Jones letter ordering lower-court reforms

Editor’s note: Following is the text of Arizona Supreme Court Chief Justice Charles E. Jones’ June 11 letter to Maricopa County Superior Court Judge Colin E. Campbell regarding problems with the county’s justice of the peace and municipal courts and the Supreme Court’s decision to place them under Campbell’s administrative control.

Dear Judge Campbell:

When you were appointed presiding judge, the Supreme Court assigned as your first priority the continuation of efforts begun by your predecessor to reduce delay in felony case processing and to reduce the unacceptable backlog of felony cases that had developed over the past several years in the Superior Court of Maricopa County. While the court has not yet reached full compliance with the speedy trial rules of the Supreme Court, you have made excellent progress. Recent statistics indicate that 86 percent of all new felony cases filed were completed in 180 days and the backlog of pending cases has dropped by more than 1,000. We are pleased to give this attention given this problem and, frankly, the results have been remarkable.

The timely handling of felony cases will remain a priority of the Supreme Court, and should remain a high priority in Maricopa County. However, I believe you are far enough along in implementing a felony case delay reduction plan that it is time to turn our attention to other serious problems. In particular, I refer to the limiting jurisdiction (LJ) courts.

Some of the best functioning LJ courts in Arizona are in Maricopa County; so are a few of the most problematic. Some judges perform wisely, while others have acted foolishly. A number in the latter category did not deserve to remain on the bench. After consideration, we have determined to invoke the judicial power reserved to the chief justice and the

Supply needy kids with school tools

FOR MANY VALLEY CHILDREN, summer vacation will be over too soon and then it’s back to school. Going back to school for most kids means new clothes, a new backpack and fresh school supplies.

Many children, unfortunately, have to return to school in the same clothes they ended the previous school year with. They have to use the same book bag backpack—or none at all. They often have to ask classmates for paper, pencils and other school supplies. Their predicament often results in ridicule from classmates and makes going to school less and less fun each day.

The Young Lawyers Division of the Maricopa County Bar Association wants to change that. The YLD’s Domestic Violence Committee has collected items for many years through its Necessities Drive. Last year, for the first time, the committee launched a back-to-school drive specifically to help the children.

Your response was outstanding. The committee collected 15 backpacks, tons of school supplies such as pencils, pens and paper, and nearly $2,000, which purchased more supplies.

As a result, last year, for the first time ever, every child in each of the domestic-violence shelters the YLD supports received a backpack and all the school supplies necessary to start school. More than 125 children at 12 local shelters received school supplies.

We again ask for your help. We need:

• Back packs (desperately!)
• No. 2 pencils
• Notebook paper
• Erasers
• Small bottles of school glue
• Small boxes of crayons
• Ball point pens

— See Supplies on page 3

PlD helps create nearly 11,000 meals

Public Lawyers Division members Karen Nicely of the Maricopa County Public Defender’s Office and Maricopa County Superior Court Judge Eileen Willett sort food at St. Mary’s Food Bank. They were among 19 PLD members, friends and relatives who volunteered at the food bank on June 1. Story, page 3.

Proposed rules define, prohibit unauthorized practice

By Brian Cieniawski

Proposed rules pending before the Arizona Supreme Court would define the practice of law and the unauthorized practice of law and create a disciplinary mechanism to prosecute the latter.

Comments on the proposals by the State Bar of Arizona must be submitted to the court by Aug. 1. The State Bar’s rule-change petition and other documents can be found on the State Bar website, www.abar.org.

As proposed, amended Rule 31(a) would give the Supreme Court jurisdiction over any person or entity engaged in the practice of law or the unauthorized practice of law in the state.

In addition, the revamped rule would define the “practice of law” as providing legal advice or services to or for another by:

(A) Preparing any document in any medium intended to affect or secure legal rights for a specific person or entity;

(B) Preparing or expressing legal opinions;

(C) Representing another in a judicial, quasi-judicial or administrative proceeding, or other formal dispute resolution process such as arbitration and mediation;

(D) Preparing any document through any medium for filing in any court, administrative agency or tribunal for a specific person or entity; or

(E) Negotiating legal rights or responsibilities for a specific person or entity.

The “unauthorized practice of law” would be defined as:

(A) Engaging in the practice of law by persons or entities not authorized to practice pursuant to paragraphs (b) or (c) or specially admitted to practice pursuant to Rule 33(d); or

(B) Using the designations “lawyer,” “attorney at law,” “counselor at law,” “law office,” “JD,” “Esq.” or any other equivalent words by any person or entity who is not authorized to practice law in this state pursuant to paragraphs (b) or (c) or specially admitted to practice pursuant to Rule 33(d), the use of which is reasonably likely to induce others to believe that the person or entity is authorized to engage in the practice of law in this state.

Proposed paragraph (b) is a slightly amended current Rule 31(a)(3), which prohibits the practice of law by anyone who is not an active member of the State Bar or who is suspended, disbarred or on disability inactive status. Proposed paragraph (c) includes the current Rule 31(a)(4), which delineates 14 exceptions to Rule 31(a)(3), as well as six additional exceptions.

The proposed additional exceptions include nonlawyer assistants acting under the supervision of a lawyer in compliance with Ethical Rule 5.3 and the “preparation of documents incidental to a regular course of business when the documents are for the use of the business and not made available to third parties.’’

The petition also would add rules to create a regulatory system to prosecute violations of the unauthorized practice of law.

Proposed Rule 77 would authorize the State Bar to employ counsel to investigate information that would be grounds for sanctions for engaging in an unauthorized practice of law, recommending disbarment and disbarment proceedings when appropriate. The rule also would create an Unauthorized Practice of Law Hearing Commission and a Probable Cause Panel.

Proposed Rule 78 would create

— See Rules on page 10

Haunting faces, helping hands

Some of these stories may stick in your mind, haunting you as to what might have occurred had caring people not been there. Page 6
Put that patriotism to work by volunteering

Throughout my life, the Fourth of July has always been a time to wear patriotic colors, hang the flag and spend time at barbecues or pool parties with friends. For so many of us, it was an excuse to take the day off and celebrate our country’s freedom. This year, after witnessing the worst disaster that many of us have ever seen, the Fourth of July means something different.

This year, I will take time from the usual Fourth of July celebrations to remember all of those innocent people who died on Sept. 11 and our troops who lost their lives in the ensuing months fighting for our country. I also will take time to appreciate what our founding fathers did for us so many years ago and be thankful for all the freedoms that I have taken for granted. And I will take time throughout the coming year to help those in our community who may have the same freedoms as me, but don’t have the same privileges.

There are so many ways you can parlay your patriotic feelings this year in addition to hanging a flag and wearing red, white and blue. Most of us cannot fight the enemy abroad, but we can help fight racial prejudices here at home and help those who cannot afford legal services find justice.

One opportunity is the Tolerance Through Education Project of the Maricopa County Bar Association’s Young Lawyers Division. We will be visiting third-grade classrooms in the fall to teach kids about the importance of accepting other kids’ differences. Now, more than ever, our children need to learn that other kids may look different or practice a different religion, but that does not give them an excuse to ridicule or ostracize those children. We will visit with the third-graders, show them a video about accepting others’ differences, and then have a brief question and answer period. If you are interested in volunteering to work with kids, please call Shane Clay, 602-257-4200, ext. 111. Heading the Tolerance Through Education Project are James Shinn of Fennemore Craig and Mayan Tahan of the Arizona Attorney General’s Office.

Another opportunity for you to take your patriotic feelings “inland” is to volunteer to take on a case for the Volunteer Lawyers Program. VLP is always looking for lawyers to represent its clients, in areas ranging from bankruptcy and debt collection to tenancy and other homeowner-rights issues. Each month, the VLP publicly thanks its volunteers who recently accepted cases in Maricopa Lawyer I hope we’ll see even more of your names in the upcoming months. If you are interested in volunteering, please call 602-258-3434. ——

The YLD recognizes its volunteer of the month for July, Phoebe Moffatt of Snell & Wilmer, for chairing the Gift of Life Project. Thanks, Phoebe, for all your hard work!

No lazy hot summer at the MCBA

By Brenda Thomson
MCBA Executive Director

During the 110-degree days of summer, we will be very busy at the Maricopa County Bar Association planning exciting events and programs for the rest of the year. If you haven’t been involved before, now is a wonderful time to dive in.

We are working on the website, new publications, CLE programs and new member benefits as well as other programs, such as the Paralegal Conference, set for Sept. 27 at the Pointe Hilton at Squaw Peak. The event will feature local and national speakers on cutting-edge issues facing paralegal professionals. The early registration deadline is Sept. 10. The cost is $135 for members, $195 for non-members and $30 for students. Call Sharon Frye at 257-4200, ext. 136, to register.

In addition to our Volunteer Referral Service is recruiting criminal lawyers to work with LRS and the Maricopa County Superior Court on a pilot project to provide representation for defendants being processed through the Early Disposition Court. Most defendants are charged with misdemeanors and are notified to appear within 30 days by summons. Many of these defendants need legal representation because they face possible jail time. LRS is seeking criminal attorneys who are interested in receiving these referrals of paying clients. The court will conduct several training sessions to familiarize attorneys with the process. Call Margarita Flores at 602-257-4200, ext. 121, if you would like to receive referrals.

What’s EDC? Look on page 8 for an article about it.

Welcome aboard to our new State Bar of Arizona president, Ernest Calderon. The MCBA and State Bar always work closely together, and we will continue to offer our assistance to Ernest during his term in office. We face similar challenges to the profession, political, professional and technological. Ernest is more than up to the challenge.

Kudos to:
➤ The Public Lawyers Division for their hard work on June 1 at the St. Mary’s Food Bank. Good job! For more details, see the article on page 3.
➤ John Everroad and Fennemore Craig for taking on the huge project of updating the ever-popular Litigation Guide. This is a must-have publication that lists leading case law in all different areas of practice. We hope to have the latest edition available for purchase in August.
➤ Margaret La Bianca and all the volunteers who helped update “The Most Commonly Asked Questions in Environmental Law” guide. This comprehensive guide is now available for purchase. Please call the CLE department at 257-4200, ext. 112, to order.

And, finally, the new pictorial directory is in.

During the summer heat, stop by and cool your heels at the MCBA. Have a soda on me!

An introduction to the Paralegal Division

As of Jan. 1, the Maricopa County Bar Association’s Paralegal Committee became a division. We are currently the only paralegal division of a county bar association in the country. The Paralegal Division is committed to working with the MCBA on issues related to the promotion of the paralegal profession.

Along with traditional paralegals, we are comprised of educators, computer specialists, managers and supervisors, court personnel, compliance officers, engineers, artists, entertainers and students. Some of us have advanced degrees. Many of our members are quite experienced and write articles for publications, teach in paralegal programs, serve on advisory boards, edit paralegal textbooks, speak throughout the country on paralegal issues, participate in American Bar Association-site visits for the approval (and re-approval) of paralegal programs, and hold offices in national organizations.

Last year was a big year for paralegals in Arizona. In addition to the MCBA granting division status to paralegals, three of the presidents of national paralegal organizations were from Arizona. These events were proofed nationally and, for the first time in paralegal history, Arizona was recognized as a source of paralegal professionalism. The Paralegal Division is dedicated to continuing this tradition.

Since the inception of the Paralegal Committee nearly five years ago, paralegals have been active in many MCBA activities. Our members serve on the Maricopa Lawyer editorial board, the Website Committee and, as a division, we have a voting seat on the MCBA’s board of directors. In addition, we have worked with the Young Lawyers Division on various projects and will continue to do so. For the past few years, we have provided the largest number of volunteers for the YLD Domestic Violence Committee’s Necessities — See Paralegal on page 9.

A complete guide is available for purchase. The comprehensive guide is now available for purchase. Please call 480-515-5446 (fax) for more details, see the article on page 3.
Grant Murray Snow and Patrick Irvine will become the two newest members of the Arizona Court of Appeals, Division One.

Gov. Jane Dee Hull appointed the two to fill the vacancies created by her appointment of then-Court of Appeals Judge Rebecca White Berch to the Arizona Supreme Court and by the retirement of Judge Noel Fiel.

Irvine currently serves as solicitor general in the Arizona Attorney General’s Office. As solicitor general, he supervises civil and criminal appeals, formal attorney general opinions and election law. Before becoming solicitor general, he was chief counsel of the office’s Tax Section.

In announcing Irvine’s appointment, Hull said his “expertise in constitutional law and his experience with government issues...will make a strong contribution to the court.”

Irvine received his law degree from Arizona State University and a master’s of laws in taxation from the University of San Diego. He has written numerous legal articles, including chapter supplements in American Indian Law Deskbook; and he lectures frequently on tax issues.

Irvine, a Democrat, is married and has four children.

Snow is a civil litigator with Osborn, Maledon. He has focused on commercial law, representing clients in insurance, contractual, trade secret and other cases.

Snow received his law degree magna cum laude from Brigham Young University. He is a member of the State Bar of Arizona’s Ethical Rules Review Group, which is drafting revisions to the Rules of Professional Conduct.

Hull lauded him for his “excellent legal mind and years of experience practicing law to the courts.”

Snow, a Republican, is married and has four children.

Snow and Irvine won’t be the newest members of the Court of Appeals for long. The Commission on Appellate Court Appointments is in the process of making additional nominations to fill the vacancy created by Hull’s appointment in May of Judge Michael D. Ryan to the Arizona Supreme Court.

The Maricopa County Commission on Trial Court Appointments took applications until June 30 to fill the vacancy created by the retirement of Superior Court Judge Sherry Hutt.

The commission may use the applications to nominate candidates for any additional vacancies known to it before the committee meets to screen applications for this vacancy.

The commission will announce its schedule for reviewing applications and for interviewing selected applicants this month.

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**What did you do on June 1?**

**PLD helped feed 129 families**

_by Terri Zimmerman_

Maricopa Lawyer

On one day in June, the Maricopa County Bar Association’s Public Lawyers Division helped create nearly 11,000 meals for hungry people.

At the world’s first food bank, St. Mary’s Food Bank in Phoenix, 19 PLD members, friends and relatives on June 1 sorted 10,876 pounds of food. Because each pound equals one meal, that means PLD boxed enough food to feed 129 families of four for one week.

That day, all groups volunteering at St. Mary’s together sorted 40,000 pounds.

“Bank One Stadium holds [more than] 46,000 people, just to give you a comparison,” Hernandez said.

St. Mary’s depends on volunteers to supplement its workforce. Without the volunteers, the food bank would have to hire 90 full-time employees.

The food bank provides food to approximately 440 agencies, and partners with other food banks throughout the Valley. It distributes more than 80,000 meals a day.

Funding comes from individual and corporate donations as well as private grants. The food bank is neither government funded nor a United Way agency. Out of every dollar donated, 93 cents go to support program services.

St. Mary’s also sponsors Community Kitchen, a training program to teach low-income students how to prepare food and then assist them in obtaining jobs. The student-prepared food is then given away.

John van Hengel thought of the concept of the food bank because of a conversation he had with a woman years ago when he volunteered at St. Vincent de Paul. He asked the woman what she did for her family’s food when she was not at St. Vincent’s, and she replied, “Dumpster dive.”

He came up with the idea that those who had excess food could make a “deposit” in a food bank and those in need could make a “withdrawal.”

After starting St. Mary’s in 1967, Van Hengel left in 1976 to establish America’s second food bank, which began as a consulting organization for other cities starting food banks. It developed into a network through which manufacturers, such as Nabisco, could distribute food throughout the country. Local Second Harvest food banks include Westside Food Bank and Second Harvest United Food Bank of Mesa.

Once he had established food banks throughout the United States, in 1983 he proceeded to develop food banks in Canada, Europe, North America, Australia and Israel.

Van Hengel, now 79, still comes to the office a couple times a week and corresponds with other cities throughout the world that are seeking his advice on starting or supplying food banks.

St. Mary’s Food Bank, a non-sectarian, non-profit organization, permits individuals, groups and families to volunteer their services. Instead of an evening in front of the television or on the computer, the food bank encourages family activities that include participating in community service.

PLD’s next service project, in the fall, will be to make dinner for about 60 people at the Ronald McDonald House.
Resisting arrest not a victimless crime

By Daniel P. Schaack
Maricopa Lawyer

Part of the public debate over drug laws is the question of whether the government should prohibit such victimless crimes. While it was kicked around mostly in the ’60s and ’70s, the notion of a victimless crime recently arose for the Arizona Court of Appeals in a case in which it had to decide whether the state could prosecute a rowdy patron at an Indian gaming casino.

Samad Sorkhabi became disruptive at Casino Arizona, on the Salt River-Pima Indian Reservation, and was asked to leave. He refused and struggled with tribal police when they attempted to arrest him. Prosecutors charged him with resisting arrest, alleging they attempted to arrest him by using physical force and threatening to do so.

Sorkhabi pleaded guilty and received probation, which he later violated by committing another crime. Before the hearing on his probation violation, he moved to dismiss the resisting-arrest conviction, arguing that the state lacked subject-matter jurisdiction to prosecute the offense.

Sorkhabi based his motion on the fact that the crime occurred on an Indian reservation and the victim was an Indian. While the states have exclusive jurisdiction over non-Indians’ crimes committed on reservations against non-Indians, only the federal government may prosecute crimes that are both committed on reservations and against Indians. The states retain jurisdiction over reservation crimes committed against non-Indians if there is no victim.

It was on the victimless-crime exception to federal jurisdiction that the state pinned its hopes. It contended that resisting arrest is a victimless crime. The Superior Court disagreed and dismissed Sorkhabi’s conviction with prejudice.

The Court of Appeals affirmed in an opinion by Judge Cecil B. Patterson Jr. State v. Sorkhabi, No. 1 CA-CR 01-0605 (May 30, 2002). While the concept of resisting arrest may not seem to have a specific victim, Patterson analyzed the statutory particulars to reach his conclusion.

Under A.R.S. § 13-2508(A), resisting arrest occurs when a person intentionally attempts to or successfully prevents a peace officer from effecting an arrest. But there is more to the crime. The statute specifies that the resistance must arise from the use or threat of physical force against the peace officer or the use of any other means that creates a substantial risk of physical injury to the peace officer.

Patterson held that the statute’s plain language showed that resisting arrest is a crime that is committed against a person. “If defendant prevented arrest without using or threatening to use physical force or other means creating a substantial risk of physical injury,” he wrote, “he ‘avoids arrest.’” Another person must be involved before a defendant can commit the crime of resisting arrest.

In State v. McManns, 199 Ariz. 136, 971 P.2d 207 (App. 1998), it held that a state statute did not preempt local regulation of firearms or ammunition. The state Legislature quickly responded by amending the statute, A.R.S. § 13-3108. The statute now provides that “a political subdivision of this state shall not enact any ordinance, rule or charge relating to the transportation, possession, carrying, sale or use of firearms or ammunition or any firearms or ammunition components in this state.”

In an associated statement of intent, the Legislature announced its intent to preempt local firearm regulation: “Firearms regulation is of statewide concern. Therefore, the legislature intends to limit the ability of any political subdivision of this state to regulate firearms and ammunition.”

Pat and Joan McMann, who had for years promoted gun shows at the Tucson Convention Center, reserved the convention center for a gun show in June 2001. The Tucson City Council had previously voted to require gun-show promoters using the convention center to require instant background checks for prospective purchasers. The McManns paid a deposit and signed a use permit with a provision requiring background checks.

The McManns then sued, seeking a declaration that the provision was invalid. The Superior Court agreed and enjoined the city from enforcing the provision. The city appealed, arguing that although the statute precluded it from using its police power to enact any ordinance regulating firearms, the Legislature did not intend to preempt the city from acting as a proprietor to impose such conditions on the use of its own commercial property.

Judge Joseph W. Howard interpreted A.R.S. § 13-3108(A) somewhat narrowly. Although he acknowledged that its language was arguably broad enough to encompass Tucson’s requirement for background checks at its convention center, he found limiting guidance in the preamble. The statement of legislative intent referred twice to regulation of firearms. “Accordingly,” Howard wrote, “it is not clear that the legislature intended the statute to apply to the City’s control of its own property as opposed to the City’s attempt to control third parties."

Howard then looked to state constitutional, which allows charter cities to frame their own organic law not subject to the Legislature’s will. He found that the background-check requirement for shows on the city’s own commercial property was a matter of solely local concern. That was so because, Howard held, the use permit was in essence a lease, and the Arizona Supreme Court has held that charter cities’ sale or disposition of property is a strictly local matter, not subject to interference.

See CourtWatch on page 6
For the past six months, I have been heading a State Bar of Arizona task force that is looking into the use of digital recording in courtrooms.

Digital recording is used in a number of different contexts. Digital recording, whether audio or video, can substitute for a traditional stenographic record. Digital recordings also may serve a support and backup function when combined with a stenographic record prepared in real time or at a later date.

The State Bar’s Special Task Force on Electronic Records first considered the question of using non-stenographic recording in depositions. The task force — composed of lawyers, judges, court reporters and information-technology professionals — agreed that we should follow federal practice and permit lawyers to choose the method for recording a deposition. It makes sense, given the availability of high-quality and inexpensive digital technology and the fact that the federal courts have reported no problems with essentially leaving the recording methodology up to the lawyer.

Under Ariz.R.Civ.P. Rule 30(b), if the opposing lawyer objects to using non-stenographic recording, the proponent of it must get a court order allowing it. If the proposal to conform to the federal Rule 30(b) were adopted, the notice of deposition would include the proposed means of recording. If there were good reason — within the context of the particular deposition — to object to that method, the opposing attorney would have to get a protective order against the use of non-stenographic recording.

Thus, the task force’s first recommendation was to amend Arizona’s Rule 30(b) so that it conforms to the federal practice. A petition to amend the rule has been prepared and is on its way to the Arizona Supreme Court.

Hearing dealt with the pretrial use of non-stenographic recording, the task force then turned to the much more controversial and difficult problem of non-stenographic recording in trial courts.

Audio and audio/video recording is being used in courts, agencies and legislative bodies worldwide. The Maricopa County Superior Court, for example, now uses audio/video recording in which the entire day’s proceedings are taken with digital video cameras placed around the courtroom. At the end of the day, the attorney who wishes to have a copy of the day’s proceedings may have a CD-ROM burned along with a software log that allows access to the various events that occurred in the courtroom. If a transcript is needed, various transcriptionists or perhaps even the court reporter can prepare it.

The e-courtrooms have been in place for less than a year and, after some initial glitches, the system seems to be working reasonably well.

In Oregon, a mandated 10 percent across-the-board budget cut resulted in a number of counties replacing some or all staff court reporters with digital-audio recording. The Oregon Supreme Court has appointed a committee to look into the costs and efficiencies of the widespread adoption of digital recording technology. There have been a few debacles, including a jury trial that had to be retimed because the video recording system failed. There have, however, been many successes and more and more Oregon courts have embraced the many benefits of digital recording and storage.

The budget-driven adoption of digital recording of proceedings in Oregon gives a strong basis for analyzing the impact on litigants as well as court staff and judges of shifting to electronic records.

In Arizona, that task falls to several court committees established by Maricopa County Superior Court Presiding Judge Colin Campbell and to the State Bar Special Task Force on Electronic Records. We have just begun our inquiry into the viability of using digital recording as a substitute for traditional stenographic recording. We have reached no conclusions on the very tough question of when a digital recording can substitute for a stenographic transcript.

We know several things at this point. One is that a very large percentage of all proceedings by agencies and courts at all levels are recorded electronically using either analog or digital recording technology. Modern digital audio systems can capture the proceedings with a high level of accuracy. High-quality audio capture can be transcribed and reduced to a written transcript with relative ease and with great accuracy.

Given the fact that digital recording technology works and works well, under what circumstances should digital recording be allowed as a substitute for traditionally prepared stenographic record? Or, under what circumstances should a stenographic record be prepared at public expense?

It is here that the pulse quickens as does the debate — a debate that raises very large questions of public policy and economics. The Arizona Court Reporters Association is a potent political force that has undertaken what it calls “an organized and coordinated effort to challenge proponents of electronic recording who seek to replace court reporters.” Without citation, they claim “the Bar is outraged” by the prospect. (www.acraonline.org/monthlyupdates.htm)

On the other hand, court administrators and politicians see substantial budgetary benefits associated with reducing the number of publicly paid court reporters, if not their elimination entirely, as has happened in many places in Oregon. Lawyers who are adversely affected by the spiraling litigation costs that shut the courthouse door to many middle-class litigants see substantial savings in litigation costs as a very important goal. Judges see great benefit in the instant access to court records.

Nonetheless, the stenographic court reporters and their lobbyists are girding for battle against the forces of technology. But Noah could not stand against the flood. Like it, love it or hate it, digital recording has become the dominant way of recording and distributing information in our 21st century world. It is coming to a courtroom near you sometime soon. It will not replace stenographic court reporting in all cases but, if properly implemented, can result in a substantial savings to court budgets.

We must draw lines that segregate the cases in which contemporaneous stenographic recording should be discretionary and — in most private litigation — an expense carried by the private party who requests it. The Special Task Force on Electronic Records now is considering that issue among others. I would appreciate your comments directed to me at woodsw@law.arizona.edu.

It has been argued that in many cases, the use of contemporaneous stenographic recording should be discretionary and — in most private litigation — an expense carried by the private party who requests it. The Special Task Force on Electronic Records now is considering that issue among others. I would appreciate your comments directed to me at woodsw@law.arizona.edu.
Will haunting faces prompt you to stretch out helping hands?

By Gregory R. Knight
Special to Maricopa Lawyer

The image haunts me in my sleep and plagues me during the day. It is a simple black-and-white photograph, probably taken during the Vietnam War, and portrays a young Asian girl, maybe 7 or 8, standing half-naked amidst the ruins and debris of war, struggling to carry a baby, perhaps a sibling. The baby is obviously injured, and maybe dead. The young girl’s expression is not capable of being portrayed in words. But to look at her expression and not be overwhelmed with horror, compassion, anger and a host of other emotions is not possible. Maybe you’ve seen the photograph or an equally disturbing one. Maybe you’ve seen the face of a homeless person, wrinkled by age, bruised and broken. The face of a homeless person, wrinkled by age, bruised and broken. Maybe you've seen a host of other emotions is not possible. Maybe you've seen the face of a homeless person, wrinkled by age, bruised and broken.

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The foundation is the charitable organization linked to the Maricopa County Bar Association. It supports organizations committed to bettering people’s lives through the law. The foundation’s funding comes mostly from Maricopa County attorneys — through modest annual membership dues, donation of arbitration fees and support of the foundation’s annual golf tournament. As you decide whether to provide support to the foundation, I hope some of these stories will stick in your mind, haunting you as to what might have occurred had caring people not been there, and inspiring you as to what we can all do together.

All of the following stories were provided by the Volunteer Lawyers Program (VLP), which received a grant award last year from the foundation. Names have been withheld to protect the privacy of the individuals involved, but these are real people with real stories.

Fleeing from an abusive boyfriend, another young mother with a toddler obtained help from a volunteer attorney working with the Family Law Assistance Program (FLAP), a VLP-sponsored program, to obtain an order of protection and prepare for a hearing if her husband contested the order. VLP also helped the woman to find a safe shelter for herself and her child and to obtain additional legal assistance. When the husband requested a hearing on the order of protection, VLP found an attorney willing to assist with the hearing and arranged for an attorney to represent her in the contested case.

The boyfriend was using illegal drugs and had threatened to kill the mother. He had also physically abused the toddler. The volunteer attorney also helped the mother when the boyfriend sought joint custody of the child and helped her prepare an appropriate response in the custody action.

A young child was developmentally disabled with a mother on drugs and a father in prison. Caring but impoverished grandparents wanted to help but did not know how. A VLP attorney helped the grandparents become the child’s guardians and as a result...
Superior Court debuts in Northwest Valley July 22

By J. W. Brown
Maricopa Lawyer

The Valley’s legal community can expect a unique experience when visiting Maricopa County Superior Court’s Northwest Regional Center in Surprise after it opens for business on July 22.

All four courtrooms in the facility are outfitted with cutting-edge technology, including flat-screen video monitors, digital and voice-activated video recording equipment, infrared heating devices for heating-impaired court visitors and two-way video conferencing equipment for off-site witnesses, among other special features that should enhance court proceedings.

A Senior Law Resource Center, developed through a collaborative effort of the court, the Arizona Attorney General’s Office and local community agencies, will be available. A Superior Court law library is also incorporated in the special features of the facility. A self-service center for litigants representing themselves is another amenity available to the community.

The four judges assigned to the new court center won’t have specialized calendars as do the judges at other Superior Court facilities. – See Northwest on page 10

Foundation...
Continued from page 6

the child has a brighter future. The grandparents have enrolled the child in school and provided other help the child needs.

➤ Desperate and without adequate knowledge to defend themselves, a low-income family obtained help from a VLP volunteer attorney to avoid eviction from their home. The family was current on its rent and had been good tenants. However, the landlord was attempting to evict them based on a theory that was not supported by either the lease agreement or the law. The volunteer attorney advised the family and went to court to represent them at the eviction hearing. As a result of the attorney’s help, the family was not evicted.

Every day in our community hundreds of similar stories are being played out. Whether the images left behind haunt or bless us will in some part depend on our decision to stretch out our helping hands, either as a volunteer in any number of worthy legal service organizations such as VLP and its various programs or in financial support of the foundation.

➤ Gregory R. Knight, Law Offices of Gregory R. Knight & Associates, is chair of the Maricopa County Bar Foundation’s Grants Committee. For more information about how to support the foundation, contact Brenda Thomson, executive director, at 602-257-4394.

Legal Brief

The West Tempe Justice Court has relocated to 8240 S. Kyrene Road, Suite 113, Tempe, 85284; telephone 480-705-7349; fax 480-968-6310. The new facility provides redesigned and renovated courts, clerical areas, holding facilities, offices for prosecutors and public defenders and mediation areas.

Commissioners and hearing officers

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<tr>
<th>Name</th>
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<th>Location</th>
<th>New assignment Department/calendar</th>
<th>Location</th>
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Superior Court judicial rotations

The reassignment of four judges to the Northwest Regional Center is only a small part of the annual summer rotation of judges. Following is a chart of reassignments and relocations effective July 22.
Early Disposition Court: Is there something scary in the basement?

Editor’s Note: This article first appeared in the Maricopa County Public Defender’s Office newsletter.

By Karen Kaplan and Paul Klapper
Special to Maricopa Lawyer

The Early Disposition Court began more than four years ago, in part to address a growing backlog of cases that slowed the system and increased the average time that it took to dispose of a case. Has it helped our clients and us? Consider the following: The EDC currently handles 23 percent of all criminal cases in Superior Court. In 2000-01, the EDC saved 17,064 jail days, getting our clients out of jail and into programs more quickly and resulting in a savings of $702,334.24 in incarceration costs.

The EDC provides an effective method of processing drug possession cases and works to improve the overall efficiency of criminal-case processing in the county’s justice system. In addition to providing a speedy means of resolving drug cases, the EDC makes treatment available to defendants at an early stage—often the same day the case is resolved. Addiction problems are best addressed if treatment begins very soon after arrest. The EDC provides a direct route from plea to treatment, thereby increasing defendants’ chances of maintaining a drug-free lifestyle.

The EDC, which began operating in November 1997, is located in the basement of the East Court Building at 101 W. Jefferson. It has two functioning courtrooms and numerous offices containing attorneys, probation officers, and TASC representatives. Cases come into the EDC one of three ways:

➤ The county attorney files a complaint on a defendant who remains in custody after the initial appearance;
➤ The court issues a warrant for a defendant whose whereabouts are unknown; or
➤ The court issues a summons for a defendant to appear. The court will conduct the initial appearance only in cases in which a summons was issued.

The EDC was established based on four goals:

➤ To seek new ways of processing cases and expediting time to case disposition on minor felony drug and welfare-fraud offenses.
➤ To respond to the community’s desire to provide drug offenders the opportunity for treatment, thereby increasing defendants’ chances of maintaining a drug-free lifestyle, expediting entry into treatment and affecting the potential to re-offend.
➤ To alleviate jail overcrowding and save jail beds.
➤ To reduce the potential for bench warrants due to fewer court appearances.

Defendants benefit in many ways by having their cases processed through the EDC. Unlike the standard court processing timelines, a case takes an estimated 100 to 130 days to resolve. The EDC process reduces the disposition time for these types of cases to 12 and 38 days.

Other benefits for defendants include:

➤ The opportunity to proceed from initial appearance to sentencing in one day;
➤ Reduced number of court appearances and reduced time lost at work;
➤ Reduced need for traveling to and from court;
➤ Reduced number of jail days required; and
➤ The availability for early treatment.

During an average day, the EDC has 80 to 100 cases set on the calendar. The vast majority involve drug possession and attempted possession. In addition, welfare-fraud cases prosecuted by the Arizona Attorney General’s Office are processed on Fridays. The EDC does not handle victim cases or possession-for-sale cases.

The EDC is staffed with public defenders, legal defenders, county attorneys, the Adult Probation Office and TASC. One commissioner handles in-custody matters, a second handles out-of-custody matters. The EDC’s success is due largely to the different departments sharing office space and working closely together to resolve cases.

A typical day in the EDC

In the morning, all in- and out-of-custody defendants hear the commissioner give the group advisement, which lets them know their constitutional rights, possible penalties, etc. After this, each defendant meets with an attorney. The defendants generally have four options:

Option 1: Have a preliminary hearing

In cases in which a defendant wants to accept a plea, the defendant can sign a plea, waive the preparation of a presentence report and be sentenced all in one proceeding. The defendant, however, has a right to have a full presentence report prepared. If a party or the court requests a full presentence report, sentencing will be continued for 30 days. If the defendant can be sentenced on the same day, the defendant will meet with an assigned EDC probation officer and a short-form probation report will be prepared. If the defendant is on probation or parole, has a violent or extensive criminal history, has out-of-state priors, prior sex offenses or arrests, offenses against minors or does not meet Proposition 200 guidelines, the EDC probation department will advise the judge that it is requesting a full presentence report. Normally, if the defendant is pleading guilty to a misdemeanor, the defendant does not need to be screened by the EDC Adult Probation Department for sentencing.

The majority of defendants sentenced for first- and second-time drug cases who are Proposition 200-eligible are sentenced to Drug Court. Drug Court is divided into Track 1 and Track 2.

Track 1 Drug Court applies to defendants who have no more than one prior felony conviction and have a low to moderate substance-abuse problem. Sanctions include deferred jail, lapse/release counseling, budget classes, additional community service hours, all-court report, written reports and more frequent court appearances. Rewards include reduction of deferred jail time, reduction of probation term, promotion to next path of treatment/education, and discharge from the program and discharge from probation.

Track 2 Drug Court is for the first-time Proposition 200 offender in cases in which jail is not available as punishment. The same sanctions are available to these defendants with the exception of deferred jail. Whether the court can use its contempt powers to impose jail on Track 2 participants and circumvent the statute is currently an issue. It has never happened, but the threat could exist if the court and should be vigorously contested.

Track 2 Drug Court offers the same rewards, with the exception of reduced jail term. An additional reward is that upon completion, defendants may get tickets for the Science Center, Phoenix Zoo and Harkin’s Theatres. If defendants do everything required in the Drug Court program, they may graduate early and be discharged from probation after 12 months.

Option 3: Diversion to TASC

TASC is an excellent program with a reported 71 percent success rate. A defendant can enter the TASC diversion program before any charges are filed, is referred to as “pre-file” TASC. If the individual is presented with this option and successfully completes the program, no charges will be filed. A TASC pre-file is not seen in the EDC.

If the defendants enters the TASC program as a post-file—meaning that the defendant is given the option to waive the preliminary hearing and be screened for TASC diversion—the defendant can meet with the TASC representative the day of the preliminary hearing. If the defendant waives the preliminary hearing for TASC, the court will enter a not guilty plea and suspend prosecution for one to two years. If the defendant successfully completes the TASC diversion program, the charges are dismissed.

See EDC on page 12

BAR DISCIPLINE DEFENSE

By Ralph Adams

10 years State Bar experience,
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Utah State Bar,
Former Senior Staff Counsel

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Clerk phases in use of credit, debit cards

By Michael K. Jeanes
Clerk of the Superior Court

The Maricopa County Superior Court Clerk's Office continues to charge ahead in enhancing service to customers. As a result, customers can now charge as well.

I am pleased to announce that we are expanding the payment options for our customers to include credit and debit cards. For the past several years, our office has accepted a limited number of credit-card transactions over the telephone, from mostly out-of-state customers. But at the end of May, we installed a new credit/debit terminal at Window 9 of the downtown court complex Family Court filing counter that makes this payment option available for our walk-in customers wanting to pay their fee deferrals. These customers can now elect to pay with either their Visa or Mastercard.

Phase 2 of this effort will be to expand this payment option to the customer-service center so that customers can pay for their copies of court records, marriage licenses and the clerk's portion of the passport application fee with either a credit or debit card. This is expected to occur this summer.

The final phase will be rolling out this payment option to all filing counters at all locations, which will allow customers to pay for their filing fees with credit and debit cards. We expect this phase to be implemented in September.

Implementing this technology benefits our office and our customers. It is more convenient, improves efficiency and gives customers more options. Maricopa County's business transactions will improve by having a 48-hour turnaround in receiving funds, the payment is guaranteed upon authorization and county interest earnings will increase.

Stay tuned for further developments as this project moves forward.

Emailed minute entries

We are now distributing minute entries electronically to interested law firms. Thus far, we have about 110 law firms (totaling about 1,345 attorneys) taking advantage of this new service, which sends the minute entries directly to the law firm. Doing so allows us to provide you faster service while reducing our costs. Another benefit is that the law firm does not need to wait for a minute entry to be picked up or mailed. Instead, minute entries are available the day after the courtroom clerks approve them. Once the emailed minute entry is received, the law firm can forward it to as many people as need to see it.

All of the indigent-defense agencies (Public Defender, Legal Defender, Legal Advocate and Court Appointed Counselor) are taking advantage of this new technology and are receiving their minute entries electronically. The Public Defender's Office has programmed email folders so that minute entries with key words in the subject line automatically go to certain email folders. For example, any minute entries with “sentencing” in the subject line go to an email folder for just minute entries having to do with sentencings. This assists the staff in processing the minute entries.

I am very proud of our team who has diligently worked to make this project such a success. Team members’ vision, perseverance and hard work are to be commended.

If you are interested in this service, please contact us so that we can provide you further details and enrollment in the program. Contact Communications Director Cari Gerchick by email at cgerchick@cosc.maricopa.gov or phone at 602-506-5728. The law firm is required to sign a Minute Entry Distribution Agreement. Once a law firm begins receiving minute entries by email, it receives both paper copies and emailed ones for about 30 days. After that time, the paper copies are stopped and the firm receives minute entries via email only.

Rules... Continued from page 1

rules and regulations. Prior to formal proceedings, the hearing commission and the Superior Court to issue orders and injunctions, and permit the Superior Court to issue civil contempt citations.

Proposed Rule 80 would contain rules of construction and procedure related to attorney admission and discipline.

Protective orders
State Sen. Scott Bundgaard has filed a petition to amend Rule 26(c), Ariz.R.Civ.P., which deals with protective orders. The staff revisions to the proposed amendment would add subsection (2) to Rule 26(c). The proposed new subsection would state:

Before entering an order in any way restricting a party or person from disclosing information or materials produced in discovery to a person who is not a party to the litigation in which the information or materials are being discovered, a court should consider and make findings of fact concerning any relevant factors, including but not limited to: (i) Any party's need to maintain the confidentiality of such information or materials; (ii) Any nonparties' need to obtain access to such information or materials; and (iii) Any possible risk to the public health or safety to which such release for review by the clerk may not be made relate or reveal. Any order restricting release of such information or materials to nonparties should use the least restrictive means to maintain any needed confidentiality.

Comments on the proposed rule change must be filed with the Supreme Court by Aug. 1.

Other proposed amendments
The Supreme Court also has ordered circul-
ated for comment petitions to amend the Arizona Rules of Civil Appellate Procedure, the Rules of Appellate Procedure related to criminal matters and the rules of procedure for civil traffic violation cases. All comments related to these proposed amendments must be filed by Aug. 1.

The staff revisions for the proposed amend-
ment to Rule 7, Ariz.R.Civ.App.P., would explain that while an appellant must submit a filing fee as required by Arizona law with the notice of appeal or within a reasonable time thereafter, the Superior Court clerk may not reject or refuse to file the notice because it was not accompanied by the filing fee. The proposed amendment to Rule 10, Ariz.R.Civ.App.P., would explain that the clerk may not file a notice of appeal for a cost bond because a cost bond does not accompany it.

The proposed amendments to the Superior Court criminal appellate rules would require the appellate court to consider and make findings of fact concerning any relevant factors, including but not limited to: (i) Any party's need to maintain the confidentiality of such information or materials; (ii) Any nonparties' need to obtain access to such information or materials; and (iii) Any possible risk to the public health or safety to which such release for review by the clerk may not be made relate or reveal. Any order restricting release of such information or materials to nonparties should use the least restrictive means to maintain any needed confidentiality.

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Northwest...
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Instead of being assigned to specific types of calendars — civil, criminal, tax, Family Court, juvenile or probate/mental health cases — they will have mixed calendars.

About 6,000 cases have been reassigned to the northwest judicial team. However, no criminal or juvenile cases will be transferred to the northwest. The judges will handle only civil, probate and Family Court cases.

The Clerk of the Court has a filing counter at the facility, but will accept only probate, civil and Family Court filings. A 24-hour filing depository box will be installed in the northwest.

The northwest judicial team includes Norman Davis, who serves as the regional center's presiding judge, David R. Cole, Judge of Family Court, and Colleen McNally. Sarah Shew, formerly the court's director of jury services, is the northwest administrator.

A team of six courtroom clerks and two filing counter staff members are also assigned to the northwest facility.

Customers are being notified that their cases have been transferred to the northwest court docket. All northwest cases will be distinguished by a numerical identifier (07) in the case number, for example, FC2002-07000. (The numerical identifier is used to designate a southeast case.)

Northwest cases will be housed at the Clerk of the Court's downtown Customer Service Center, 601 W. Jackson, Phoenix. A clerk's office counter will transfer court files between the service center and the northwest facility.

Visitors to the northwest courthouse are invited to inspect its unique design and construction. The $35 million building was completed in six months, a remarkably rapid construction schedule.

Modular units were constructed in sections and transported to the construction site. The facility incorporates separate units, some weighing as much as 65,000 pounds each. Construction was achieved by lifting each section into place with a crane. The construction team said the construction of the largest facility erected by this unique method.

The modular design provides flexibility not available with more conventional construction. If the courthouse needs to be expanded, an additional six courtrooms can be designed to continue developing the site, it can be relocated elsewhere on the property.

Maricopa Lawyer

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is prejudicial to the administration of justice.” Pursuant to the amended comment:

A lawyer who in the course of representing a client, knowingly manifests by words or conduct bias or prejudice based upon race, sex, religion, or national origin, disability, age, sexual orientation or socioeconomic status, violates paragraph (d) when such actions are prejudicial to the administration of justice. This does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, or other similar factors, are issues in the proceeding. A trial judge's finding that particular challenges were exercised or a discriminatory basis does not alone establish a violation of this rule.

Rule 8.2, Ariz.R.Crim.P., has been amended to apply to all criminal cases in which the indictment, information or complaint is filed on or after Dec. 1. Subject to Rule 8.4, Ariz.R.Crim.P., under amended Rule 8.2 defendants in custody are to be tried within 180 days from arraignment. Defendants released from custody are to be tried within 180 days from arraignment. Trial is to occur within 270 days from arraignment when a person is charged with first-degree murder, first-degree or second-degree sexual assault, or a capital offense that will require the court to consider evidence obtained as a result of an order permitting the interception of wire, oral or electronic communication, and any complex case as determined by a written factual finding of the court. If a person has waived an appearance at arraignment pursuant to Rule 14.2, the date of arraignment held without the defendant's presence shall be considered the arraignment date. For good cause shown, the court may extend the time permitted for appeal.

The Supreme Court has extended until Dec. 31 the experimental amendments to Rule 10.2, Ariz.R.Crim.P., and E.R. 8.4(g) relating to the use of a notice of change of judge as a matter of right in criminal cases.

Revised pro hac vice rule
The Supreme Court has further amended Rule 33(d), Ariz.R.Sup.Ct., concerning pro hac vice admission, as previously amended in October. The amendments to the revised rules take effect Sept. 1.

Under these rules, an attorney who is not a member of the State Bar may appear as counsel pro hac vice before any state or local court, board or administrative agency upon complying with the amended rule.

The nonresident attorney must associate an attorney who is a member in good standing of the State Bar for use in the court, board or administrative agency. Local counsel may be personally interested or have a financial interest in the case, and the nonresident attorney must pay a non-refundable application fee equal to 85 percent of the current dues paid by active State Bar members.

The State Bar will issue to local counsel a notice of admission when the application is approved by the court, board or administrative agency. The notice will state whether the nonresident attorney has previously made any application or motion pursuant to the rule within the preceding three years, the date of any such application or motion and whether the application or motion was granted or denied by the court or administrative agency.

Local counsel then must file a motion to associate counsel pro hac vice with the court, board or agency. The application will be granted if the nonresident attorney is not previously disqualified from practicing in Arizona. The notice will state whether the nonresident attorney has previously made any application or motion pursuant to the rule within the preceding three years, the date of any such application or motion and whether the application or motion was granted or denied by the court or administrative agency.

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Three key mistakes made in mediation

By Richard Fincher
Special to Maricopa Lawyer

There is an increasing acceptance and use of mediation in Arizona to resolve commercial and employment litigation. Effective representation in mediation requires the same skill and legal analysis as is required in litigation. However, lawyers often make a few common mistakes during the process that hinder the ultimate outcome.

➤ Failing to prepare the client

Lawyers need to educate their clients about the mediation process. Clients often expect mediation to be adversarial, with the attorney doing all the talking in an assertive and posturing tone. In reality, effective mediation involves a significant degree of personal client involvement, and more of a problem-solving tone by everyone in the room. Most importantly, clients need to begin with some understanding of their underlying interests in resolving the litigation. In summary, clients should be fully educated with the mediation process and prepared for their role.

➤ Mediating without a necessary person or decision-maker

The bane of a mediator’s existence is finding out that a key player is missing from the room. There are two types of key missing players. One type is the person who was involved in the interaction and has important information or is in a position to acknowledge some responsibility sufficient to initiate settlement. The other type of key missing player is the decision-maker with the authority to settle a case. Defense counsel may bring a lower-level maker with the authority to settle a case.

executive with minimal settlement authority instead of the real decision-maker. In partnerships or privately held corporations, it is not necessarily easy to figure out who the essential player is until the mediation is under way. Attorneys should carefully consider who needs to be invited to the mediation to achieve the desired outcome.

➤ Being overly assertive in the opening statement

The adversarial process with juries or in arbitration commonly includes an opening statement, which is formal and positional. In mediation, the mediator often will ask for opening comments from each side. This is an opportunity to achieve two goals: acquaint the mediator with some of the facts and theory of the case and signal the other side of your intent to negotiate in good faith. Attorneys should not use opening statements as an opportunity to blast the other side and signal the futility of settlement. Some mediators no longer use opening statements as part of the process.

➤ 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 602-953-5322. 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.

Dismissing one of multiple defendants

By Pendleton Gaines
Special to Maricopa Lawyer

Two practice errors in multiple-defendant civil cases occur with surprising and dismaying regularity.

Scenario one: Plaintiff agrees to dismiss one of multiple defendants. All defendants have appeared. A stipulation for dismissal, signed by plaintiff and the defendant to be dismissed, is submitted with a proposed order.

Will the order be signed? Not by the clerk’s office. Rule 41(a)(1), Ariz. R. Civ. P. requires the stipulation to be “signed by all parties who have appeared in the action.” The clerk’s office will refer the matter to the assigned judge, who may or may not sign the order.

Scenario two: An order of dismissal as to one defendant is signed and entered in a multiple-defendant case but does not contain an express determination of no just reason for delay and express direction for entry of judgment pursuant to Rule 54(b), Ariz. R. Civ. P.

Is the order of dismissal final? No. Any order, “however designated,” which disposes of fewer than all claims or parties without the express determination and direction required by the rule does not terminate the action as to any of the claims or parties. The order is subject to revision at any time before a final judgment adjudicating all claims.

➤ Maricopa County Superior Court Judge Pendleton Gaines is associate presiding civil judge. The views expressed in this article are his own.

Food for your thoughts about communication

Have you filled out the MCBA’s survey? Hope N. Kirsch of Broening, Oberg, Woods, Wilson & Cass did, and ended up winning a gourmet food basket. The MCBA has been distributing surveys to its members at seminars, meetings and other events to find out their preferred method of communication. Kirsch’s name was selected at random from among those who completed and returned surveys to the MCBA by early June. Another gourmet basket is waiting for another lucky winner. Maybe it will be you — if you fill out the survey.

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To measure your self-employment potential, visit www.nmfn.com/penndleygroup and look for the Self-Employment Screen.

Northwestern Mutual
FINANCIAL NETWORK
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Superior Court by the state constitution, to effectuate necessary reforms in our limited jurisdiction courts.

Over the past 30 months, eight of Maricopa County's 46 limited jurisdiction courts (more than one in six) have had seri- ous operational, administrative or miscon- duct problems. To make the point, allow me to recall some of the mismanagements and misconduct that has come to our attention during the past 2 1/2 years:

> Chandler JP 1 Brian Lamb pled guilty to federal charges of conspiracy and fraud and was sentenced to 2 1/2 years in prison by a federal judge.
> The Commission on Judicial Conduct filed a recommendation for removal of Scottsdale JP Mark Dobronski for making racial, biased and offensive remarks, failing to maintain proper decorum in the courtroom and being intolerant, impatient, sarcastic and patronizing toward defendants. Dobronski subsequently resigned.
> Phoenix JP John Carpenter was removed from the bench by the Supreme Court for habitual tardiness, circling racist, sexist and obscene materials and engaging in insensitive public communica- tions with litigants and attorneys.
> There have been a series of incidents in the Scottsdale Municipal Court involving sexual harassment and a hostile work envi- ronment.
> A Glendale Municipal Court clerk is serving 1 1/2 to 3 years in prison for fraud, bribery of a public servant and tampering (tick- et-fixing) with a public record and an investiga- tion is ongoing in which another clerk is alleged to have tampered with public records.
> The Supreme Court placed the Glendale Municipal Court under your control as a result of a review finding missing court funds and numerous other operational and administra- tive deficiencies. An investigation is ongoing in the Guadalupe Municipal Court, regarding the possible theft of court funds.
> Chandler JP 2 Patricia Foy was arraigned for five years and now serve as chief justice. During this period, we expressed growing concern about the quality of justice in our LJs. A num- ber of justice and municipal courts in Maricopa County were failing to meet administrative, financial and judicial conduct problems. In 1994, problems in the justice courts were so egregious then-Chief Justice Robert Hallmon appointed a pro- visional supervision of Justice Court Administration to Maricopa County Presiding Judge Kimber Pollo Rose. Justice Feldman subsequently ordered a review of case file documentation and a high rate of re- tired Chief Justice William A. Holohan as special counsel to lead the review.
> The Holohan Report identified many prob- lems, including, to name a few, justices of the review finding missing court funds and numerous other operational and administrative deficiencies. An investigation is ongoing in the Guadalupe Municipal Court, regarding the possible theft of court funds.
> Chandler JP 1 Brian Lamb pled guilty to federal charges of conspiracy and fraud and was sentenced to 2 1/2 years in prison by a federal judge.

> The Supreme Court, at your request, placed the Guadalupe Municipal Court under your control as the result of an operational and administrative deficiencies system that was ineffi- cient and inaccurate in determining who was eligible to complete the program, the county attorney's office was unable to locate an accused, failed to prepare the cases, and was unable to complete the program.
> Mispredictions of the current court calendar were significant.
> The problems are systemic and, I believe, symptomatic of a governance structure that is ineffective in dealing with 46 courts located throughout the nearly 10,000 square miles of Maricopa County. If the EDC is not working, it is necessary to extract and report the amounts eligible to be reimbursed. If the client has a case pending in another court, your hands are tied because the EDC. The state probably will not make a plea offer but, if it does, it could stand as a prior conviction against the “open case.”

> Karen Kaplan and Paul Klapper are attor- neys with the Maricopa County Public Defenders Office. Kaplan is the Dismissal Procedure Dismissal Protocol. Kaplan and Klapper are defense attorneys.
> If you advise the Administrative Office of the Courts, the EDC case to be handled in a particular court, or if the EDC case is not a drug case, get your drug case out of the EDC so that it may be consolidated with the open case in another court. Thus, either put on the preliminary hearing or, in appropriate cir- cumstances (such as if a plea in the case has been offered and accepted), waive it.
> Open cases are likely to be tried to a jury, mistrial, or mistrial. Sometimes, if the case is handled in the EDC, the EDC case to be handled in a particular court, or if the EDC case is not a drug case, get your drug case out of the EDC so that it may be consolidated with the open case in another court. Thus, either put on the preliminary hearing or, in appropriate cir- cumstances (such as if a plea in the case has been offered and accepted), waive it.
> If you advise the Administrative Office of the Courts, the EDC case to be handled in a particular court, or if the EDC case is not a drug case, get your drug case out of the EDC so that it may be consolidated with the open case in another court. Thus, either put on the preliminary hearing or, in appropriate cir- cumstances (such as if a plea in the case has been offered and accepted), waive it.
Section 1 of the Arizona Constitution requiring an “integrated judicial department.” As an integrated branch of government it is imperative that the judiciary have a single, uniform set of administrative policies.

Additionally the creation of the presiding justice of the peace position by Administrative Order 96-30 to help administer the JP court system has been an administrative failure in Maricopa County. In addition, for the past decade the justice court administrator has been placed in the untenable position of having too many superiors with no one really in charge. The other justices of peace have not recognized the presiding JP’s authority in setting policy or establishing procedures. Likewise, not all presiding JPs over the years have accepted the authority of the presiding Superior Court judge. This condition can no longer be tolerated.

In an effort to initiate an effective chain of command, to provide greater participation by limited jurisdiction judges, and to develop and implement a countywide plan to address the problems I have raised in this letter, I am ordering the creation of the Judicial Oversight Council for Maricopa County Limited Jurisdiction Courts. Accordingly, Administrative Rule VI-A, adopted by Administrative Order 96-32, will be suspended in Maricopa County. An administrative order creating and appointing members to this council and a more specific charge of responsibilities will be issued within the next two weeks. The order will formally eliminate the position of presiding justice of the peace and will replace that position by the aforementioned multi-member council. I anticipate the council will consist of judges, justices of the peace, lawyers and public members.

Court administration: The management structure of Justice Court Administration is not conducive to accomplishing the goals of good court management. Data collection and utilization are not reliable pointing to the need for modernization of court automation and professional level case, financial and personnel management. To address this issue, the justice court administrator and staff will henceforth report to you through the Superior Court administrator. You should make whatever changes, staff or otherwise, that are needed to ensure that an effective and capable management team is in place to carry out the directives contained in this letter and those that will follow. You may wish to consider enlisting the assistance of administrators from well-functioning courts to help in the accomplishment of this task.

Court automation: The Datatrieve computer information system now in use in the justice courts needs to be replaced with the state standard system, AZTEC. Additionally, the data links to the Judicial Data Warehouse that now exist for all other AZTEC courts must be established with all other courts in Maricopa County who are not already transmitting information to the data warehouse. These links allow for the timely and efficient transfer of vital information to Department of Public Safety, the Motor Vehicle Division, the Department of Economic Services and the Protection Order Central Repository maintained by the AOC. We have learned by direct experience that the events of Sept. 11 demonstrate the absolute importance of these enhanced data systems. We will ask the Oversight Council to ensure that these data links are completed in a timely manner.

We have directed the AOC and the Arizona Judicial Council’s Commission on Technology to develop a plan in conjunction with representatives you designate to implement the new AZTEC system as quickly as feasible. In order to make this implementation possible and to improve the data quality, it will be necessary to improve training and to adopt more standardized procedures across the 23 justice of the peace courts. Local JCEF funds shall be made available to pay costs incurred in implementing AZTEC.

Bond schedule: We learned recently that some individuals advised the County Supervisors Association that some justices of the peace might circumvent changes to the surcharge laws enacted by the Legislature by decreasing the base fines in traffic cases. As part of its charge, we will ask the Oversight Council to review and recommend for your approval a bond and deposit schedule required by Administrative Rule VI-A, adopted by Administrative Order 96-32. This schedule is to be uniform, countywide, in regard to fines and the application of surcharges, taking into account local fees imposed by individual cities.

Centralized traffic ticket bureau: Several months ago Maricopa County Supervisor Don Stapley suggested the possible creation of a centralized traffic bureau to process more efficiently the huge volumes of paper now handled by the 23 justice courts. He mentioned his concern that our current system of adding more justices of the peace, facilities and court staff based on judicial productivity credits (JPCs), most of which were generated.

The divisions, sections and committees in the calendar are those of the Maricopa County Bar Association, unless noted otherwise. All events are meetings and take place at the MCBA office, 303 E. Palm Lane, Phoenix, unless noted otherwise. Other frequent venues for meetings and events include the University Club, 39 E. Monte Vista, Phoenix; Arizona State University Downtown (ASU) Center, 502 E. Monroe, Phoenix; and the Arizona Club, 38th floor, BankOne Building, 201 N. Central, Phoenix.

**Tell us!**

Have you changed employment? Has your law firm named new partners? Send information for our Legal Moves column to Maricopa Lawyer, MCBA, 303 E. Palm Lane, Phoenix, AZ 85004; fax to 602-257-0522; or email to: maricopalawyer@mcbabar.org.

**Are you missing Nursing Home Neglect & Abuse Cases?**

Nursing home residents are neglected and abused more often than we think. Poor outcomes in the care of the elderly may be a signal of neglect or abuse. However, the investigation and analysis of liability are complex and labor intensive. In order to maximize recovery, an attorney must possess a working knowledge of federal and state regulations governing nursing homes, as well as an understanding of industry practice (both clinical and fiscal).

Representing nursing home residents and their families in cases of neglect and abuse can have a positive impact on the quality of care given to all residents of nursing homes.

Our Nursing Home Litigation Division is available for association with referring counsel. We promptly pay referral fees in compliance with E.R. 1.5.

For additional information call or write:

Martin J. Solomon
Solomon, Relihan & Blake, P.C.
1951 W. Camelback Road, Suite 110
Phoenix, Arizona 85015
(602) 242-2000
After 42 years with Lewis and Roca, Jerry Butler has left to work with his son, Reid, in promoting affordable housing and the Human Resources Campus for the Homeless, an organization created to deliver high-quality human services and provide leadership and innovative solutions to help break the cycle of homelessness and poverty. Butler joined Lewis and Roca — then with 13 attorneys — three months after being sworn in to the Arizona bar. After beginning his career in commercial litigation, he focused on family law issues and alternate dispute resolution. The firm now has more than 135 attorneys. In addition to his work with affordable housing, Butler intends to maintain his license to practice law and work with the Arizona Center for Law in the Public Interest as well as continue to act as a mediator and arbitrator in family law matters.

Lewis and Roca has six new partners. Dawn Bergin began practicing with the firm in 1993 and was first elected to the partnership in April 2000. She left for 1½ years to serve as associate general counsel for a national and publicly traded ambulance and fire protection services company. She rejoined the firm January Bergin (J.D., University of Virginia) concentrates her practice in tort and insurance litigation.

Christian J. Mayled and John C. West as managing partner. West, a litigator who practices health care and commercial litigation, joined the firm in 1997 and has served on the firm’s management committee since 2000. He succeeds Gary Lassen, who served as managing partner for seven years.

Daniel E. Garrison, Chris S. Leason and Christian J. Mayled have joined Gallagher & Kennedy. Garrison (J.D., University of Utah) focuses on business and professional liability as well as business litigation.

Mary C. McDonald, a sole practitioner in Glendale, recently received the Alzheimer’s Association’s Maureen Reagan Outstanding Advocate Award in recognition of her commitment to Alzheimer public-policy issues. The award, named in honor of the late daughter of President Ronald Reagan, gives $5,000 to the Arizona Alzheimer Chapter for state and national advocacy efforts.

John J. Bouma, chairman of Snell & Wilmer, is the new chairman of the board of The Attorneys’ Liability Assurance Society (Bermuda) Ltd. (ALAS). Bouma has served on the ALAS board since 1986. ALAS, a mutual insurance company, is the largest single provider of malpractice insurance to U.S. law firms with 35 or more attorneys. ALAS currently insures 230 law firms and provides coverage to more than 53,000 attorneys.

Bryan Cave’s charity organization, Cavers Who Care, has received a special community service award from Arrowhead Elementary School. The committee, which includes people from almost every department in the firm, is one of the most reliable contributors to the school. This summer, the group is funding a literacy program that teaches English to Spanish-speaking parents, siblings or other relatives of Arrowhead students. Cavers Who Care also “adopts” families through Arrowhead each holiday season. Cavers Who Care donates money and goods to give several families a Christmas tree, lights and decorations, grocery gift certificates, new and gently used clothing, shoes and virtually every item on their wish lists. Last year, Cavers Who Care filled a moving truck with donated and purchased items for 33 people.

James G. Derouin, a partner in Steptoe & Johnson’s Phoenix office, has been named to the Superfund Subcommittee of the U.S. Environmental Protection Agency’s National Advisory Council for Environmental Policy and Technology. Derouin is one of 30 people nationwide and the only lawyer in a private law firm selected by the EPA to reflect Superfund stakeholders’ perspectives. The Superfund Subcommittee will assist in identifying the future direction of the Superfund in the context of other federal and state waste cleanup programs.

Samuel A. Thumma, a member of Brown & Bain, has been elected chair of the board of directors of the Grand Canyon Chapter of the American Red Cross. Thumma has been a member of the board since 1999.

Jeff R. Wilhelm, a partner in Jennings, Haug & Cunningham, has been elected to the executive council of the State Bar of Arizona’s Construction Law Section.

The new Arizona alumni association of the Thomas M. Cooley Law School has elected its first officers: David W. Reichel, president; Jeffrey L. Victor, vice president; Deborah A. Livernois, secretary, and Solomon Kam, treasurer. The law school has 101 alumni in Arizona.

Gary G. Keltner, a senior associate with Jennings, Stross & Salmon, has been elected chair of the State Bar of Arizona’s Employment & Labor Law Section.

J. Greg Coulter, a partner with Jennings, Stross & Salmon, has been elected to the board of directors and as secretary of the Desert Southwest Chapter of the Juvenile Diabetes Research Foundation International.

Tucson lawyer Luis A. Ochoa will receive a 2002 American Bar Association Pro Bono Publico Award during the ABA annual meeting next month in Washington, D.C. The award recognizes lawyers, law firms and other legal institutions for extraordinary noteworthy contributions to extending free legal services to the poor and disadvantaged. During his 14 years as a volunteer with the Pima County Volunteer Lawyers Program, Ochoa has helped more than 315 clients. As a member of VLP’s advisory board, he has increased lawyer participation in the program. In addition, he has contributed significant work toward developing an innovative approach to providing legal services to unrepresented litigants in bankruptcy court.

State Bar Executive Director Cynthia Zwick nominated him for the award.
ACCOMMODATING APPLICATIONS TO SERVE AS A LAWYER REPRESENTATIVE TO THE 9TH CIRCUIT JUDICIAL CONFERENCE.

Each year the Judges of the United States District Court in Arizona select lawyers with experience in the Federal courts to serve as Lawyer Representatives to the 9th Circuit Judicial Conference. Arizona’s Lawyer Representatives are expected to attend the annual Judicial Conference and to be available periodically on request of the Court Judges, Bankruptcy Court Judges and Magistrate Judges to discuss potential improvements to court operations and procedures. In addition, the Lawyer Representatives play a leading role in an annual Arizona District Conference for Federal Judges and practitioners. Lawyer Representatives serve a three-year term if you are interested in serving as one of Arizona’s Lawyer Representatives, please send a resume and letter explaining your qualifications and interest in the position to: Mick Rusing, Chair, Arizona’s Lawyer Representatives to the 9th Circuit, Rusing & Lopez, P.L.C., 6262 N. Swan Road, Suite 200, Tucson, Arizona 85718. Applications should be received by August 1, 2002. Feel free to call Mick Rusing with any questions at (520) 529-4286.

ASSOCIATE ATTORNEY MEDIUM - SIZE FIRM SEeks 2 ASSOCIATE ATTORNEYS with 4-8 years experience in: (1) commercial litigation (bankruptcy a plus) and (2) transactional work with some litigation. Efficient, timely organized, leader Existing client base preferred. Send confidential resume to Maricopa Lawyer, Box 0605, 363 East Palm Lane, Phoenix, Arizona 85004

EXPANDING NORTH PHOENIX FIRM NEEDS DR. ATTORNEYS (Does not advertise on Radio or TV). Thirty-year firm, provides excellent benefits and working conditions. Retirement Plan; Malp. Ins; CLE; Bar and professional association dues; substantial self-insurance; legal malpractice insurance; on or off-site. For all positions, send detailed resume and position applied for, in confidence, to: Office Administrator, 19042 N. 4th Street, Phoenix, AZ 85024, or Fax, in confidence, to: (408) 453-9736.


POSITION AVAILABLE. Nine-member Avt. Phoenix firm with municipal, utility, water and litigation practice seeks an attorney with 5-8 years experience in the area of administrative, utility or water law. Applicants should have experience practicing before the ACC, ADEQ or ADWR. Experience in municipal law and litigation a plus. Send resume to Susan D. Goodwin, Mathews & Curtis, P.C., 2712 North Seventh Street, Phoenix, Arizona 85006-1090.

OFFICE SPACE

FOUR ATTORNEYS — DOWNTOWN LOCATION looking for fifth attorney to share office space and expenses. Please respond to fax number: (602) 254-9263.

LEGAL EXECUTIVE SUITES...Mid-town high rise/office, Big office, conference rooms, copier, postage meter and kitchen. Newfirm-view offices available. Sun Legal Executive Suites @ 602-230-8722.

OFFICE SPACE FOR LEASE: Spacious office, Central Phoenix, secretarial and paralegal spaces. Professional but friendly offices, Central Phoenix, secretarial bays, phone system, covered parking, receptionist, copier, fax, postage, etc. If interested, please call (602) 230-2121.

LEGITIMACY TRAINING — Rule 16-G is changing the face of dispute resolution in Arizona. Get trained in MEDIATION in the BEST in AN APPROVED COURSE. Basic 40-hour training in general/civil mediation with CONFLICT PROS - Joan Tobin (former director of the ADR office of the Superior Court & Mark Goldstein (past president of Maricopa Alternative Dispute Resolution Association).

Your seminar was informative, comprehensive and interesting. You used your experience to our benefit. It accomplished what I hoped that it would and was an overall enjoyable experience to boot! — Irving Hymson, Esq., Hymson & Goldstein

This course is approved by the Arizona Dispute Resolution Association (This course may qualify for certain CLE's)

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LEGAL NOTICE

NOTICE OF HEARING ON PETITION FOR TERMINATION OF PARENTAL RIGHTS RE: Adoption of Brandon Richard Button and Cory Clement Button No. 258 of 2001, in the Orphans’ Court Division of the Court of Common Pleas of Allegheny County, Pennsylvania: To Carol Ann Button, natural mother of Brandon Richard Button, born on March 29, 1988 at Las Vegas, Clark County, Nevada, to Cory Clement Button, born March 29, 1990, at Phoenix, Maricopa County, Arizona. A petition has been filed asking the court to put an end to all rights you have to your children, Brandon Richard Button and Cory Clement Button. The court has set a hearing to consider ending your rights to your children. That hearing will be held in the Orphans’ Court Division, 1700 Frick Building, Grant Street, Pittsburgh, Pennsylvania on August 21, 2002, at 10:00 a.m. You are warned that if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your children may be ended by the court without your being present. You have the right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help. Lawyer Referral Service, The Allegheny County Bar Association, 920 City-County Building, Pittsburgh, Pennsylvania 15212 (412) 261-5555. Attorney: Michael R. Ford, Esquire, 600 S 6th UX Tower, 600 Grant Street, Pittsburgh, Pennsylvania 15212 (412) 227-5887.

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Kirra at 480-515-5719
Effectiveness and altruism generate VLP award

By Peggi Cornelius
Special to Maricopa Lawyer

Thomas N. Payne feels compelled to intervene in the “unfair fight” and to “level the playing field” for those who might be denied access to justice because they cannot afford representation in a legal real. Payne says that’s why he became an attorney and why his law practice only involves pro bono cases.

Because his effectiveness as an advocate is as impressive as his altruism, the Volunteer Lawyers Program has named him Attorney of the Month.

Payne refers to himself as an “old rookie” because he’d already had a successful career in business when he decided to follow his wife, Barbara Payne, into the law.

“Barbara has been an attorney for 25 of our 45 years of marriage. I recall enlisting her when she went to law school,” he said.

Affection for his wife and four children is apparent in Payne’s comments about family life when she went to law school, “he said.

“Especially in situations where they stand to lose their homes or be buried in insurmountable debt, I don’t think it’s an exaggeration to say the quality of their lives are at stake.”

“One advantage to providing pro bono assistance is that opposing counsel knows there is no point to stalling. They can’t wait out or wear out the client because pro bono attorneys are in it for the duration.”

Payne appreciates the screening of pro bono matters referred to him by VLP.

“When VLP asks me to help, I know the client is truly in need and my involvement will most likely make a positive difference,” he said.

▶ Peggi Cornelius is VLP’s programs coordinator. If you or members of your firm would like to know more about pro bono opportunities at VLP, contact director Patricia Gerrich at 602-254-4714.

Lower... Continued from page 13

by civil traffic guilty pleas, was illogical. While we do not purport to change how JPCs are now calculated, we will direct that we utilize comparable resources differently in the handling of high-volume civil and criminal traffic and other minor misdemeanor cases.

Over the last several months, staff of the AOC has been examining the process for centralizing collections relative to these cases. Thus far, the centralization of cases good service and access, and I do not support the creation of new courts whose purpose is primarily to process traffic tickets and paperwork that can be handled more efficiently in a centralized location. It is time we utilize our limited resources to serve people, not predominate to process paper.

“Courts of Distinction” Program

When serious problems arise in courts, the reputations of good court employees and judges also suffer. It is not my position to prominent the inadequate jurisdiction courts as having problems. In fact, we are proud of the reputations earned by many judges and administrators of our limited jurisdiction courts here in Maricopa County and around the state. They have distinguished themselves and can provide valuable insight into what it takes to do the job, and to do it well. I will enlist their assistance with the important reforms outlined in this letter, but I am also calling on these courts and the Oversight Council to establish a “Courts of Distinction” Program.

Other administrative issues

In addition to the “Courts of Distinction” Program, the Oversight Committee will review other areas important to the effective administration of the limited jurisdiction courts. For example, the adequacy of court facilities and court security, procurement policy and practices, personnel system policies and budgeting to name just a few core administrative areas needing attention.

We are aware the problems mentioned are not unique to Maricopa County, nor will these reforms solve all problems. Our judges and court staff need every reasonable opportunity to succeed. For this reason, I will direct the Arizona Judicial Council and the Council on Judicial Education and Training to improve its educational opportunities and to institute measures of success. Our courts must excel in ways the citizens of this state expect. It is our goal to help every LJ judge to succeed.

There is an additional issue that also must be addressed at this time: the appointment of non-lawyer judges pro tempore. As the regional felony centers were implemented, the presiding justice of the peace raised several concerns.

As we examined these concerns, we spent considerable time reviewing statutes and constitutional provisions governing our branch.

Article 6, Section 1, of the Arizona Constitution states, in part, that the Legislature “may provide for the appointment of members of the bar having the qualifications of a lawyer and experience in the practice of law.”

In section 22 of this article as judges pro tempore of courts inferior to the Supreme Court. Clearly, LJ courts fall in this category. As you know, over the years individuals who are not members of the bar have been appointed routinely as judges pro tempore for inferior courts in Maricopa County as well as in other counties. These appointments were made in good faith based on the provisions of A.R.S. § 22-122, which provides for lesser qualifications to serve as a judge pro tempore of inferior courts.

Specifically, this statute provides that a justice of peace pro tem shall be of “good moral character” and a “qualified elector and resident of this state not less than one year next preceding his appointment.” This constitutional plain requires all judges pro tempore to be members of the bar and preempts any statutory provisions to the contrary. Accordingly, the appointment of non-lawyer judges pro tempore in any court of this state is not permitted under Arizona’s constitution. I will issue an administrative order directing all judges responsible for the approval of these appointments to adhere to the judges pro tem qualification requirements dictated by Article 6, section 22 of the state constitution.

Over the past few months I have given much thought as to how we can best address the issues and problems that are present. This decision to take on these steps was not an easy one, but it is the right one. You will have our complete support as well as that of the Administrative Office of the Courts as you implement these reforms. This is an opportunity to make long overdue improvements in the administration of the Maricopa County justice system, and to improve the public trust and confidence in courts that have suffered. The system is in our hands. We are functioning in the 21st century with a system that has not been significantly changed for 90 years.

Thank you for your continued interest in improving justice for the citizens of Maricopa County. We are grateful for your efforts and leadership.

Sincerely,

Charles E. Jones

Two days after Jones sent Campbell this letter detailing some instances of “mismanagement and misconduct” in the justice and municipal courts, he ordered the “interim reassignment” of Northwest Phoenix Justice of the Peace Barbara Watkins. According to the order, an investigative panel of the Commission on Judicial Conduct asked for the reassignment. The order did not specify the alleged misconduct and noted that the specific nature and scope of the investigation is confidential at this stage of proceedings. Campbell is to reassign Watkins to other duties.

VLP thanks attorneys who accepted cases

The Volunteer Lawyers Program, co-sponsored by Community Legal Services and the Maricopa County Bar Association, thanks the following 42 attorneys and firms in Maricopa County who agreed recently to assist low-income clients with these civil legal needs:

Bankruptcy

Robert D. Beeler, Phillips & Associates
Randy Nussbaum, Jaburg & Wilk
Jeffrey L. Phillips, Phillips & Associates

Consumer

Jonathan A. Coury, Quarles & Brady Streich Lang
Stephanie K. Dyer, Smid & Wilmer
Cari M. Kulkarni, sole practitioner

Guardians ad litem for children in Family Court

Margaret A. Gellhaus, Leonard Collins & Kelly
Joan E. Smith, Roberts & Rowley
Margaret A. Gillespie, Leonard Collins & Kelly

Guardianships (children)

Karen W. Beford, Hastings & Hastings
Stefanie J. Evans, Quarles & Brady Streich Lang
Mary G. Issen, Sanders & Pariks

Guardianships (incapacitated adults)

Dorothy E. Brinden, sole practitioner
Abas J. Gray, Gray & Passoff

Home ownership

Carme Francis, Smid & Wilmer
Donnell J. Karl, Quarles & Brady Streich Lang
Thomas N. Payne, sole practitioner

Non-profit organizations

Harnold M. Putnam, Jr., Mesa Community Action Network

Probate

Richard X. Herrera, Buss Gilbert
Douglas Martin, Quarles & Brady Streich Lang
Laura Swicki, Quarles & Brady Streich Lang
Seth Smyth, Quarles & Brady Streich Lang

Tax

Kirk A. McCannell, sole practitioner

Andrew Russell, The Cavanagh Law Firm
Harry F. Friedlander, Gibson Matheson Weber Lalls
Palm & Friedlander (3 cases)
Richard C. Underwood, Ryan Woodrooffe & Rupp

The decision to take these steps was not an easy one, but it is the right one.

— Charles E. Jones