expertise. In addition, other members are people who understand the stresses that you may experience and can provide valuable advice and/or guidance. There have been a few instances where I have learned on fellow members when I have a question or even needed a template.

Adding to the benefits of networking, associations typically have a job bank or job board listing available positions. This little perk not only opens doors, it may give you the opportunity to speak to other members that can fill you in on hidden employment opportunities. I regularly receive emails from the job bank and from other legal professionals regarding available positions. If I know that someone is looking or has a position open, I pass the word along.

Membership is not only advantageous to an individual entering the profession, but also to the seasoned professional because it provides opportunities to mentor up-and-coming professionals, speak at engagements, volunteer and chair a committee.

The numerous networking opportunities provided by the MCBA is where the Paralegal Division stands out from the other associations. Our networking events provide the chance to meet not only other paralegals, but also attorneys, administrators and court personnel.

CLE and/or training is another benefit of joining an organization. Typically a member can attend these learning sessions at a discounted price, whereas non-members will pay a higher price for the same session. Each MCBA division sponsors several CLEs throughout the year and they are open to all members.

In addition to the benefits and reasons mentioned above, associations provide the opportunity to support the community and/or by publicly volunteer work and fundraising events. The Paralegal Division does one fundraiser or drive per year. In the past, the division has conducted a Dental Drive, Toys for Tots and Back Pack Drive. This year on May 6, the division will be volunteering at the Special Olympics during the awards ceremony.

Membership with the MCBA also provides discounts with affiliated companies such as MedLife, Expedia and Hertz Car Rental.

Back to why I originally joined and what keeps me an active member. The reason I joined is completely different from why I remain a member. By the time I joined the division in 2007, I had been a paralegal and/or office manager for 13 years and was looking for opportunities to learn more and use my teaching degree. I also wanted to attend the Certified Legal Assistance (CLA) review course with the goal to teach. The benefit to my personal development and career has been more than I could have imagined. After obtaining my paralegal certification, I became chair of the CLA review program and was teaching the administrative law section of the program. When the review program transferred to Phoenix Community College (PCC), I was part of the planning committee establishing the CLA review course. The opportunity of being involved in the development process at PCC provided an opening to a three-year adjunct instructor position at PCC.

I met wonderful people who have become great friends and peers. I have reached out to them when looking for a new position or when I have a question. I found people to whom I look up to as mentors. I have had the opportunity to meet and become friends with two of the founding Paralegal Division members, one of whom I consider my “unofficial” mentor.

Last year was the first time that the division reached out to other legal professional associations in the Valley with the hopes of creating a professional mixer for everyone. The idea was for the members of each association to meet and network. On March 30, we had the second annual Legal Professionals Mixer. The event was hosted by six local associations: Association of Legal Administrators Arizona Chapter, Arizona Paralegal Association, Martis County Association of Paralegals, NALS of Phoenix, Women in eDiscovery and the MCBA Paralegal Division. The event was held at the Arizona State University Law School in downtown Phoenix.

A big thanks to ASU for the facility and a huge thank you to our sponsors of the event: Adept, Griffin & Associates, MBA Legal Transcription, Nationwide Legal, Piganelli & Associates, R3 Investigations and Special Counsel. It was a wonderful event with great opportunities to network, make new friends and see old ones.

Division meetings are held the second Monday of each month, unless the Monday is a holiday; then it will be held on Tuesday. All members are invited to attend the meeting. Our next meeting is on May 8 at 5:30 p.m. at the MCBA office. I look forward to seeing you there.

QWPB

Quintairos, Prieto, Wood & Boyer, P.A.
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Email resume to RESUME@QWPBLAW.COM

PARALEGAL DIVISION CALENDAR

May 1
CLE: Impact of President Trump’s Immigration Executive Orders

May 7
MCBA Family Day at Great Skate

May 20
2017 Paralegal Career Day

June 5
CLE: Family Law Practice: Trial Preparation, Part I

June 7
CLE: Family Law Practice: Trial Preparation, Part II

Aug. 8
CLE: Civil Practice: Trial Preparation, Part I

Aug. 22
CLE: Civil Practice: Trial Preparation, Part II

Sept. 8
15th Anniversary MCBA Paralegal Conference

Oct. 6
CLE: Bankruptcy Basics, Part I

Oct. 20
CLE: Bankruptcy Basics, Part II

Check our Facebook page for news and division events at www.facebook.com/mcbaparalegal
Arbitration Fee Donations Help
Partnering with the Maricopa County Superior Court, the Maricopa County Bar Foundation (MCBF) is once again encouraging attorneys assigned to arbitration to donate the $75 fee to the Foundation’s fundraising efforts.

It’s Easy to Contribute
The court has made it easy to contribute with a convenient “pro bono” check-off box located at the bottom of the Invoice in Support of Request for Warrant, a form provided in your arbitration packet. For more information, go to maricopabar.org and click on “About Us” on the top menu bar then “Maricopa County Bar Foundation.”

Thank you for making a difference!

The 14th Amendment
The view from Arizona

Stan Watts

HISTORY & HEARSAY

The Arizona perspective
Although its impact on the civil rights of future Arizonans would be hard to overstate (according to Justice Brennan it is the most frequently cited provision of the U.S. Constitution), ratification of the 14th Amendment on July 9, 1868, was not celebrated by the citizens of the territory of Arizona as a particularly important event. The ratification was not reported in Prescott’s Arizona Miner until a month later, and the text of the amendment wasn’t published until Aug. 22.

As one of a small handful of territorial newspapers in print at that time, the popular Miner was published bi-weekly and focused on local news and events impacting Central Arizona. Unreported in the pages of the Miner and probably generally unknown to all but a few politically connected territorial officials was the struggle in Congress that led to the resolution to adopt the amendment.

One of those officials was Republican Gov. Richard C. McCormick. McCormick was an ex-newspaper reporter and New York politician before being appointed secretary of the new territory by President Lincoln. Besides his political roles as secretary and, later, as governor, McCormick owned a printing press and published the Arizona Miner. He later became a Tuscion media mogul, publishing the Weekly Arizona and later the Arizona Citizen.

Although occasionally providing updates on the lengthy ratification process, McCormick’s paper did not describe the masterful efforts of Ohio Republican Congressman and lawyer John A. Bingham, the primary author and champion of Section 1 of the amendment that has been called a “Second Constitution.”

Bingham was a staunch anti-slavery advocate and the leader of the moderate Republicans in the House of Representatives. The congressman drew on language in the Ohio and Pennsylvania constitutions, including words like “privileges and immunities” and “equal protection” to focus the amendment on universal protection of the citizenship rights of newly-freed slaves.

As a territory, Arizona was governed exclusively by federal and federally approved territorial law — no state law existed. Accordingly, a constitutional amendment requiring states to respect their citizens’ due process, equal protection and citizenship rights was a bit academic where such rights were already theoretically available to citizens of the territory via the Bill of Rights and various federal statutes.

In addition to these sources, the Treaty of Guadalupe Hidalgo and the terms of the Gadson Purchase guaranteed federal citizenship rights to former Mexican citizens. These rights were available to citizens living in newly annexed American territory after the Mexican-American War who elected to stay in the territories and accepted American citizenship. These provisions, though not aggressively implemented, were applicable to much of the American West, including Arizona.

Maricopa County lawyer
Another territorial official likely attuned to the adoption of the amendment was Treasurer John Alsap. Alsap, a Democrat and the first territorial treasurer, was also a frequent correspondent published in the Miner. As he travelled the territory, he would send letters to the paper colorfully describing mining camps, Indian attacks, Mexican fiestas, political developments and daily life in other towns in the territory.

Alsap was both a lawyer and a trained physician. He had been educated in New York, but was originally from Kentucky. As a young man, he had practiced medicine for a few years in California before making his way to the New Mexico Territory in the early 1860s. He was a diverse resume.

Alsap took up prospecting in the Prescott area near Fort Whipple, and was the proprietor of the first saloon in Prescott (a tent, a barrel of whiskey and a set of mugs). He sold supplies to a number of mining camps and began what would become a successful law practice. Prior to his stint as territorial treasurer, he accompanied his friend King Woolsey, a well-known Indian fighter, as the official troop surgeon. Alsap was elected to the territorial legislature and was part of the first group of white settlers to establish permanent farms in the Salt River Valley. He was instrumental in the creation of Maricopa County and became its first probate judge and later district attorney. He was active in the establishment and development of Phoenix and became its first mayor.

A Southern Democrat culture in a Union Republican territory
Despite the fact that its publisher was a Republican, the Arizona Miner reflected the generally Democratic leanings of the territory’s white citizens, many of whom were recent immigrants from the American South. Just seven years earlier, in 1861, while still part of the territory of New Mexico, and after a period of neglect and frustration with the federal government, the people of the Southern part of Arizona and New Mexico had established the Confederate Territory of Arizona. The rebel territory provided a critical southern route directly from the Southern states of the east to California, and became a battleground for the westernmost fighting of the Civil War.

Within a year, Union troops forced the Confederate territorial government into exile in Texas and regained control of the area. To consolidate these victories and assure Union access to the territory’s mineral wealth, Congress immediately began debating the creation of a new Arizona territory.

Opponents argued that the newly proposed Arizona territory (including its present boundaries plus part of Southern Nevada) had less than 600 “native born Americans,” and was populated primarily by “Mexicans and half breeds, totally unfit for American citizenship.” The territory was also home to 21 half-breeds, totally unfit for American citizenship. The territory was also home to 21 half-breeds, totally unfit for American citizenship. The territory was also home to 21 half-breeds, totally unfit for American citizenship. The territory was also home to 21 half-breeds, totally unfit for American citizenship.

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Another compounding problem

LEGAL WRITING

Tamara Herrera

In last month’s column, I tackled the rules about hyphenating adjectives. I had not planned on addressing compound nouns, until I saw the latest news from the annual American Copy Editors Society meeting. Both the Chicago Manual of Style and the AP Stylebook have now dropped the hyphen in “email.” Which lead me to wonder: What are the rules about using hyphens in compound nouns? Or do I just know what compound nouns look like when I see them?

Just about every source I consulted agreed that there are few set rules for compound nouns, but I have not found any in the sources I consulted agreed that there are few set rules for compound nouns, it presents five clear guidelines when adding certain prefixes and suffixes when making a compound noun.

Guideline One: Use a hyphen when adding the suffix “ecler” to a noun.

Guideline Two: Use a hyphen when adding the following prefixes: all, co, ex, half, quarter, quasi, and self.

Guideline Three: Use a hyphen when adding a prefix to a proper noun or a word beginning with a capital letter.

Guideline Four: Omit the hyphen when adding a prefix to a word that begins with the same letter that ends the prefix (the double letter).

Guideline Five: Hyphens are appropriate when spelling out fractions.

Although “a lightning strike [is] perhaps … not a ‘condition’ of the land,” he wrote, “[l]iterally, condition is broadly defined ‘to indicate that the condition of land has not been changed by any act of a human being’” and the state “does not show an undertaking to provide wildfire suppression services directed to the benefit and protection of the Residents.”

Cattani also rejected the plaintiffs’ contention that the state had assumed a legal duty to voluntarily undertaking to fight the fire on their behalf. The state’s actions, he held, “do not show an undertaking to provide fire protection services directed to the benefit and protection of the Residents.”

Joining Cattani in affirming the suit’s dismissal were Judges Lawrence F. Winhand and the director to the benefit and protection of the Residents’ properties.

Cattani also rejected the plaintiffs’ contention that the state’s duty arose because it possessed the land where the fire started. He noted that the plaintiffs had cited no Arizona authority “recognizing an owner’s duty to prevent the spread of a wildfire regardless of the cause of the fire or the natural (as opposed to developed or artificial) condition of the land.” Neither had the court found any such authority. Instead, he noted, Arizona has adopted § 363 of the Second Restatement of Torts, under which a land possessor is not liable “for physical harm caused to others outside of the land by a natural condition of the land.”

The invisible clerk

CourtWatch, continued from page 1

“Imposing a duty of care beyond the legislative directive,” he concluded, “would impermissibly replace the State’s discretion to consider the complex mix of risks and considerations presented by a wildfire with a mandate to prioritize the interests of individuals whose property might immediately be threatened.”

Cattani cautioned against any misinterpretation of his holding. He was not suggesting “that the state forester should ignore the fire’s potential impact on nearby property and communities as part of the statutorily directed assessment of what wildfire suppression services are in the best interests of the state.” Acknowledging a desire that the state’s fire-suppression efforts would benefit the state’s residents, he nevertheless concluded that a legal duty to prevent wildfires from spreading would benefit the state’s residents, he nevertheless concluded that a legal duty to prevent wildfires from spreading.

Cattani next rejected the plaintiffs’ contention that the state’s duty arose because it possessed the land where the fire started. He noted that the plaintiffs had cited no Arizona authority “recognizing an owner’s duty to prevent the spread of a wildfire regardless of the cause of the fire or the natural (as opposed to developed or artificial) condition of the land.” Neither had the court found any such authority. Instead, he noted, Arizona has adopted § 363 of the Second Restatement of Torts, under which a land possessor is not liable “for physical harm caused to others outside of the land by a natural condition of the land.”

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**MEMBER SPOTLIGHT**

**DAVID BONES**

The Kenrich Group, LLC; Legal Community Business Partner

MCBA MEMBER SINCE 2015

**What are your hobbies or interests?**

I enjoy golf, especially with my 11-year-old son, who got the golf bug this year. I’m also a major movie fan and have become fluent in the language of movie quotes. I usually have about 100 quotes go through my mind in various situations during the day, but have gotten better at filtering them to avoid the “I have no idea what you’re talking about” look from friends and colleagues. Both of my children have taken to the movie quote game, and I look forward to expanding beyond the Disney collection.

**What's the craziest job you've had?**

Golf caddy when I was 13-14. It was pretty close to what’s depicted in the “Caddyshack” movie. Lots of ping pong, basketball, card games and, occasionally, we carried a golf bag around the course.

**What is your favorite quote?**

“I have no idea what you’re talking about”

**If you were a character in a movie or TV show, which character would you be?**

As an expert witness, I’ve always loved Marisa Tomei’s character in “My Cousin Vinny” and strive to connect with the trier of fact. However, my wife always tells me that I’m Chandler Bing from “Friends,” as few of our friends and family really know what I do.

**Legal Professionals Mixer**

Thank you to the Association of Legal Administrators (AZ Chapter), the Arizona Paralegal Association, the Maricopa County Association of Paralegals, the MCBA Paralegal Division, NALS of Phoenix and Women in eDiscovery for hosting a tremendously successful gathering of legal professionals on March 30 at the ASU Sandra Day O’Connor College of Law in downtown Phoenix. An even bigger thank you to the event sponsors: Altep, Griffin & Associates, MBA Legal Transcription, Nationwide Legal, Piganelli & Associates, R3 Investigations and Special Counsel.

**Meet the Judges and Annual Reception**

The Estate Planning, Probate and Trust Section hosted their annual Meet the Judges reception on April 13 at the MCBA office. Attendees got to know the judicial officers from the probate/mental health department of the Maricopa County Superior Court.

**Speed Networking with the Judges**

The Family Law Section hosted a fun and fast-paced networking event on April 19 at the MCBA office. In this “speed-dating format,” attendees asked questions and obtained tips from judges and commissioners from the family law bench. Thank you to the sponsors: ROI Properties, Proper Conn and Chris Carter Kent/Realty Executives.
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The firm has changed its name from Berk & Moskowitz, P.C. in light of the departure of Frank W. Moskowitz to become a Maricopa County Superior Court Judge.

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More Law Firms Trust Us with their Legal IT Needs.
The exploding costs of employment litigation

By Eric Lee

From taxes to healthcare, the cost of employing people continues to grow — add to that list the exploding costs (and risks) of employment litigation. According to a recent fact-finding report from the Department of Labor, employment litigation has spiraled in the past two decades. In federal courts alone, lawsuits involving employment grievances grew more than 400 percent during that same time period.

The report goes on to say that, “for every dollar paid to employees through litigation, at least another dollar is paid to attorneys … Moreover, aside from the direct costs of litigation, employers often dedicate significant sums to designing defensive personnel practices (with the help of lawyers) to minimize their litigation exposure. These costs tend to affect compensation — as the firms’ employment law expenses grow, less resources are available to provide wage and benefits to workers.”

According to the 2015 Hiscox Guide to Employee Lawsuits, U.S. companies had a 12 percent chance of having an employment charge brought against them for 2014. The guide reported that for small- to medium-sized companies (less than 500 employees) that had actions brought against them, 19 percent of the employment charges resulted in defense and settlement costs. Further, the average settlement totaled $24,500 and took an average of 275 days to resolve. And even though the clear majority (81 percent) of the employment charges resulted in no payments, the nuisance potential and costs to defend are still high and allegations must be handled carefully.

While there is no magic pill to eliminate all employment litigation, employers can take certain actions to mitigate the risk of a lawsuit or improve the odds of prevailing and reaching a successful resolution. A good first step is to ensure employment policies and procedures are written, followed and regularly updated. Employers should also conduct regular harassment training and ensure measures are in place to mitigate the risk of employment claims. Lastly, if an employee termination is necessary, make sure all guidelines have been followed and you gather and review the documentation that supports the termination.

With all of the evidence and preventative measures a company undertakes, employers are still at risk of employment litigation. Employment litigation differs from other types of commercial disputes. Employment disputes often involve a convoluted and complex set of federal and state laws, policies and practices. Claims can be made by current or former employees, or a large class of both. There are several different types of employment actions that can be asserted. Here are just a few:

- Discrimination, harassment and hostile workplace claims
- Employment and non-compete agreement disputes
- Retaliation, wrongful discharge or defective discharge
- Theft and misuse of intellectual property, trade secrets and proprietary data
- Class action lawsuits
- Wage and hour violations
- Whistleblower complaints

Before an employer undertakes an employment action, it is important to know the facts. Involve HR and specialized employment lawyers early in the process to make sure the appropriate laws and policies are followed. Records and data potentially relevant to the dispute will also need to be retained. Confidential information will also need to be secured to ensure legal privileges and protect the reputation of the company. Interviews of relevant players may also need to be conducted by experienced professionals.

Additionally, early quantification of possible losses and damages and development of potential defenses can significantly improve success and drive quick resolutions. Specialized forensic accountants can be an essential part of the legal team to help with strategy, analyze records and identify/quantify potential losses and damages.

With the onslaught of employment litigation and escalating costs, employers today must take steps to protect themselves from adverse actions. Employers should take proactive steps and actions to reduce the risks of lawsuits and to mitigate exposure. However, employers are still at risk of employment litigation. Proactive planning and consultation can greatly improve the odds of prevailing and reaching a successful resolution.

Potential clients can be yours with the MCBA Lawyer Referral Service. The LRS receives more than 10,000 calls per year from people seeking legal assistance as well as attorneys referring clients outside their practice area.

**AMONG THE AREAS NEEDING COVERAGE ARE:**

- administrative law
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- workers’ compensation
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Q&A

**CONFLICT CHECKS — ARE YOU DOING THEM?**

Each of the above situations likely creates a conflict of interest — and there are many more examples where your client could legitimately be concerned about your loyalty. In many situations the conflict is waivable, but first you have to identify the conflict. If you don’t include opposing parties and their counsel, non-parties at fault, and key witnesses and expert witnesses in your conflict checking system, you may never even know of the conflict until it’s too late. Depending on your law firm’s practice, you may also want to include insurance companies who assign cases to your firm, client representatives, subsidiaries and parent companies, and family members of lawyers (and paralegals and legal assistants) who work at other law firms or legal departments.

Finally, I want to briefly talk about when to run a conflict check. Too many lawyers and law firms only run a conflict check when initially deciding whether to accept a new matter. However, it is important to re-run conflict checks every time that a new party, key (or expert) witness or non-party at fault is added. My advice is to re-run a new conflict check every time there is a supplemental disclosure statement issued by any party. If there are no such additions, or no supplemental disclosure statements, then be sure to re-run a conflict check at least once a year to ensure that no new conflicts have arisen during that time.

Russell Yurk is a partner with Jennings, Hang & Cunningham, LLP, in Phoenix. He serves as the Immediate Past Chair of DRI’s Lawyers’ Professionalism and Ethics Committee and served 12 years on the State Bar of Arizona’s Committee on the Rules of Professional Conduct. He currently is a member of the Arizona Supreme Court Judicial Ethics Advisory Committee and is an adjunct professor of law at the Sandra Day O’Connor College of Law. If you have a question about ethics or lawyer liability that you would like addressed in future columns, please email rry@jhc-law.com.
**INSIDE THE COURTS**

**eWork pilot project launched in family department**

Parties involved in a court case no longer have to wait hours or days for an order to be issued in a minute entry. Family department judicial officers may now issue orders before parties leave the courtroom.

The eWork application, a new pilot project, allows judicial officers to create and sign temporary orders such as Parenting Time, Child Support, Legal Decision Making and more. As the pilot continues to expand, the orders will be efiled with the clerk of court, allowing immediate access to other stakeholders, such as law enforcement. In the upcoming weeks, the pilot will extend to all family department divisions and include final orders.

Thank you to Family Presiding Judge Suzanne Cohen, Judge Geoffrey Fish, Judge Katherine Cooper, Judge Ronee Korbin-zanne Cohen, Judge Geoffrey Fish, Judge Katherine Cooper and Judge Chuck Whitehead for participating in the pilot project.

**Investiture ceremony for Justice John R. Lopez IV**

On April 7, 2017, the Arizona Supreme Court swore in John R. Lopez IV as its newest justice. The investiture took place at Arizona State University’s Sandra Day O’Connor College of Law in the Armstrong Great Hall in downtown Phoenix. Gov. Doug Ducey appointed Lopez to the court in January 2017.

Lopez graduated from the University of Arizona in 1998. He was admitted to practice law in Arizona in 1998. He began his legal career in Phoenix as a law clerk for now-retired Chief Justice Charles Jones and then worked as a civil litigator in private practice. In 2002, he began working in the U.S. Attorney’s Office in Phoenix where he remained for over 12 years serving in various roles, including a six-month assignment in Iraq as a legal advisor with the Regime Crimes Liaison Office, the Department of Justice-led group tasked with assisting the Iraqi government with the prosecution of Saddam Hussein. In 2015, he became solicitor general for the state of Arizona in the Office of Attorney General where he remained until his appointment to the Arizona Supreme Court.

The administering of the oath by Chief Justice Scott Bales (right) and Justice Lopez’s wife, Jennifer.

Justice Lopez (far right) joins his colleagues on the bench after receiving his judicial robes.

**SPOTLIGHT ON**

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**Let’s talk about school funding**

Few issues captivate the Arizona Capitol crowd more than public school funding and taxpayer support for private schools.

Long a pet cause for Republicans at 7100 W. Washington, this year saw the greatest potential for expansion of taxpayer money for private schools. Previously limited to low-income, disabled, foster students and Native Americans, Empowerment Scholarship Accounts are now available to any student in Arizona.

The legislature capped the number of students allowed to take advantage of the program at 5,500 a year between now and 2022. The total number of students receiving the financial aid cannot exceed 30,000 a year. Don’t let that fool you. By 2022, that cap is likely to be removed.

The state has long struggled to properly fund education. In fact, the state leaders can’t even agree what a sufficient level of funding even looks like. To be sure, state funding for our classrooms eats up more than half the state budget. If you think you pay a lot in taxes, realize that most of it goes to fund our three state universities and more than 1 million children in elementary and secondary schools.

State leaders tout the substantial increase in school funding with the passage of Prop. 123 last year. That measure increased in students and dollars. And conversely, private schools will see a substantial increase in our tax dollars.

Over the next five years, one of the most interesting political undercurrents will be whether this grand experiment to divert public dollars to private schools improves our educational outcomes and in the process win glowing praise from parents. Or will this move starve already economically distressed schools and create an uprising among parents and voters? Elections, as they say, have consequences.

And public policy decisions have ramifications at the ballot box. Voters have the final say.

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MAY 2017
REAL ESTATE FUNDAMENTALS SERIES
Sponsored by Real Estate Law Section
May 10, 17 and 24, 2017
Noon to 1:30 p.m. (Lunch included)
MCBA office, 303 E. Palm Lane, Phoenix, AZ 85004

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EARLY BIRD PRICING ENDS
May 10 for Session I
May 17 for Session II
May 24 for Session III

SESSION I

WEDNESDAY • MAY 10
Ethics Considerations in Conducting Real Estate Transactions
1.5 CLE ethics credit hours available
This CLE will cover the following topics:
- Identifying who is and is not a client
- How many parties you can represent in one transaction
- When you don't have to communicate with a client
- How much you can limit the scope of your representation
- The proper use of the firm's trust account

PRESENTER:
Lynda C. Shely, The Shely Firm, PC

SESSION II

WEDNESDAY • MAY 17
Commercial Real Estate Purchases and Sale Agreements
1.5 CLE credit hours available
This CLE will cover the following topics:
- Standard provisions drafters typically overlook, but shouldn't
- Special provisions when the real estate is also a business
- Defining what is and what is not being bought/sold

SESSION III

WEDNESDAY • MAY 24
Due Diligence in Commercial Real Estate Transactions
1.5 CLE credit hours available
This lunch seminar is designed to benefit any attorneys who are involved in commercial real estate transactions, whether or not real estate is their primary practice area. The discussion will cover such topics as physical inspections, surveys, environmental reports, financial analysis and review of existing leases. This seminar will also provide real-life examples that illustrate the importance of conducting a thorough and comprehensive investigation prior to purchasing commercial property.

PRESENTER:
Howard J. Weiss, Jennings Strouss, PLC

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ATTENDANCE POLICIES

ADVANCE REGISTRATION: Full payment must be received in advance of the program before you are considered registered.

LATE REGISTRATION: Early Bird registration ends five days prior to the program date. Late registration is an additional $15. For example, registrations for a Sept. 17 program must be paid by Sept. 12 to receive early bird pricing.

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

CANCELLATIONS/REFUNDS: Refunds, less a $25 fee, will be issued only if the MCBA receives your cancellation, in writing, by mail, fax at (602) 257-4200, or email mmorales@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 change.

The State Bar of Arizona does not approve or accredit CLE activities for the Mandatory Continuing Legal Education requirement. The activities offered by the MCBA may qualify for the indicated number of hours toward your annual CLE requirement for the State Bar of Arizona, including the indicated hours of professional responsibility (ethics), if applicable.

MAY 1 • 1 P.M. TO 2 P.M.
(Lunch included)

IMPACT OF PRESIDENT TRUMP’S IMMIGRATION EXECUTIVE ORDERS
SPONSORED BY: Paralegal Division
1 CLE credit hour available
In January 2017, President Trump signed Executive Orders that impact immigration law and policy in the United States. Our presentation looks to explore the specifics of who is directly affected, the questions that these orders create and the remedies for those impacted.

PRESENTER:
Ezequiel Hernandez, Ezequiel Hernandez, PLLC

COST:
- MCBA members or non-members: $25
- $5 will go toward the Maricopa County Bar Foundation Diversity Scholarship fund.

MAY 5 • 11:30 A.M. TO 1 P.M.
(Lunch included)

FINANCIAL DISTRESS CLINIC: NUTS AND BOLTS
SPONSORED BY: Bankruptcy Law Section
1.5 CLE credit hours available

The Financial Distress Clinic is a rewarding and worthwhile way to give back to the legal community and provide assistance to those in need. Please join us for a primer on the issues most commonly seen by FDC volunteers and become empowered to volunteer yourself. Distinguished panelists Thomas Allen, David Engelman and Cody Jess will engage in a panel discussion on topics such as when and why to file for bankruptcy relief, collectability of judgments and the implications of the Fair Debt Collection Practices Act. This CLE is FREE and includes lunch!

PRESENTERS:
Thomas Allen, Allen Barnes & Jones, PLC; Cody Jess, Schian Walker, PLC; David Engelman, Engelman Berger, PC

MAY 8 • NOON TO 1 P.M.
(Lunch included)

FAMILY LAW ETHICS: 30 TIPS FOR AVOIDING CLAIMS IN 60 MINUTES
SPONSORED BY: Family Law Section
1 CLE ethics credit hour available

This CLE will cover the following topics:
- Avoiding bad clients (conflict checking)
- Firing really bad clients (and what not to put in a motion to withdraw)
- How to get paid (fee agreement terms and billing)
- When to get an order of protection (safety first)
- Professionalism tips to enjoy practicing law

PRESENTER:
Lynda C. Shely, The Shely Firm, PC

COST:
- (Early Bird Pricing/Regular Rate):
  - MCBA members: $70/$85
  - MCBA Family Law Section members: $65/$80
  - MCBA Paralegal & Public Lawyer Division members: $50/$65
  - Non-members: $95/$110
  - MCBA student members: $15/$30
  - Bring your paralegal/legal assistant: $30/$45

Early bird pricing ends May 1

MAY 11 • 7:30 A.M. TO 9 A.M. (Breakfast included)

RETIREMENT ACCOUNTS: PLANNING & DISTRIBUTION ESSENTIALS
SPONSORED BY: Estate Planning, Probate & Trust Section
1.5 CLE credit hours available

This seminar will discuss the use of a conduit trust to provide for beneficiaries of retirement accounts. Retirement accounts often comprise the largest asset in the estate. Knowing how best to protect that asset is a vital part of any estate planner’s toolkit. The presentation will cover the pitfalls related to using trusts with retirement accounts.
May 2017 Calendar

All events at MCBA office, unless otherwise specified.

1. Litigation Section Board Meeting
   Noon-1 PM
   CLE: Impact of President Trump’s Immigration Executive Orders
   1-2 PM
   Maricopa Law Journal Editorial Board Meeting
   5:15-6:15 PM
   Fair or Foul? Law Day Panel
   6-7 PM, ASU Law School

2. Young Lawyers Division Board Meeting
   Noon-1 PM

3. Construction Law Section Board Meeting
   Noon-1 PM

4. Estate Planning Section Board Meeting
   7:30-8:30 AM
   CLE: Financial Distress Clinic: Nuts and Bolts
   11:30 AM-1 PM

5. MCBA Family Day at Great Skate
   3:30-6 PM
   Great Skate, Glendale

6. CLE: Family Law Ethics: 30 Tips for Avoiding Claims in 60 Minutes
   Noon-1 PM
   Membership Committee Meeting
   12:15-1:15 PM
   Paralegal Division Board Meeting
   5:30-6:30 PM

7. Personal Injury Law Section Board Meeting
   Noon-1 PM
   Solo/Small Firm Division Board Meeting
   Noon-1 PM

8. Bankruptcy Section Board Meeting
   7:30-8:30 AM
   Environmental Section Board Meeting
   Noon-1 PM
   CLE: Ethics Considerations in Conducting Real Estate Transactions
   Noon-1:30 PM

9. CLE: Retirement Accounts: Planning & Distribution
   7:30-9 AM

10. CLE: The Sexy and Dangerous Side of Dealing With the Media
    Noon-1 PM

11. Family Law Section Board Meeting
    Noon-1 PM

12. Volunteer Lawyers Project Board Meeting
    Noon-1 PM
    CLE: Commercial Real Estate Purchases and Sales Agreements
    Noon-1:30 PM

13. Employment Law Section Board Meeting
    Noon-1 PM

14. Board of Directors Meeting
    4:30-5:30 PM

15. Criminal Law Section Board Meeting
    Noon-1 PM
    CLE: Arizona Automobile Insurance Law: Understanding Uninsured and Underinsured Motorist Coverages
    Noon-1:30 PM

16. Paralegal Career Day
    7:15 AM-1 PM

17. Real Estate Section Board Meeting
    Noon-1 PM

18. Maricopa County Bar Foundation Board Meeting
    Noon-1 PM

19. Maricopa Lawyer Editorial Board Meeting
    5:15-6:15 PM

Please watch your MCBA E-News for updated information about meetings and events.
VLP ATTORNEY OF THE MONTH

Attorney earns coveted honor for going the extra mile for clients

By Peggi Cornelius, VLP Programs Coordinator

John F. Gordon is an experienced trial attorney with a quick wit and a wealth of knowledge; he brings to bear in the pursuit of a more just society. For his pro bono service to tenants with civil law problems, the Volunteer Lawyers Program has honored him as “Attorney of the Month.”

In response to questions about his youth and what influenced him to attend law school, Gordon quips about hitchhiking posts in front of the Phoenix elementary school he attended. Then he reverently describes the influence of his parents and a very prominent local activist, Monsignor Edward J. Ryle, who was the executive director of the Arizona Catholic Conference from 1984 until 2003 and worked tirelessly to represent the concerns of children, the elderly, and those affected by mental illness.

“My parents were social workers,” he says. “Dad was the director of social work at the Arizona State Hospital for many years and some years I would come home for dinner, I was vices and Catholic Social Services.”

“When she brought Monsignor Ryle home for dinner, I was astonished, VLP Attorney of the Month.”

Lawyers Program has honored him as the Volunteer is the director of social work at the Arizona State University began with history, then social studies and eventually he earned his law degree from Arizona State University. In this case, I represented the parents of two small children residing in a home where tenants’ rights advice clinics at VLP, Gordon meets with individual tenants whose hardships often involve habitability issues that can affect their health. One especially egregious matter stands out in my memory.

“In this case, I represented the parents of two small children residing in a home where their average water bill was $66 a month,” he says. “Suddenly, one month, they received a water bill for two months’ use at a total cost of $2,500. They immediately contacted the landlord and the city water department. The problem stemmed from an invisible water leak under the foundation of the house. While the landlord paid for repairs, the resulting water bill remained. Being unable to pay the bill in full, the couple began making partial payments, but a late fee of $100 was added to the balance each month. When they came to VLP, the water had been turned off because they had been unable to keep up with the escalating expenses. The family had been left without water for bathing, cooking or cleaning for two months! Decent, affordable housing is not readily available to people of limited means in Arizona. That alone is a notable challenge for people I meet at VLP, but when they are faced with unlivable conditions and saddled with debt through no fault of their own, I’m appalled.”

Gordon set about advocating for the family. By approaching the applicable city councilwoman’s office, his efforts finally resulted in restoration of water service, a waiver of late fees and penalties, and a payment plan for the balance. He didn’t stop there.

Gordon knew other people were suffering from debt under similar circumstances. After doing some research, he wrote to the mayor and the councilwoman. With his clients’ story and factual information on the existence of “extreme water bills,” he advocated for policy changes that would impact many more people.

He proposed reductions in costs to customers that would not short change the city in coverage service delivery costs. He proposed routine notices to customers when their water consumption suddenly and dramatically increases, pointing out that it could not only decrease debt for customers, but conserve Arizona’s precious water resources.

In addition to his pro bono work through VLP, Gordon has performed community service at the Federal District Court Self-Service Clinic. To volunteer or to get more information, please contact VLP Director Pat Gerrich at pgeerich@clsaz.org (602) 254-4714.

The Volunteer Lawyers Program provided $3,285,147 in economic benefit to families through cases completed during 2016. Thanks to all who participated and supported VLP!

The Volunteer Lawyers Program is a joint venture of Community Legal Services and the Maricopa County Bar Association

Welcome, Sustaining Members!

The MCBA is proud to welcome the following attorneys who have joined the association as Sustaining Members for 2017:

Washington, D.C., April 17, 2017

For a single payment of $500, Sustaining Members receive unlimited attendance at live Continuing Legal Education programs and other benefits. For more information or to become a Sustaining Member, please contact Membership Coordinator Cynthia Quinonez, at 602-682-8582.
The 14th Amendment continued from page 5

Terrorist civil rights

Controversially, the statute establishing Arizona territory outlawed slavery in Arizona. It was reported that slavery of African Americans had not been practiced widely in the territory, but that slavery of Native Americans was more common. The practice had been legal under Mexican law and continued for several years after the end of the Civil War before Congress specifically directed the military to take steps to assure that Native American (specifically Navajo) slaves were freed.

The Territorial Enfranchisement Act of 1867 granted voting rights to the non-white citizens (Native Americans were not considered citizens) of the Arizona territory well before such rights were extended in most states. The act prohibited “denial of the elective franchise in any of the Territories of the United States, now or hereafter to be organized, to any citizen thereof on account of race, color, or previous condition of servitude.” Arizonaans were generally not threatened by this expansion of voting rights in the territory since only about 20 black men in the territory were expected to be eligible to vote in the next election. In addition, a poll tax of $6 ($4 dollars if paid before the end of August) diminished the likelihood that these men or most of the poor Hispanic population would present themselves to vote at the polls.

Opposition to the amendment

The one provision of the 14th Amendment that did concern the readers of the Arizona Miner was Section 2. This section attempted to use a carrot and stick approach to persuade states to permit freed slaves to vote by appointing seats in the House of Representatives based on “the whole number of persons in each state, excluding Indians not taxed” (rather than the prior Constitutional apportionment approach that counted slaves as 3/5 of a person). However, if states failed to permit the freed male slaves to vote, the basis of representation would be reduced by the proportion of male ex-slaves to male citizens in the state. On the one hand, permitting former slaves to vote would increase the state’s representation in Congress, but prohibiting suffrage for the former slaves would reduce the state’s representation.

The Southern Democrats who dominated Arizona political opinion at the time vociferously opposed this provision (and pretty much any provision that gave freed African Americans the vote) because they had the potential to transfer political power from the white minority in some Southern states to the ex-slaves. Such a transfer forced by “Radical Republicans” was not welcome.

In an 1868 New Year’s opinion column, the editors of the Miner bemoaned the arrival of the “worst passions of mistaken equalizers and bungus philanthropists” who were subverting “the principle of democracy in our country” by tearing “down the barriers that have existed from time immemorial between the races.” Even to many Republicans, the benevolent act of abolishing slavery was one thing, but admitting former slaves into the democratic process in large numbers was a step too far.

By the time the results of the 1870 census were available for re-apportioning representation in Congress, the former Confederate states had gained admission to the Union and serious congressional efforts to enforce Section 2 were never attempted.

Obstacles to voting and civil rights contrary to the promises in Sections 1 and 2 for Americans of diversity would not begin to fall for many decades. The ideals expressed in the first two sections of the 14th Amendment remain aspirational. Those ideals rely on lawyers and advocates in Maricopa County, and elsewhere, to enforce and protect these constitutional promises and make them a reality. Dr. Alasp and Rep. Bingham, for different reasons, would probably be surprised by the declining relevance of this handful of words a century and a half after they were first printed in a small territorial newspaper.

HONORS & AWARDS

Valley Leadership announces David Tierney as the organization’s 68th Man of the Year. Tierney was honored for his long-term contributions and commitment to the community at the Annual Man & Woman of the Year awards luncheon on March 30, 2017. Tierney has been a partner in the Phoenix firm of Sacks Tierney, PA, since 1974, practicing primarily in commercial construction law. Before moving to Arizona in 1969, he was active in civil rights issues.

The national law firm of Quarles & Brady, LLP, announced that Phoenix partner Rowan Smith has been elected to the Arizona Science Center board of trustees. In his new role, Smith will provide counsel and guidance in the direction and operation of Arizona Science Center as well as raise awareness of the center’s programs and services to the surrounding communities.

Smith is a partner in the firm’s Phoenix office and focuses his practice on technology and intellectual property law, including patent prosecution, portfolio management and litigation strategy. He also counsels clients on non-patent matters, such as the registration and protection of copyrights and trademarks, and the protection of trade secrets.

Smith earned his bachelor and law degrees from the Sandra Day O’Connor College of Law at Arizona State University.

The Marcia Lawyer invites members to send news of moves, promotions, honors and special events to post in this space. Photos are welcome. Send your news to maricopolawyer@maricobar.org.

NEW HIRES

Brian Moll

Gust Rosenfeld, PLC, is pleased to announce that Barry M. Markson has joined the firm as a partner in the firm’s Insurance Defense Group.

Markson has been practicing in the area of insurance defense for over 20 years. His practices in the areas of civil/commercial litigation, premises liability defense, defamation, products liability, construction defect, environmental/toxic tort, governmental liability, civil rights, personal injury defense, bad faith and insurance coverage. He has tried cases in a variety of areas, including premises liability, products liability and automobile negligence.

Markson is judge pro tem for the Maricopa County Superior Court. He also serves as a mediator and arbitrator in various civil litigation and insurance related matters including insurance coverage and bad faith claims, catastrophic injury, product liability and cases involving public entity.

He earned his bachelor’s degree in communications and a J.D. from Arizona State University.

PROMOTIONS

Quarles & Brady, LLP, announced that Phoenix partner Edward A. Salanga has been named national chair of the Commercial Litigation & Dispute Resolution practice group, effective immediately.

Having been with the firm for 17 years, Salanga previously served as the chair of the Commercial Litigation Group in the Phoenix office and co-chair of the Real Estate and Construction Litigation Committee. He focuses his practice on construction and commercial litigation disputes. Following Salanga’s transition, John M. O’Neal will serve as chair of the Commercial Litigation Group in Phoenix.

Salanga received his bachelor’s degree from Vanderbilt University and his law degree from Arizona State University’s Sandra Day O’Connor College of Law.

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 other publications (e.g., Super Lawyers, Best Lawyers, etc.). Notices are printed at no cost, but must be submitted in writing and are subject to editing. Items are printed as space is available. News releases regarding lawyers who are not MCBA members in good standing will not be printed.
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