Ryan will be old hand by investiture

By the time Arizona Supreme Court Justice Michael D. Ryan has his formal investiture ceremony on Sept. 20, he already will have been on the job for almost three months.

By late August, he’d already authored memorandum decisions and been assigned opinions to write. He’ll also be serving as duty justice in September.

Gov. Jane Dee Hull appointed Ryan, then an Arizona Court of Appeals judge, on May 22 to replace retired Justice Thomas Zlaket. Ryan had planned to stay at the Court of Appeals until late July or early August, and scheduled the investiture ceremony for late September to accommodate family members. But the Court of Appeals needed the money that it would save from his position being vacant for a couple of months until his replacement was appointed so, without any public pomp and circumstance, he began work at the Supreme Court on July 1.

He started working in time to take part in two of the court’s current high-profile issues: the challenges to the state’s clean election campaign financing laws and dealing with the aftermath of the U.S. Supreme Court’s June decision that overturned Arizona’s death-penalty statute.

Ryan’s investiture ceremony is scheduled for 11 a.m. Sept. 20 at the Arizona State University College of Law’s Great Hall.

Ryan’s significant cases, as new justice sees them

As part of their written applications, appellate judicial applicants must provide information about up to five cases they litigated or participated in as an attorney and up to five cases over which they presided or heard as a judicial or quasi-judicial officer, mediator or arbitrator.

In Michael D. Ryan’s application for the Arizona Supreme Court, he included the following cases to meet that requirement. The summaries and statements of significance about the cases are quoted from his application.

Cases litigated or participated in as an attorney

Ryan spent his entire pre-judicial legal career with the Maricopa County Attorney’s Office. As a result, Ryan was the prosecutor in all cases he listed in this category.

Ryan’s significant cases

— See Ryan cases on page 3

Apply to be an MCBA board candidate

Interested in helping to govern the Maricopa County Bar Association? Apply to be a candidate for a seat on the board of directors.

The MCBA Leadership Development Committee will choose a slate of at least 10 candidates from among the applicants for six seats up for election this year. Ballots will be mailed to all MCBA members by Nov 1. The two-year terms begin Jan. 1.

Interested MCBA members should send a letter of interest, a resume listing current and previous bar activities and a small black-and-white photo to MCBA Executive Director Brenda Thomson, 363 E. Palm Lane, Phoenix, AZ 85004, by Sept. 15.
ABA YLD delegates deal with controversial proposals

The American Bar Association held its annual meeting in Washington, D.C., in early August. The ABA YLD delegates met to debate and decide on certain recommendations to the ABA House of Delegates. All of the resolutions discussed below will be sent to the ABA House of Delegates for debate and consideration and, if passed, will ultimately be recommended to Congress. Arizona sent five delegates to the YLD meeting: Mike Dana, Phoebe Moffatt and me from Maricopa County, and Roger Contreras and Jeff Jacobson from Pima County.

The first resolution debated by the YLD assembly urges federal, state, territorial and local governments to enact and fully implement legislation that promotes tolerance and anti-bias instruction, multi-cultural awareness training, hate crime/violence prevention education and anti-bullying/harassment programs for children, teachers and school administrators. It further encourages public education agencies, school boards, juvenile courts and other community agencies to adopt policies that:

- Urge juvenile courts to create and use appropriate diversionary programs or, where necessary, alternative dispositions that educate children on the negative impact of hate- and prejudice-motivated behavior;
- Consider the unique circumstances of each hate crime or incident of violence committed by and against children when responding to any such reported act;
- Provide for national, state, local, college/university and elementary/secondary school data collection on juvenile hate crimes, and reported acts of harassment, bullying or other violence committed by or against children; and
- Encourage government-funded agencies responsible for residential care settings for children to implement and enforce nondiscrimination policies for children in their care and promptly investigate and resolve incidents of harassment, violence or other mistreatment directed toward those children.

The resolution also urges organized bars and individual lawyers to facilitate tolerance and anti-bias education in school and community settings and to promote programs that respond to hate crimes and prejudice-motivated acts by children. The ABA YLD assembly passed this resolution unanimously. The second resolution, which passed by a narrow margin, opposes the detention of foreign nationals in undisclosed locations by INS and urges protection of the constitutional and statutory rights of immigration detainees by:

- Disclosing the names, detention facilities and charges against detainees and ensuring their immediate access to attorneys and family members;
- Promptly charging detainees and releasing detainees when charges are not brought or removal orders are not effectuated within a constitutionally permissible time period;
- Providing prompt custody hearings.

The Maricopa County Bar Foundation is seeking applications from attorneys and others to fill vacancies on its 21-member board of trustees. The foundation is the charitable giving arm of the Maricopa County Bar Association. It raises money for its endowment fund and operating expenses through fund-raising events, membership fees and the donation of court-appointed arbitrator fees. The foundation uses the funds to award grants to organizations that provide legal services to the poor and others who need direct services, as well as to organizations that help improve the administration of justice.

The board of trustees is composed of attorneys, judges and other local professionals and business people. Those interested in serving on the board should send a letter of interest and a resume to Maricopa County Bar Foundation, c/o Brenda Thomson, executive director, 303 E. Palm Lane, Phoenix, AZ 85004-9890. Letters must be received by Nov. 15. Appointees will be announced at the foundation’s annual meeting, which will be held at 7:30 a.m. Dec. 15 at the MCBA offices. New members’ three-year terms begin Jan. 1.
lists as a source of jurors."


Summary: "Whether a public defender had to withdraw from representing an indigent client because he wished to call as a witness a former client [represented by another public defender] whose appearance was similar to his client’s (the defendant’s defense was misidentification)."

Significance: "It was one of the early decisions of the Supreme Court that addressed the then-new Rules of Professional Responsibility for lawyers. The Supreme Court ruled that Arizona would continue to use the ‘vicarious disqualification’ rule in determining whether an attorney has a conflict of interest."

➤ **State v. Meeks**, 135 Ariz. 8, 638 P.2d 808 (App. 1982)

Summary: "Significant issues...included the makeup of the jury pool, the admissibility of the defendant’s statements and submissions on the issue of dangerousness to the jury on the charge of second-degree murder."

Significance: "This case, among others, led the Legislature to enact A.R.S. § 13-710, which established a mandatory sentence for second-degree murder.


Summary: "The defendant, a serial rapist, was convicted by a jury of 15 counts of kidnapping, sexual assault and armed burglary, with two prior felony convictions. He was sentenced to 101 years in prison."

Significance: "Significant issues...concerned the admissibility of the testimony of two victims who had been hypnotized, and the defendant’s waiver of his Miranda rights after appointment of counsel.... The Court of Appeals affirmed the conviction and sentence.


Summary: "This was a double homicide case in which the defendant claimed he was temporarily insane because of his combat experiences in Vietnam. The defendant had previously been convicted of the homicide in 1973, but was granted a new trial based on his claim that a new psychiatric syndrome, post-traumatic stress disorder, supported his contention that his experience as a Marine in the Vietnam War caused him to murder two teenagers. I represented the state in the post-conviction relief proceedings in 1983 and 1984, and at the second trial in January and February of 1985.... The defendant was again convicted of two counts of first-degree murder and sentence to life imprisonment."

Significance: "This was the first case in the nation in which a defendant obtained a new trial based on a claim of post-traumatic stress disorder. The Arizona Supreme Court affirmed the convictions and sentences.

Cases presented over as a trial judge and decisions authored as a Court of Appeals judge

➤ **State v. Evan Mecham and William B. Mecham (Superior Court, 1988)**

Summary: "The indictment in this case charged Gov. Mecham and his brother with filing false campaign financial statements, perjury and other crimes. Gov. Mecham and his brother were acquitted after more than two weeks of trial."

Significance: "[I]t was the first time an Arizona governor had been indicted while in office. Moreover, while pending trial on these criminal charges, the governor was impeached by the Arizona House of Representatives. The subsequent trial in the Senate was highly publicized. Because of that, many predicted that an impartial jury could not be impanelled for trial on the criminal charges. However, a jury was selected in four days. Additionally, this was the first criminal trial in Arizona in which there was ‘gavel-to-gavel’ television and radio coverage of the proceedings.

➤ **State v. Walker, Tapp et al (Superior Court, 1991-93)**

Summary: "This was the ‘AZSCAM’ case. Twenty-one persons, most of whom were legislatures and lobbyists, were indicted on charges of conspiracy, bribery, filing false campaign financial forms, and false financial statements. Most of the criminal conduct was captured on audiotape and videotape. Nearly all the defendants pled guilty to reduced charges. Two defendants went to trial: former state Sen. Carolyn A. Walker and lobbyist Ronald G. Tapp.... The trial lasted six months and most of the evidence consisted of about 400 audiotapes and videotapes. The jury deliberated approximately 17 days and found Ms. Walker guilty of two of the 10 counts with which she was charged and Mr. Tapp guilty of 12 of the 23 counts with which he was charged."

Significance: "Extensive pretrial publicity required significant screening of potential jurors. Nevertheless, a jury was selected in about six days. During trial, significant issues that I had to rule on included the destruction of notes by the state’s key witness, entrapment, duress, defining corrupt intent on the bribery charges, alleged juror misconduct, and pretrial and trial-related publicity. Additionally, keeping jurors for such a long trial required significant efforts on the part of my staff and myself. The convictions and sentences were affirmed by the Court of Appeals."  

➤ **State v. Richard Kenneth Dijer (1993-96, Superior Court)**

Summary: "The defendant was charged with four counts of first-degree murder and numerous counts of burglary, kidnapping, sexual assault and theft.... Numerous issues such as admissibility of DNA evidence were litigated in pretrial proceedings. The defendant eventually pled guilty to four counts of first-degree murder, with the state agreeing only to dismiss the other charges. After a lengthy aggravation and mitigation hearing, the defendant received the death penalty on all four counts of first-degree murder."

Significance: "Significant sentencing issues concerning the aggravating factors of grave risk of death to others, namely the police and fire personnel who responded to the scene (the defendant had soaked the home in gasoline and left two stove burners on) and whether the murders were cruel, heinous and depraved... The case was affirmed by the Arizona Supreme Court."


Summary: "This opinion, authored by myself, was one of the first in the country that held that a state board of medical examiners had jurisdiction to investigate complaints arising from medical pre-certification decisions made by a state-licensed physician who performed duties as the medical director of a health insurer. The opinion has been cited in several cases in other jurisdictions, and discussed in numerous articles across the country.


Significance: "This case addressed the constitutionality of Arizona’s grandparent visitation statute in light of a recent decision of the United States Supreme Court. Previously, I had authored an opinion that upheld the constitutionality of Arizona’s grandparent visitation statute. Griffin v. Doyle, 193 Ariz. 119, 985 P.2d 604 (App. 1999). The next year, the..."
Wissink...  
_Continued from page 2_

before immigration judges;  
➤ Holding public removal hearings when required to protect the individuals’ safety or welfare or when a judge finds closure necessary to protect national security; and  
➤ Allowing the detainees access to counsel and legal information and permitting independent organizations to visit and meet privately with the detainees. 

Supporters of this resolution argued that the detention of foreign nationals both before and after Sept. 11 violates basic constitutional rights, while opponents argued that passing such a resolution weakens our national security.

The final resolution, which passed by approximately 30 votes, urges federal, state, territorial and local governments to enact legislation, promulgate regulations or take other necessary action to ensure an unmarried surviving partner who shares a mutual, interdependent, committed relationship analogous to that of a married couple. Due to the political ramifications of both this resolution and the one on detention of foreign nationals, the ABA YLD delegates discussed the resolutions at length in some rather heated debates.

Aytch...  
_Continued from page 2_

assistant attorneys to this end.

Paralegals also have a tradition of pro bono service. Service to the community has been the cornerstone of their profession. Both national paralegal organizations encourage paralegals to perform pro bono work. The Maricopa County Bar Association’s Paralegal Division is committed to assisting in the access to justice. Many of us volunteer with lawyers at community services agencies. We also work with the Young Lawyers Division committed relationship with a victim of terrorism or other crime can qualify for crime-victim compensation and assistance funds provided by that government to eligible spouses. Opponents of this resolution argued that the sanctity of marriage should not be compromised, and if governments are to recognize unmarried partners of victims of crime, they should pass legislation setting standards for determining what constitutes a “mutual, interdependent, committed relationship.” Proponents argued that survivors of victims of crimes should not be penalized if they either could not obtain a marriage license because they were in a same-sex relationship or did not obtain a marriage license for other reasons but nonetheless lived together in a committed relationship analogous to that of a married couple. 

Due to the political ramifications of both this resolution and the one on detention of foreign nationals, the ABA YLD delegates discussed the resolutions at length in some rather heated debates.

The Paralegal Division is committed to being an integral part of access to justice issues. Our conference on Sept. 27 will explore the many ways in which paralegals can volunteer and work with attorneys to foster a spirit of service, cooperation and inclusion in providing access to justice. We encourage you to join us.

As the noted lawyer and educator Marian Wright Edelman says, “Service is the rent we pay for being. It is the very purpose of life, and not something you do in your spare time.”

The MCBF would like to recognize its volunteers of the month for September, Jessica Fotinos. For the past few years, Jessica has worked tirelessly on the HIV/AIDS Law Project and in doing so has assisted numerous HIV/AIDS victims with their basic legal needs.

Foundation...  
_Continued from page 2_

The project recently assisted a 63-year-old disabled woman to obtain an injunction against her local water users’ association, which had wrongfully cut off service to her property. The project obtained an order compelling the association to restore water service.

In another recent case, the project assisted an elderly woman in a desperate legal battle with her former husband, who had filed an action to reduce her spousal maintenance. She was already living at or below the poverty level and had no way to pay for legal counsel. With the project’s help, she successfully rebuffed her former husband’s attempt to reduce payments.

The lawyers involved in these efforts did not say, “I sure hope someone helps these poor people.” These lawyers rolled up their sleeves and went to work.

Their efforts may not have mattered much to our society as a whole, but they sure mattered to the individuals who were helped.

The MCBF is seeking grant applications from organizations that share our vision of changing lives one person at a time. Applications are due by Sept. 15. For more information, contact Brenda Thomson, MCBF executive director, at 602-257-4394.

➤ Greg Knight is chair of the MCBF’s Grants Committee.

Ryan cases...  
_Continued from page 3_

United States Supreme Court found another state’s non-parental visitation statute unconstitutional. _Troxel v. Granville_, 530 U.S. 57 (2000). The parents in the _Jackson_ case, relying on _Troxel_, argued that Arizona’s grandparent visitation statute was unconstitutional. In the opinion I authored in this case, I distinguished the United States Supreme Court’s decision in _Troxel_ and reaffirmed the constitutionality of Arizona’s grandparent visitation statute. The Jacksons asked the Arizona Supreme Court to review the decision, but the court denied review. They then petitioned the United States Supreme Court for certiorari, but the court denied their petition. The Jackson opinion has been cited in other cases across the country and discussed in several law review articles.”

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 typed (double-spaced) and submitted to Maricopa Lawyer, Maricopa County Bar Association, 303 E. Palm Lane, Phoenix, 85004. A copy of the submission on computer disk would be appreciated.

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Everything else being equal, go for customer service

Dell’s service still distinguishes standard components

The PC business is in a terrible slump except for Dell, and Dell is making its mark with service. What is not well known is that most PCs other than Dell and Apple products are made from standard components manufactured by someone other than the PC builder. Thus, it is not really accurate to say that major computer companies such as Dell, IBM, Hewlett Packard and Compaq “manufacture” computers. It is more accurate to view them as assemblers of parts manufactured by others.

The confluence of intense competition, razor-thin profit margins and generic components means that the price you pay for a desktop computer from a major manufacturer is not substantially greater than you would pay for an equivalent computer from your local GarageTeronics builder. All of the major manufacturers are moving to the “just in time” model developed by Dell. Price competition among the major manufacturers is intense.

As a result, service — rather than price — becomes the most important consideration and it is here that Dell still rules. Even if you can’t stand Stephen the world’s most well-known supercilious teenager (“Dude, you’re getting a Dell!”), you can rest assured that the Dell staff is helpful and smart both at the time of initial sale and for continuing service. Dell gets my personal first-place award for the fifth consecutive year. But the competition is heating up and the pretenders to the crown are coming on. The benefit is all yours because competition among computer assemblers reduces cost and can increase quality if you choose carefully.

All computers are not equal, even when they are made from standard parts. It may seem inconsistent that some computers perform better than others even though they are all made from generic parts. The explanation for the apparent conflict lies in the direct analogy to winemaking. Two winemakers can put together generic ingredients in different ways. One will produce a masterpiece and the other will produce junk. It’s pretty easy to send back your wine but it’s not so easy if you have a bad computer. Often the problem with the computer is the same as with bad wine. You send the wine back to get a different wine, not to have it patched up by the addition of a few more ingredients. If a computer is a bad product because its component parts don’t work together well, no amount of fiddling and tweaking will make it OK. You are stuck with it and with the cost of the reduced productivity that comes from having an inferior product.

Another advantage comes with mass manufacturing of computers. Experience often teaches that a particular combination of generic components doesn’t work as well as another combination. In the fast-paced world of computer assembly, the ability to respond to that information and to incorporate it into a better product is critical.

The “just in time” assemblers like Dell have a big advantage. Their customer base provides them with constant feedback and their service organization is able to identify problems that show up on a broad basis. Often those problems come about because of subordinance that occurs among the hardware, the operating system and particular software applications. It is here that experience counts for everything, just as it does in wine making, heart surgery and law practice. Nobody wants to have his heart operated on by a fellow with an IQ of 180 who is eager to learn but has no experience. Nobody would turn over a major piece of litigation to the new associate who just happened to be law review editor. The truth is that experience counts in life, litigation and computer building.

What then is the difference and how should you choose? For me the difference is service. Everything else being equal, the quality of service makes the difference. It’s not only a function of time but also a function of experience and management. Back in the 1980s, WordPerfect developed its dominance in the word-processing field based on its high-quality service. Today, Dell is retaining its dominance in the manufacturing field because of its service and is making money when others are not. Some really big names have absolutely awful service. I have had clients who bought name brand computers by mail and have been unable to get any significant service. They have spent more time trying to fix machines than the machines are worth.

No matter how good your computer is, if you can’t consider, fact and knowledgable customer service, you are in trouble. Dell’s service has been top rated for years, so it is not surprising that it is about as good as you can get. But recent surveys have show that IBM is catching up quickly and has now surpassed Dell in the notebook area. If you want to read the details, go to the Aug. 1, 2002, issue of PC Magazine at www.pcmag.com. You’ll find the latest customer service statistics.

In the survey, Dell walks away with the award for desktops but surprisingly slips behind IBM, Toshiba and Hewlett Packard in the notebook category. Dell still provides top-rated service for both notebooks and desktops but has slipped out of first place in the notebook category because of a higher than average need-for-repair rate on its new notebooks. I have had several Dell notebooks that have been solid performers under a multitude of conditions.

The bottom end contains some surprising names like Compaq, Acer and NEC, which are just as good across the range of notebook categories. The don’t touch category for desktops contains Compaq, Hewlett Packard and eMachines.

This year, the survey contains top rankings for printers (Hewlett Packard in a walk), PDAs (Handspring), servers (Dell), digital cameras (Sony) and home networks (Linksys). Even Internet service providers are ranked in both broadband and dialup mode, with local providers being highly rated.

IBM and Dell show that companies that care about technical support can provide it on a national basis in an effective and efficient manner. They both give me faith that the American business machine and computer industry can combine quality, service and price to compete effectively in the international markets that will be dominant in the 21st century. Now if Stephen would only find other work, I would be one satisfied customer!
A year ago, Maricopa Lawyer reported that Maricopa County Superior Court Judge Sherry Hutt had earned a doctorate in forestry arising out of her interest in cultural-property issues. It turns out that this interest was born when Hutt was an assistant U.S. attorney prosecuting her first cases involving theft of Native American artifacts.

Throughout her time on the bench, Hutt continued her interest and became a nationally-recognized authority on the subject, writing articles and books, one of which is used at six law schools and in a half dozen other graduate programs around the country.

On June 30, Hutt retired after 16 years (three as a commissioner and 13 as a judge) on the Superior Court, but didn’t retire from work. She moved into a new career, writing, speaking and consulting on cultural-property law. She has three book contracts—one with the American Bar Association—and she will spend a three-month resident fellowship at the Smithsonian Institution beginning this fall.

As part of her Smithsonian project, Hutt will develop an “ownership audit matrix” for use by museum curators and boards to make determinations beyond the authenticity and provenance of items in their collections. For museums to know what they can do with items in their collections, they need to know how each item was acquired.

According to Hutt, two current hot topics in this area are Nazi-era provenance items and Native American repatriation claims: people bringing private actions against museums and federal agencies claiming items previously donated were actually only a loan or alleging that the donor agreement was breached and the item should be returned.

“The idea of the ownership audit is to take each piece of the collection, look at the acquisition records, categorize the items and establish a continuum of the attributes of ownership so that the attorney for the museum, together with the board of directors, can make decisions with respect to acquisition and de-acquisition of the collection,” Hutt said.

The manuscript for the first of Hutt’s new books, Cultural Property Law: A Practitioner’s Manual, is due in February 2003. Unlike her 1999 textbook, the ABA book will be written as a practitioner’s guide and approach the subject from a practitioner’s point of view:

“You can see why I had to leave the bench,” Hutt said. “There is not enough time in the day to do all the things that are out there.”

She also acknowledges that as a judge, what could be done outside the courthouse was limited.

“On the bench, you cannot consult, which I have been asked to do. You can’t take an extensive research fellowship,” like the one at the Smithsonian. “And the other thing is that I’ve been doing speaking, I am now being given the opportunity to develop the syllabus—not just walk in and speak, but be part of the planning and content development.”

“What I like about what I am doing now is the folks paying my tab call me to consult and they want me there. They are asking me to provide a set service or do a discrete task, and we’re all task-oriented. There’s no bureaucracy; there’s no personal politics. It’s really sort of goal-oriented.”

Commissions to interview 10 applicants each for appellate, trial vacancies

The Commission on Appellate Court Appointments was to interview 10 candidates Aug. 27 to fill the vacancy on the Arizona Court of Appeals created by the appointment of Judge Michael Ryan to the state Supreme Court.

The commission was to interview Maricopa County Superior Court judges Louis A. Araneta, David R. Cole, Maurice Portley and Eileen S. Willett, and attorneys Randall M. Howe, Timothy R. Hyland, Donn G. Kessler, Patricia K. Norris, Christina Urias and Lawrence F. Winthrop.

After interviewing the candidates, the commission was to recommend at least three candidates to Gov. Jane Dee Hull, who selects the new judge from among those recommended.

The Maricopa County Commission on Trial Court Appointments was to meet Aug. 22 to interview 10 applicants for the vacancy created by the retirement of Judge Sherry Hutt.

Candidates scheduled to be interviewed were Maricopa County Superior Court commissioners Elizabeth P. Arriola, Harriett E. Chavez and Raymond P. Lee; Superior Court hearing officer R. Jeffrey Woodburn, and attorneys Gerald R. Grant, Larry Grant, Robert C. Houser Jr., Christopher C. Kempley, John C. Rea and Robert J. Weber.

After interviewing the candidates, the commission was to recommend at least three candidates to Hull, who selects the new judge from among those recommended.
When you read this, I will once more be doing battle with the French language.

I'm the guy who tried to order a second cup of coffee and my French was so bad I ended up buying drinks for the house. I'm the guy who idly remarked to a waiter that the weather seemed warm ("Il fait chaud") and was rewarded with a cabbage salad ("chou").

Thus I now limit my French to a pair of expressions that seem to cover most circumstances, to wit: En panne, pronounced "on pan," and encore, pronounced just like we say when we want the fat lady to sing again. Here are some situations in which en panne will come up:

➢ You have just called for medical assistance after ordering a drink for which the English translation read "Surprise tail of the Mediterranean sea devil." When the doctor arrives at your hotel door, you point to the upper or lower abdomen, as the case may be, and whisper, "En panne!" (Note that this works equally well with faulty cameras, hotel keys that won't fit and broken shoelaces.)

➢ You have been drinking strong French coffee all morning. Your hotel is 10 blocks away and there's only one public toilet along the route. A plumber in high rubber boots meets you at the door of that convenience stop five minutes away and there's only one public toilet along the route. A plumber in high rubber boots meets you at the door of that convenience stop five minutes away. He opens it and says, "Encore!"

➢ You are 7 euros into a 9 euro taxi ride when the 1983 Citroen coughs and wheezes to a stop. After directing some crisp French phrases to the driver, who idly remarked to a waiter that the weather seemed warm ("Il fait chaud") and was rewarded with a cabbage salad ("chou"). When the driver arrives at your hotel door, you point to the upper or lower abdomen, as the case may be, and whisper, "En panne!"

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➢ You have been drinking strong French coffee all morning. Your hotel is 10 blocks away and there's only one public toilet along the route. A plumber in high rubber boots meets you at the door of that convenience stop five minutes away. He opens it and says, "Encore!"

➢ You are 7 euros into a 9 euro taxi ride when the 1983 Citroen coughs and wheezes to a stop. After directing some crisp French phrases to the driver, who idly remarked to a waiter that the weather seemed warm ("Il fait chaud") and was rewarded with a cabbage salad ("chou"). When the driver arrives at your hotel door, you point to the upper or lower abdomen, as the case may be, and whisper, "En panne!"

➢ You have just called for medical assistance after ordering a drink for which the English translation read "Surprise tail of the Mediterranean sea devil." When the doctor arrives at your hotel door, you point to the upper or lower abdomen, as the case may be, and whisper, "En panne!"

➢ You are 7 euros into a 9 euro taxi ride when the 1983 Citroen coughs and wheezes to a stop. After directing some crisp French phrases to the driver, who idly remarked to a waiter that the weather seemed warm ("Il fait chaud") and was rewarded with a cabbage salad ("chou"). When the driver arrives at your hotel door, you point to the upper or lower abdomen, as the case may be, and whisper, "En panne!"
Update...

Continued from page 1

tion with the statutory provision that lack of knowledge of a pregnancy is not an acceptable reason not to file a notice of claim of paternity with the Department of Vital Statistics. Such failure also affects the notice putative fathers would receive in a parent-child termination proceeding. (Chapter 173)

Chapter 95 reminds us that home inspectors must be certified and bonded (Chapter 105), as must athletic trainers (Chapter 56 and 70).

Chapter 95 reflects the wording of the notice to the drawer of a bounced check that if payment is not made within 12 days, the check will be referred to the “county attorney for criminal prosecution.”

Chapter 96 modifies the order of priority and method of payment of the proceeds of a trustee’s sale of real property.

Statutes related to condominium and planned communities have been amended to allow the outdoor display of an American flag notwithstanding any provision to the contrary in the community documents. The flag must be on the unit owner’s property. The association must adopt reasonable rules and regulations regarding placement and manner of display. The association may regulate the location and size of flagpoles but cannot prohibit the installation of a flagpole.

Title 12 now provides that the prevailing party in a forcible detainer action is entitled to “damages, attorney’s fees, court and other costs” as well as a writ of restitution. The non-dwelling, landlord-tenant statutes now allow the agent of the landlord or agent of a person to whom the rent is due (as well as the landlord) to re-enter and take possession if rent is due and unpaid for five days or a tenant violates any lease provision. If a forcible entry and detention action is commenced, the winner is entitled to “all damages, attorney’s fees, court and other costs.” (Chapter 33)

Chapter 96 now allows the credit card fraud, as defined within the definition of “credit card fraud” even if the physical card is not used or presented. This is a clarification of existing law. (Chapter 95)

Chapter 201 provides a new method for valuing timeshare property for tax purposes. One-half million bucks per year are allocated from the tobacco tax and health-care fund to a “nonprofit medical research foundation in this state that specializes in biotechnology and that collaborates with universities, hospitals, biotechnology and health scientists and other public and private biotechnology businesses in this state.” The foundation receiving the funds must match the allocation dollar for dollar. The appropriation is exempt from the procurement code and solicitation and award of grant requirement. (Chapter 186)

The prize for the statute with the most subsections (and maybe the most total words) goes to Chapter 191, which amends A.R.S. § 8-807. The statute, which deals with the confidentiality of Child Protective Services records, has 27 subsections lettered A through Z plus AA. Chapter 191 adds a new subsection that directs the Department of Economic Security to provide, at specified times, a copy of the outcome of a child-abuse investigation to the parent, guardian or custodian who is the subject of the investigation and the person who reported the suspected child abuse or neglect if that person is the child’s parent, guardian or custodian.

Chapter 194 amends A.R.S. § 13-4023, which deals with the competency of a prisoner to be executed. The statute now provides that, once the person has regained competency, the Superior Court shall appoint psychological experts to assess the person’s competency to be executed.

Chapter 147 provides that a Holocaust victim or the heir, assignee, beneficiary or successor of a Holocaust victim who resides in Arizona and who has a claim arising out of an insurance policy that was purchased or in effect in Europe before 1946 may bring an action against the insurer to recover on the claim “in a court of competent jurisdiction in this state.” Any statute of limitations is not applicable if the action is brought on or before Dec. 31, 2012. Legislative findings justifying this act are included.

A.R.S. § 11-361 provides for a county — See Update on page 12

Timothy Lee Moulton, Esquire*

*Certified Specialist in Personal Injury and Wrongful Death Litigation by the Arizona Board of Legal Specialization

is pleased to announce the establishment of

The Moulton Law Firm, P.L.L.C.
8320 North Hayden Road, Suite E102-B
Scottsdale, Arizona 85258
480-467-0299 (Office) 480-467-0295 (Fax)
tmoulton@moultonlawoffice.com

Mr. Moulton’s litigation experience includes 17 years as a trial attorney. He spent 14 years as a litigation attorney with Steven J. Wells & Associates/Edythe H. Kelly & Associates (State Farm Insurance Company’s in-house tort defense firm) and as an Advisory Claim Attorney with State Farm Fire and Casualty Company. His practice included the defense of complex third party law suits, first party arbitration matters, and coverage and claims related litigation. He also worked as felony prosecutor with the Maricopa County Attorney’s Office. Mr. Moulton’s practice emphasizes civil jury trials, insurance defense and insurance coverage litigation and selective criminal matters. He is available to act as a mediator, arbitrator, and associate as trial counsel.

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Three more key mistakes attorneys make in mediation

By Richard Fincher
Special to Maricopa Lawyer

In the July Maricopa Lawyer, this column discussed three key mistakes attorneys make in mediation. Here are three more.

➤ Underestimating the time required for an effective mediation.

There is no rule as to how long mediation will take for a successful resolution. Most cases are scheduled for just one day, and this works well. Problems occur when one party announces he or she needs to catch a plane by 3 p.m., or has only booked four hours for the entire process. Resolving litigation is a complex process that takes time. A better rule is for parties to schedule an entire day and be prepared to go into the evening to ensure that time is not an impediment to a successful resettlement.

➤ Failing to adequately prepare for the mediation.

Effective representation in mediation requires the same skill and legal analysis as is required in courtroom litigation. Some attorneys arrive at the mediation without sufficient understanding of the facts, legal theories and potential damages and without preparing the client. Effective persuasion is critical in mediation, and is only successful when articulated in a fact-based manner. Mediations are no different than settlement conferences in front of your judge. Preparation is essential.

➤ Difficulty incorporating the terms into a standard settlement agreement.

Mediation does not end when the parties have agreed to an outline of a settlement. Instead, the parties must incorporate their terms into a formal, binding agreement, often with releases. It is not uncommon for a deal to start falling apart because the standard agreement includes terms unacceptable to one party.

Once settlement is reached, parties have two options. They can sign a term sheet and agree to incorporate the terms into a standard agreement later that week, or they can stay in the room and finish the deal. Many mediators prefer to finish the deal on the spot and obtain binding signatures on the agreement.

In those cases, attorneys should arrive at the mediation with their standard settlement agreements on their laptops. Some parties have sufficient optimism in the process to share their preferred settlement agreement with opposing counsel before the actual mediation. This reduces the chance of unacceptable terms and the deal collapsing.

Richard Fincher is managing partner of Workplace Resolutions and is a full-time mediator/arbitrator of commercial, employment and class action litigation. He can be reached at 602-913-5322. The ADR Committee meets at 4 p.m. on the first Thursday of every month. To join the committee or inquire about CLE, contact Lan-Vi Tran, 602-257-4200.

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We are pleased to present our Real Estate Valuation Practice Group, headed by the reunited duo of Jay Dushoff and Bob Kerrick, seasoned trial lawyers with vast experience in eminent domain litigation and a proven winning record. With eighty years of combined valuation experience, Jay and Bob have handled thousands of cases on behalf of property owners resulting in significant awards.

Our Valuation Group consists of eight lawyers with specialized and substantial knowledge in the areas of eminent domain/condemnation, real estate, zoning, and land use. Two full-time real estate analysts/state-certified real estate appraisers with extensive experience in valuation litigation further distinguish the group’s capabilities. The group’s skills have also been utilized in non-condemnation contexts, such as corporate dissolutions and mergers, partition lawsuits, bankruptcy, probate, environmental law, and real property tax appeals.

Gallagher & Kennedy is ready to assist with any of your valuation needs. To learn more, please contact Jay, Bob or any member of the Valuation Group.

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Unlike most other mediation, arbitration and settlement conference services, we never charge a set-up or administrative fee. You pay only for the time actually spent on your case by one of our expert facilitators, and these very reasonable costs typically are shared by both parties.
A formula for avoiding final argument jitters

By Jack Levine
Maricopa Lawyer

Almost every trial lawyer will tell you that the most anxiety-producing part of a personal injury trial is the prospect of organizing and delivering one’s final argument. Sometimes this anxiety can be so intense that it interferes with the lawyer’s ability to function effectively in the courtroom.

One way to reduce these jitters is to develop a routine while preparing for final argument so that you won’t have to waste emotional energy worrying about what you’re going to say. You will find that you can reduce your anxiety level and concentrate on the important tasks of establishing a positive relationship with the jury and persuading them of the merits of your client’s case. If you impress the jury in your final argument as someone who is confident, self-possessed and relatable, your final argument will be an important task of establishing a positive relationship with the jury and persuading them of the merits of your client’s case. If you impress the jury in your final argument as someone who is confident, self-possessed and relatable, your final argument will be an effective means of communicating with them, and delivering one’s final argument.

1. Introduction and reaffirming the value of the jury system.
2. Burden of proof
3. Instructions on liability
   - Define negligence (show how defendant fell below the standard of care)
   - Explain causation (“if it helps produce the injury”)
4. Contributory negligence/comparative fault
   - Whether it exists
   - Whether it should reduce the plaintiff’s damages
5. Duty to assess damages
6. Special damages
   - Medical bills
   - Lost time from work
7. General damages
   - Valuable things in life (such as health and well-being)
8. Pain destroys these
9. The intangible elements of damage are more important than tangible elements.
10. Motivate the jury
   - Golden rule not permitted but empathy is
   - Client would prefer to have her well-being restored
   - Ability of defendant to pay is never an issue
   - You set the standards

By limiting the structure of the argument to 10 or fewer elements, you can avoid using detailed notes. Communicating to the jury in more of a conversational style is far more persuasive than being tied to detailed notes or, worse, attempting to read a speech. If you know your case and understand the key issues, you will not need notes. Furthermore, without notes, your creative energies will be unleashed for meaningful communication, which will permit you to project the sincerity and conviction that you will need to be persuasive.

Sample final argument

The following is an example of a generic final argument in a personal injury case constructed from the above points:

Ladies and gentlemen, it is now my privilege to address you and to discuss with you the evidence that we have heard and the instructions on the law that apply to the facts in this case. But before I do so, I want to take this opportunity to thank you for the valuable service that you as jurors perform in cases such as this. Our jury system is a unique one and there is no other country in this world where members of a community come together to judge another member and to do justice between the parties as in this case. So, let us review the evidence and see in what direction the scales of justice tip.

You will recall that in a case such as this, a civil case, the burden of proof is merely a preponderance of the evidence. The scales of justice in a civil case are rarely, if ever, lopsided. They are almost always close to being evenly balanced because, if they were not, the outcome would be obvious to everyone and the parties would not be here in court. So, in considering the evidence, please do not expect it to be beyond a reasonable doubt or to be clear and convincing on any issue. Such standards are rarely, if ever, attainable in a civil case such as this, but are reserved for criminal cases in which the burden of proof is far greater. The judge will tell you that a party who has the burden of proof need only persuade you by the evidence that his claim is more probably true than not true.

In this case, my client’s claim against the defendant is based on negligence. Negligence is the failure to use reasonable care. Negligence may consist of action or inaction. A person is negligent if he fails to act as an ordinarily careful person would act under the circumstances. Let us now look at the defendant’s conduct to see if he failed to act as an ordinarily careful person would act under the circumstances. What would an ordinarily careful person in the position of the defendant have done under the circumstances?

Well, first of all, let’s look at the circumstances. (Review facts with the jury.) Another factor you must consider in this case is whether the defendant’s negligence caused the plaintiff’s injury. Negligence causes an injury if it helps produce the injury and if the injury would not have happened without the negligence. In this case, if the defendant had not (describe negligent conduct), this tragic accident would not have occurred and my client would not have suffered these injuries.

The defendant contends that even though he may have been negligent, my client also was at fault and, therefore, her damages for her loss should be correspondingly reduced. Under our system of law, you, as jurors, must decide whether my client also was negligent under the circumstances and whether any fault on her part should reduce her damages. This would be a very high price for her to pay for a momentary lapse of judgment, but it is a price that you can make her pay. However, if you feel it is too high a price, and I submit that it is, you can decide that any comparative fault on my client’s part should not reduce her damages. The judge will instruct you that this issue is left entirely to you.

With these concepts in mind, let us examine my client’s conduct in the light of all the circumstances and see whether her conduct was so negligent that she should not recover 100 percent of her damages. (Discuss facts.) If you find that the defendant was negligent and you find that either my client was not at fault or that even though she was at fault, it should not reduce the damages in her favor, then it becomes your duty to fix an amount of
money that will reasonably and fairly compensate her for those elements of damages proved by the evidence to have resulted from the defendant's negligence.

I want to discuss these elements of damage with you because they involve concepts that are fundamental to our system of values. The damages in this kind of case fall into two main categories. One category is that of out-of-pocket losses. These are relatively easy to calculate. You will see from the medical bills in evidence that my client's expenses for her care and treatment amount to (dollar figure) per day, this amounts to (dollar figure). You also have heard evidence that she will require future medical care at a cost of (dollar figure) and that she will probably lose time from work in the future. Certainly her earning capacity will be reduced by reason of her disabilities.

These out-of-pocket losses, both past and future, are capable of exact computation and I suspect you will have no problem in determining these items of damage. However, it is the other category of damages that will not be easy for you to calculate. There are some general principles based on your common sense and your life experience that will help you. When we think about the most valuable things in life, what do we think about? One that is high on everyone's list is a feeling of health and well-being. Yet, what person in pain can have such a feeling? Pain is a very opposite of pleasure. It is a sensation that robs you of health and well-being. It is a physical suffering. Yet, what person is not concerned about? “How is she?” “Is she in pain?” “Will she be able to enjoy or do the things that give meaning and pleasure to life?”

We ask these questions first because they are the most important, not “How much will her medical bills be?” or “How long will she be out of work?” So you must assess and assign a monetary value to these intangible losses. I believe that in this case has established that, before this accident, my client was a healthy, energetic, optimistic person who enjoyed her life and the activities that gave her pleasure. This enjoyment of life has been taken from her by the negligence of this defendant and when this occurs, a debt is created. It is a debt owed by the defendant to my client and as a just debt it should be paid.

If, instead of injuring my client, the defendant had wrongfully taken $15,000 out of someone else, would you say that my client was not injured or that she is entitled to nothing? Would you say that the defendant should be allowed to keep this? Would you say that the defendant should be allowed to go ahead and act exactly as if nothing has happened here? Before this accident, my client was in good health. She didn't have the nagging persistent pain that she had after this accident. She didn't have the anxiety and the depression that persisted after this accident. She had the self-confidence and the physical and emotional health that permitted her to cope with the stresses of everyday life. That all changed on the night of this accident. I am not permitted to ask you how you would judge this case if you were my client's place because that might cause you not to be impartial. But as objective judges of the facts in this case, you are permitted to be empathetic, to understand what this accident did to her and as a citizen of this community, judging another citizen, render justice to her to the extent that the law permits you to do so. I am sure that if it were in your power to do so, my client would much prefer to be restored to the state of physical and emotional well-being that she enjoyed before this accident. But that is not within your power. All that you are permitted to do is award money damages that will measure your view of the importance of what was taken from her by these injuries. In deciding the amount of the debt that is due, please do not concern yourself about the defendant's ability to pay because that is never a consideration in a case of this kind.

Ladies and gentlemen, you are the conscience of the community. When you speak by your verdict, the community speaks. You represent this community and its attitude towards safety and how others ought to conduct themselves towards others, not only for my client's sake but also for everyone who lives in our community. It is for you to say whether this defendant's conduct meets with the community's approval. If you stamp this conduct with your approval, it will continue and be the standard by which others may guide themselves. If you find for my client, you will be rejecting the type of conduct that the defendant has engaged in here and by your verdict you can set a new and better standard for this community. I thank you for your attention and your service in this matter.

---

**Holm Wright Hyde & Hays PLC**

**James E. McDougall**
(Former Superior Court Judge)

**Maricopa Lawyer**

**September 2002**

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Museum...
Continued from page 1

History
The Old Courthouse is a monumentally scaled building built between 1928 and 1929. A joint effort between Maricopa County and the city of Phoenix, it takes up a full city block in the center of downtown. Most unique is that it is essentially two functionally separate buildings integrated into a single design, serving the city in a segregated wing and the remainder of the building serving as an extension of the Superior Court. The city side has been renovated and primarily houses offices. Between 1929 and 1986, the Old Courthouse underwent many modifications, been renovated and primarily houses offices. That it is essentially two functionally separate buildings built between 1928 and 1929.

Gallagher & Kennedy, and to the MCBA Paralegal Division. Your hard work was instrumental to the success of this year’s drive! Choosing to help us with this worthy cause!

In total, we received over 90 backpacks, 2000 pencils, 1800 pens, 1500 crayons, 200 bottles of glue, 15,000 sheets of paper in the Metropolitan area. Over 200 children in all.

The Maricopa County Bar Association Young Lawyers Division would like to sincerely thank each and every person who took part in shaping Arizona’s legal history.

Light the people, places and events that have been renovated and primarily houses offices. Between 1929 and 1986, the Old Courthouse underwent many modifications, been renovated and primarily houses offices. That it is essentially two functionally separate buildings built between 1928 and 1929. The Old Courthouse was subsequently nominated to the National Register by the Maricopa County Board of Supervisors and listed on the prestigious register by the National Park Service on Feb. 10, 1989.

Law museum project
As part of the renovation, court leaders and members of the legal community envision a museum in the Old Courthouse that will highlight the people, places and events that have taken part in shaping Arizona’s legal history.

Law museum project
As part of the renovation, court leaders and members of the legal community envision a museum in the Old Courthouse that will highlight the people, places and events that have taken part in shaping Arizona’s legal history.

The preserved jail cells will be part of an interactive multimedia exhibit that will emphasize and help educate the public on principles such as the due process required in taking life and liberty, the right to bail or reasonable release conditions, and the functional distinctions between jails and prisons.

Museum planners hope to use old photographs and displays to highlight the era of the old jail, historic events in the courthouse and some of the infamous people who have been housed in the inhospitable jail.

Unique inmate art and jail artifacts also will be on display. Dioramas and other media will depict some of the historic and sensational trials that have occurred in the historic courtrooms, such as Miranda, Gault and Winnie Ruth Judd. Exhibits explaining the unique architecture of the Old Courthouse will be sprinkled throughout the building. The exhibits will be developed in concert with experts from the ABA Law Museum in Chicago, focusing on Arizona history.

Former Phoenix Mayor John Driggs has agreed to lead the fundraising effort for the museum exhibitary, estimated to cost $200,000. He will be working with the State and Maricopa County bar foundations, enabling donations to be tax deductible.

For further information about this museum project, contact the Maricopa County Bar Foundation, 602-257-4320. Tax-deductible gifts should be remitted to the “Maricopa County Bar Foundation – Arizona.

You or your law firm also should expect to be contacted by Driggs for your concepts, ideas and a bit of cash.

➤ Maricopa County Superior Court Judge Patrick J. Ishmael is chair of the court’s Old Courthouse Historical Museum Committee.

We need only children’s clothing this year
If you’re short on time, send money… We’ll do the shopping for you!

Make your check payable to the Maricopa County Bar Foundation (referencing the Domestic Violence Necessities Drive) and mail to:

MCBA
303 E. Palm Lane
Phoenix, AZ 85004

For more information, please call the MCBA, 602-257-4200, ext. 111

Donations can be dropped off at the MCBA from Sept. 1 through Oct. 11, 2002, or you can call the MCBA to schedule a pickup.

Won’t you please help with a donation?

We welcome letters to the editor. Letters generally should be no more than 300 words long. Maricopa Lawyer reserves the right to edit all letters for length. Letters to the editor must be typed on your letterhead, signed and submitted to Editor, Maricopa Lawyer, Maricopa County Bar Association, 303 E. Palm Lane, Phoenix, 85004.00
The divisions, sections and committees in the calendar are those of the Maricopa County Bar Association, unless noted otherwise. All events are meetings and events include the University Club, 39 E. Monte Vista, Phoenix; Arizona State University Downtown (ASUD) Center, 502 E. Monroe, Phoenix; and the Arizona Club, 30th floor, Bank One Building, 201 N. Central, Phoenix.

**MCBA CALENDAR**

**SEPT. 2002**

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**Glen Harbor Bld. Speaker: Arizona Supreme Court Chief Justice Charles E. Jones. Program: Reforms in the state’s limited jurisdiction courts. Reservations/meal orders required.** David Brittlewich, dst@justice.com, or Potty, 602-978-2222. PDL board, 5:30 p.m.

**Task Force for Recruitment and Retention of Minority Attorneys, 8:30 a.m.**

**Estate Planning & Probate Section Executive Committee, 7:30 a.m.**

**International Law Section, noon**

**LRS Committee, noon**

**Sole Practitioners Section, 11:30 a.m.**

**Bankruptcy Law Section, 5 p.m.**

**Litigation Section Executive Committee, 7:30 a.m.**

**MCBA Paralegal Division Member: $325.00**

**Non-member: $350.00**

*MCLC credit available. Seminar Fees - MCBA Member Attorneys: $55; Non-Member Attorneys: $105; Non-Member Paralegals/Public Attorneys: $75. *$15 additional for same-day registration.

**Presented by the MCBA Paralegal Division**

**CLA & PACE Review Courses**

**CLA Review Course**

Saturday-Morning: 9:40 a.m., 11:40 a.m., September 21st through November 23rd (see prices under seminar details)

**PACE Review Course**

Thursday-Afternoon: 4:00 p.m., 6:00 p.m., September 19th through October 24th

**MCBA Paralegal Division Member: $125.00**

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For more information, contact Sharon Fye, Paralegal Division Director at 602-257-4200 ext. 116 or e-mail at sfye@maricobar.org

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**The Many Uses of Forms in a Probate/Trust Practice, Including Avoidance of Mistakes**

Wednesday, September 18th from 12:00-3:30 p.m. at ASU Downtown Center. Program Chair: Larry Guldner. Speaker: Jerry D. Worsam II and Hans van de Vrugt. Up to 3 hours of MCLE credit available. Seminar Fees - MCBA Member Attorneys: $55; Non-Member Attorneys: $105; Non-Member Paralegals/Public Attorneys: $75. *$15 additional for same-day registration.

**Practice Essentials for the Solo Practitioner: Economic Research, Maintaining Trust Accounts & Obtaining Liability Insurance**

Wednesday, September 25th from 12:00-3:30 p.m. at ASU Downtown Center. Speaker: Tracy Gremo & Danette Ellis. Up to 3 hours MCLE credit available, including 2 hours ethics. Seminar Fees - MCBA Member Attorneys: $70; Member Paralegals/Public Attorneys: $45; Non-Member Attorneys: $105; Non-Member Paralegals/Public Attorneys: $75. *$15 additional for same-day registration.

**Fees & Fee Agreements: What You Can and Can’t Do**

Friday, September 27th from 12:00-3:30 p.m. at ASU Downtown Center. Program Chair: Myron Michal. Up to 3 hours of MCLE ethics credit available. Seminar Fees - MCBA Member Attorneys: $70; Member Paralegals/Public Attorneys: $45; Non-Member Attorneys: $105; Non-Member Paralegals/Public Attorneys: $75. *$15 additional for same-day registration.
Richard X. Herrera has joined Bonnett, Fairbourn, Friedman & Balint as an associate. Sharon E. Ravenscroft has joined The Cavanagh Law Firm as a senior member, with offices in the firm’s Phoenix and Sun City locations. She practices estate planning, business law, probate and contested will and trust litigation.

Gust Rosenfeld has relocated its Phoenix office to the Bank of America Tower at Collier Center, 201 E. Washington, Suite 800. Telephone numbers remain the same. It had been an anchor tenant of the Bank One Tower (formerly the Valley National Bank Building).

Kasey C. Nye, a shareholder in the firm, has joined The Cavanagh Law Firm as a senior member, with offices in the firm’s Phoenix and Sun City locations. She practices estate planning, business law, probate and contested will and trust litigation.

Jay M. Johnson has re-joined the firm as an associate. Johnson (J.D. 1993, University of Texas) concentrates his business practice on representing health-care entities. Kasey C. Nye (J.D. 2000, University of Arizona) practices bankruptcy and insolvency law representing large and small business and financial institutions as creditors and debtors.

Laura McKinney and Kimberly Kauffman have joined Lewis and Roca as associates. McKinney (J.D. 2000, University of Arizona) joins the firm’s corporate practice group and will focus primarily on municipal and project finance. She previously worked as an associate at Squire, Sanders & Dempsey. Kauffman (J.D. 1999, Southern Methodist University) joins the firm’s commercial litigation practice group and will focus primarily on construction litigation. She previously worked as an associate at Snell and Wilmer.

Quarles & Brady Streich Lang has two new attorneys. Jay M. Johnson has re-joined the firm as an associate. Johnson (J.D. 1993, University of Texas) concentrates his business practice on representing health-care entities. Kasey C. Nye (J.D. 2000, University of Arizona) practices bankruptcy and insolvency law representing large and small business and financial institutions as creditors and debtors.

Myron Shapiro has moved his law practice to 13912 W. Stardust Blvd., Suite 111, Sun City West, 85375-5372, telephone 623-546-7778, fax 623-546-7779. He continues his practice in personal injury, divorce and annulment, criminal and will contests.

Snell & Wilmer has organized what it says is Arizona’s “first formal medical devices and pharmaceuticals practice area.” The firm says members of the new practice area experienced in handling all aspects of complex, mass tort litigation.

Bradley P. Hartman has been elected partner at Stinson Morrison Hecker. Hartman joined the firm in 1999 and practices intellectual property law and commercial transactions.

Tara L. Jackson, a shareholder with Bonnett, Fairbourn, Friedman & Balint, has been elected president of Soroptimist International of Phoenix for the 2002-03 term.

Kim Clark, a partner in Iafraete & Rai, has been elected as member at large of the State Bar of Arizona’s Construction Law Committee for a two-year term.

John R. Christian, a senior partner with Jennings, Strouss & Salmon, received an honorary doctor of humane letters degree from Arizona State University at summer commencement ceremonies Aug. 2. The degree, the university’s highest honor, was awarded in recognition of his dedication to ASU and the community and for his outstanding professional accomplishments.

Christian, active with ASU for more than 42 years, serves on the board of and as legal counsel to the ASU foundation and is on the ASU business school’s Dean’s Council. Christian has practiced tax, estate planning and real estate law with Jennings, Strouss for 43 years.

Gregory Y. Harris, counsel with Lewis and Roca, has been elected to serve as a member at large on the State Bar’s Administrative Law Section Executive Council.

Two Bryan Cave partners have been elected to State Bar leadership positions. John A. Doran is the chair-elect of the Labor and Employment Law Section. Steven A. Hirsch is chair-elect of the Construction Law Section.

Bryan Cave partner Robert W. Shely has been elected chair of Community Care Connections, a non-profit agency that has a variety of specialized programs to serve various underprivileged populations in Maricopa County, including domestic-violence victims, senior home-bounds and the medically indigent.

Two Bryan Cave attorneys also have been elected to leadership positions in the University of Arizona’s Law College Association, an alumni and friends organization supporting the college. Partner Mark L. Harrison is the new president and associate Jennifer A. Simmons is a new member of the executive board.

Brenda K. Martin, a partner with Stinson Morrison Hecker, has been elected chair of the State Bar’s Bankruptcy Section.

Three attorneys have been elected to leadership positions with Planned Parenthood of Central and Northern Arizona. Leon Silver, managing shareholder of The Silver Law Firm, has been re-elected to a second one-year term as chair of the PPCNA board of directors. Michelle Ray-Matheson, with Snell & Wilmer, has been elected secretary. Kim Clark, an associate at Steptoe & Johnson, is a new board member.

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WANTED TO HIRE: Medical malpractice attorney with 6-8 years of litigation experience. Successful applicant will manage firm’s inventory of nursing home negligence and abuse cases. Please respond to Box 1126, 303 East Palm Lane, Phoenix, Arizona 85004.

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The 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 typed (double-spaced) and submitted to Maricopa Lawyer, Maricopa County Bar Association, 303 E. Palm Lane, Phoenix, Arizona 85004. A copy of the submission on computer disk would be appreciated.

To place a classified ad, call the MCA, 602-257-4200.
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It was a day for big catches. Both the fish – and the fisherman. A search of the Alaska Fish & Game Licenses on LexisNexis revealed the fisherman’s current address. A summons could now be served.

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