MCBA honors Judicial Officer of the Year

Commissioner Aryeh D. Schwartz has been selected as the 2017 Maricopa County Bar Association’s Judicial Officer of the Year, the first awardee for this reactivated honor. He has been a dedicated member of the MCBA for many years, serving the legal community and beyond in a variety of ways.

Currently the judicial co-chair of the MCBA Bench Bar Committee, Commissioner Schwartz originally joined this group as an attorney member, prior to his appointment to the Superior Court Bench in 2015. He moderated a panel at last year’s MCBA Bench Bar Conference, and continues on the Conference Planning Subcommittee. Over the past years, he has scrutinized the composition of the committee to identify underrepresented practice areas, and recruited members to fill those positions. In addition to supporting a highly successful Bench Bar Conference in 2016, Commissioner Schwartz promoted an online judicial profile enhancement project for all judicial officers to post their policies, procedures, and preferences (protocols) for litigants to follow, specifically to benefit the public and the Maricopa County legal community.

Schwartz has also been a member and chair of several other MCBA practice area section boards and committees, including those focused on Bankruptcy Law, Technology, and the Lawyer Referral Service. A member of the Outreach Committee for the Maricopa County Superior Court, Commissioner Schwartz also served on the Probate Evaluation Committee for the Office of Public Defense Services, as well as a panel that interviewed candidates for an administrative position within the Superior Court. He has also volunteered his time with the Volunteer Lawyers Program, a cooperative effort between the MCBA and Community Legal Services, to provide pro bono representation, brief advocacy, or legal advice and education to clients.

Commissioner Schwartz’s service to the non-legal community encompasses a broad range of interests. As a board member of the Maric’s Arts Council for the Phoenix Art Museum, he has chaired the annual Cowboy Artists of America Sale & Exhibition; he has also served on the Outreach Committee for Free Arts for Abused Children of Arizona. His family enjoys volunteering alongside him, with organizations such as Feed My Starving Children. He enjoys coaching his children’s soccer teams, playing tennis and running in the annual Bisbee 1000. A cum laude graduate from the Honors College at the University of Arizona in 1994, Commissioner Schwartz received his Juris Doctor from ASU in 1997.

Robert M. Mills Member of the Year

Dan Lowrance, a Deputy Public Defender with the Maricopa County Public Defender’s Office, is the recipient of the 2017 Robert M. Mills Member of the Year Award.

Lowrance’s membership with the Maricopa County Bar Association began in the 1990s. Elected to the MCBA board of directors in 2006, he served two consecutive two-year terms. He was part of the MCBA Public Lawyer Division Board for many years as well, working to bring continuing legal education programs and social and networking opportunities to lawyers and judges employed by city, county, state and federal governments, school districts, the courts and other public entities.

In 2012, Lowrance became a founding member of the Maricopa County Justice Museum and Learning Center. After years of planning, he and the other founders were integral to bringing Arizona’s legal history to life for countless visitors to the restored Historic Old Courthouse. It is believed to be the only such museum in an active courthouse in the country.

Lowrance continues to serve on the Justice Museum board of directors, as well as the MCBA Bench Bar Committee. He has been the MCBA representative to the Maricopa County Superior Court Commissioner Nomination Committee since 2009. He has taught the Public Defender Clinic since 1995, a program designed to give ASU law students limited practice experience representing indigent clients before the Maricopa County Superior Court. Lowrance still hosts four to five trial colleges for criminal defense attorneys each year, as well as lectures throughout the state on trial practice and substantive criminal law. He volunteers annually for the Stand Down events that bring together the state’s homeless and at-risk military veterans, connecting them with services ranging from: VA healthcare, mental health services, clothing, meals, emergency shelter, transitional and permanent housing, identification/documentation, court services and legal aid, showers and haircuts, and myriad other services and resources.

Born in Roseburg, OR, Lowrance grew up in Wickenburg, AZ. He attended Northern Arizona University as an undergrad and received his Juris Doctor from ASU. He enjoys travel, hiking and golf.

CourtWatch

Daniel P. Schaack

Court upholds ruling that patients owe duty of care to their caregivers

Joining the court of appeals before it, the Arizona Supreme Court has refused to extend the firefighters’ rule to contractors who provide home-care services to developmentally disabled adults under contracts with the state. It also joined the court of appeals in holding that those developmentally disabled clients of the Department of Economic Security owe a duty of due care to their home-care providers. Sanders v. Alger, No. CV-16-0181-PR (Ariz., June 1, 2017). Francis Alger, a 74-year-old man, suffers from several disabilities, including cerebral palsy, that limit his mobility and put him at risk for falling. As a vulnerable adult, he is eligible for services from the Department of Developmental Disabilities. Starting in 2004, Jeannette Sanders provided Alger in-home care services as an independent contractor of the DDD.

In 2011, Sanders was helping Alger transfer from his wheelchair to a car. Alger stood up but became distracted and began to fall. Sanders tried to keep him from falling; Alger fell on her, causing serious injury. Sanders sued Alger for negligence. She alleged that, by negligently placing himself in danger of falling, he had required her to rescue him. The superior court granted summary judgment to Alger, ruling that Sanders’s claim was barred by the firefighters’ rule. Reversing, Division Two of the Arizona Court of Appeals held both that Alger owed Sanders a duty in tort and that the firefight-
**MCBA President**
Norma C. Izzo

**Lawyer Referral Service is our best-kept secret**

I am always interested to understand how a client was referred to me. It is not uncommon to receive referrals from friends, family, and former clients. I also often receive referrals from attorneys in other areas of practice, both inside and outside of my firm. Attorneys spend time building referral networks, which often consist of other attorneys and business owners, people who are either in the legal field or consumers of legal services. But these networks often leave out a large subset of our community: those individuals who aren’t regularly using legal services or don’t have an attorney they can call when confronted with a legal issue or need. The MCBA has worked to bridge this gap through the Lawyer Referral Service (LRS).

The MCBA has always prioritized the education of consumers about legal services and demystifying the retention of an attorney. If you have represented a defendant in a lawsuit in Maricopa Superior Court, I’m sure you have seen the stamp on the first page of the complaint with the LRS phone number. This was done as part of the MCBA’s mission to be a place “Where the legal community connects” with the public. When a community member calls LRS, his or her legal issue is screened by a trained specialist and the potential client is matched to a participating attorney with the proper background and experience. Then, for a $40 fee, the client is scheduled for a 30-minute consult. If the client chooses to retain, the attorney and the client enter into a fee agreement (LRS does not dictate the terms of the retention).

One of the common misunderstandings about LRS is that it is for pro bono or discounted matters. While LRS does have the ability to match cases to attorneys who do pro bono or offer alternative payment arrangements, including payment plans, a significant number of the calls are from potential clients who are looking for standard fee arrangements but lack access to the informal referral networks that lead many clients to attorneys.

Some attorneys also believe that LRS is simply a “list” of attorneys that is provided to a caller. In fact, LRS carefully screens cases on the phone to determine the best fit for a case. This personal attention helps ensure a match between the potential client and attorney. Unlike online services, including those that let attorneys “bid” on clients or reward the attorney who clicks the case referral quicker, LRS works carefully so that the $40 consultation fee is money well spent.

Another common misunderstanding is that LRS is only for family law, criminal law and personal bankruptcy issues. In fact, large civil cases, intellectual property and corporate cases have all been referred through LRS.

While we welcome and encourage all attorneys to consider joining LRS to gain access to the 10,000-plus inquiries made to LRS each year, there are areas in which LRS has an immediate need. Spanish-speaking attorneys are under-represented in many areas of the LRS system. Attorneys skilled at juvenile dependency issues and handling matters involving the Arizona Department of Child Safety are also highly sought after by LRS callers, however presently, only a small number of attorneys in LRS practice in these areas. The MCBA is prepared to immediately start sending referrals to attorneys in these areas.

For a limited time, the MCBA will waive the $50 LRS registration fee for new MCBA members. This means it won’t cost you anything to register for LRS for your first year when you join the MCBA. If you are an MCBA member but have never been part of LRS before, your registration fee will also be waived. I encourage all members, new and existing, to contact LRS and see what it can do to advance your practice. You can learn more by contacting Programs Director Marcy Morales at 602.257.4200 or mmorales@maricopabar.org.

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**MCBA Bench Bar Conference**
**SEPTMBER 15, 2017**
PHOENIX COUNTRY CLUB

**The MCBA Bench Bar Conference offers a one-of-a-kind opportunity for judges and lawyers to exchange ideas, discuss issues, and get to know each other.**

**REGISTRATION & NETWORKING**
11:30 a.m. - 12 p.m.

**LUNCH**
12 p.m.

**PROGRAM**
1 - 4 p.m.

**COCKTAIL RECEPTION**
4:15 - 6 p.m.

**PRICING/PROMOTIONS**

- **MCBA Member**
  - $125.00

- **Public Lawyers/Paralegals**
  - $65.00

- **Sustaining Members**
  - $35.00

- **Non-Members**
  - $175.00

**SPECIAL PRICING FOR GROUPS OF 4 OR MORE**

**NEW THIS YEAR**
- Lunch with Presiding Judge Janet Barton
- Division Presiding Judges will facilitate practice-specific break out sessions!

Don’t forget one of the reasons the conference is so popular and sells out quickly: our cocktail reception to network with the judicial officers! Lunch, cocktail reception appetizers and a drink ticket are included in the conference price!

- Register by August 1st and bring your paralegal for $35.00
- Non members: Sign up as a NEW member and get your conference fee credited toward your membership (including the rest of 2017)

**EMAIL**
kdurazo@maricopabar.org for information and group pricing

**MARICOPA COUNTY BAR ASSOCIATION**
303 East Palm Lane
Phoenix, AZ 85004

**Phone**
602.257.4200

**Email**
info@maricopabar.org

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**2017 MCBA RACE JUDICATA**
OCTOBER 21
6:30 am check-in | 7:15 am race
Sister Cities Garden at Kiwanis Park in Tempe

**REGISTER NOW**
$25/person | $15/kids

Supports the YLD Necessities Drive for survivors of domestic violence and other MCBA programs.

Register at maricopabar.org/racejudicata

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**Give Us Your Opinion**

The Maricopa Lawyer welcomes letters to the editors or opinion pieces for publication. Letters and opinion pieces should be typed and preferably submitted electronically. Opinion pieces are limited to 1,500 words and letters to 700 words, and the editors reserve the right to reject submissions or condense for clarity, style and space considerations. Letters must be signed to verify authorship, but names will be withheld upon request. Authors of opinion pieces will have their names published. Letters and opinion pieces should be mailed to MCBA editor, Maricopa County Bar Association, 303 E. Palm Lane, Phoenix, AZ 85004-1532. Phone: (602) 257-4200 Fax: (602) 257-0405 Email: maricopalawyer@maricopabar.org

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**2nd Annual MCBA Race Judicata**

The Official Publication of the Maricopa County Bar Association

The mission of the MCBA is to serve its members, the legal profession, the judicial system and the public.
Social media and school discipline

Each month I struggle with what to write for this column that is relevant to readers. I have been encouraged (repeatedly) to write about something that relates to my practice area of education law; however, I have not done so because I am not convinced readers are interested in anything related to that area of law. But, I have come to realize that beyond being an attorney, paralegal or other member of the legal community, readers are likely also a parent, an aunt or a grandparent of a child who attends school in Arizona. So, I am going to give in to those requesting that I share something from my practice area and will spend the remainder of this column discussing social media and the discipline of students.

The increase of internet usage by students has created new issues for schools concerning a school’s ability to discipline students for inappropriate online conduct. One critical aspect in determining if discipline is warranted is if the activity took place on campus, using school resources, or off campus. In general, schools have the ability to discipline students for their on-campus online conduct; however, disciplining students for their off-campus online conduct; however, disciplining students for their on-campus online conduct; however, disciplining students for their off-campus online conduct; however, disciplining students for their on-campus online conduct; however, disciplining students for their off-campus online conduct; however, disciplining students for their on-campus online conduct; however, disciplining students for their off-campus online conduct; however, disciplining students for their on-campus online conduct; however, disciplining students for their off-campus online conduct; however, disciplining students for their on-campus online conduct; however, disciplining students for their off-campus online conduct; however, disciplining students for their on-campus online conduct; however, disciplining students for their off-campus online conduct; however, disciplining students for their on-campus online conduct; 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Popular leadership styles — which one are you?

What is your leadership style? How many different types of leadership styles are there and which one is the best? Depending on the source, there can be five to 12 different leadership styles. In this column, I will focus on the ones that are most common.

Leadership style is the method an individual uses to lead other people. The type of leadership style depends largely on the individual’s responsibilities, duties and character. In addition, the work being done lends itself to different types of leadership.

Autocratic leadership is centered on the boss. The boss makes the decisions without input from others and expects prompt responses and implementation. This type of leadership is beneficial to employees that require close supervision. Another common aspect of this type of leadership is the existence of guidelines and procedures.

Democratic leadership, or participative leadership, is based on decision-making that includes input from subordinates; however, the leader has the final decision-making authority. There is some delegation of decision-making authority for specific projects. Communication travels in both directions, from the leader to the subordinate and from the subordinate to the leader. This style of leadership is a morale booster because the followers feel part of the decision-making process.

Coaching leadership is the teaching and supervising of subordinates. In this type of leadership, the followers are assisted in improving their skills by motivation, inspiration and encouragement. Laissez-faire leadership is where the leader gives the followers a great deal of freedom on how the work is performed. This type of leadership could lead to high levels of job satisfaction for those who have the skills, knowledge and self-motivation to get the job done.

Based on the above, which type of leadership is the best? I believe a combination of all the leadership styles is the best. There are times when a decision must be made without consulting others. Establishing procedures and policies helps in assuring that everyone understands and knows how certain things should be processed. Many times these policies and procedures are based upon legal requirements; for instance, client confidentiality and three-way reconciliation of the trust account (Rule 43, Ariz. R. Sup. Ct.). In this instance, an autocratic style probably fits the best since the attorney has a responsibility to assure that these legal requirements are met.

In a law firm, we have all encountered issues or situations that require input from other people. In this instance, the democratic style is helpful. Every person who has a stake in the outcome participates in the discussion.

Many of us, to some extent, have experienced laissez-faire leadership. As paralegals, we usually know the deadline dates and it is up to us to determine how much time we need to complete the tasks at hand.

It is my belief that to be an effective leader, you must be flexible and approachable. In my experience as a former office manager, I encountered situations that required change. I made suggestions for the change and invited feedback from the staff. Once I had obtained all the information needed, a decision was made. If the issue required attorney approval, I would present the issue and possible solution to the attorney for a final decision. There were instances when I had to make sure that specific procedures or policies were followed; such as making sure the staff did not give legal advice. I always encouraged the staff to do their best and to feel free to speak to me about any issues.

Think back to your prior supervisors. Which one did you like the best and why? You may be surprised with the result. —

On Aug. 8 and 22, the Paralegal Division is hosting a two-part CLE on civil trial preparation, presented by Maureen Zachow and Stacy Palmer, paralegals with Snell & Wilmer, LLP. Zachow and Palmer have worked on many document-intensive cases and are eager to share their knowledge and tips on how to successfully manage a case to its final resolution.

In lieu of the division meeting this month, we invite all members to attend the summer social on July 12, 2017, at 5:30 p.m. at the MCBA office. I look forward to seeing you there.
Celebrate our 15th anniversary at this year’s paralegal’s conference

By Tina M. Ziegler, ACP
Co-chair, MCBA Paralegal Conference Committee

The Paralegal Division is excited to host its 15th Anniversary Paralegal Conference on Friday, Sept. 8, 2017, at the Desert Willow Conference Center in Phoenix. This year’s theme is “Every Possibility Begins with the Courage to Imagine…” The conference gives attendees six hours of CLE credit, including at least one hour of ethics credit. We will have a wide variety of topics to meet the needs of practicing paralegals and those studying to enter the paralegal profession.

We are thrilled to have Vince Goddard from the Pinal County Attorney’s Office as this year’s keynote speaker. Goddard is well known in the legal community and has been a prosecutor for his entire legal career. He will discuss “The Analysis of a Death Penalty Case: Getting it Right When Life and Death are at Stake.”

Back by popular demand, we have our breakout sessions. We will have three sessions where attendees can choose from one of three segments, including an intermediate to advanced level Trial Track program in each session for more experienced paralegals and those who want to know more about the trial process. In the first session, our Trial Track Program will be presented by Tim Piganelli of Piganelli & Associates, who will discuss “Did Your Lamb Turn into a Lion? Trial Preparation and Presentation Techniques for Large Complex Cases.” We will also have an immigration law segment presented by Sambo Dul from Perkins Cole titled, “Chasing Refuge: Current Issues in Asylum Law and Policy.” Rounding out this session is a family law segment titled, “To Have and To Hold: Drafting, Negotiating, and Challenging Prenuptial Agreements,” presented by Jeff Pollitt of Jeffrey Pollit, PC.

Our second breakout session includes “Discover Under the New Rules Swim Towards the Safe Harbors!” as our Trial Track segment, presented by Kenneth Withers, Deputy Executive Director of The Sedona Conference. We also have our bonus ethics segment on “The Good, The Bad and The … Yeah” presented by the Honorable William J. O’Neil of the Supreme Court of Arizona. Our final presentation in this session will discuss “The Impact of Proposition 206 on Arizona’s Workforce” and specifically focus on minimum wage and paid time off issues presented by Jodi R. Bohr of Gallagher & Kennedy. This is a great segment for legal administrators.

Our third breakout session has the return of the very popular Scott Claus, from Dickinson Wright, in our Trial Track segment titled, “Start Making Sense: What the Talking Heads Can Teach Us About Opening Statements and Closing Arguments.” We also have Marsha Goodman from Frazer Ryan Goldberg & Arnold, LLP discussing “Care Planning for Parents, Spouses, Children and Clients” and Flynn Carey from Mitchell Stein Carey discussing “White Collar Crime, Scams, and Fraud: What Every Paralegal Should Know.” Both of these segments will benefit our attendees personally and professionally.

Our general session titled, “Cyber Security 101, What You Should Know,” will be presented by Director of Privacy of Altep, David Grant, and will focus on the importance of cyber security in the workplace and beyond. Our general ethics session, presented by Patricia Sallen, is titled, “Game of Thorny Ethics Questions.” In this segment, attendees will be able to test their knowledge in a fun game show format.

The conference includes our valued partners who assist the legal community by providing valuable products and services. They will have information about their respective companies available and attendees will have several opportunities to speak with them. Some of our valued partners will even give attendees the chance to win a raffle prize for visiting their table. The division will also have a variety of raffle prizes that we will be giving away throughout the day, with our networking bingo and grand prize drawings conducted at the end of the conference.

This year’s conference has something for everyone, no matter what area of law you are involved in. The information provided coupled with the chance to network with other paralegals as well as local vendors makes this a great opportunity for everyone. Attorneys should definitely consider sending their paralegals as they will gain valuable information to bring back to the office. We have lots of surprises planned in honor of our anniversary. We hope to see many of you at the conference. You don’t want to miss it!

It takes many volunteers to make this event a success. If you would like to join the conference committee to assist us with the preparation, please contact conference co-chairs Tina Ziegler (tina@hammerman-hultgren.com) and Melinda Manchester (mmanchester@perkinscole.com). This is a great way to get involved with the division.

We should also note that the Paralegal Division is supporting the YLDA Necessities Drive this year by donating toothbrushes, toothpaste, deodorant, shampoo and conditioner to this worthy cause. Attendees who bring these items to the Paralegal Conference will receive an extra ticket for our general raffle drawings.

A Small Donation Makes a Big Difference
Arbitration Fee Donations Help
Partnering with the Maricopa County Superior Court, the Maricopa County Bar Foundation (MCBF) is once again encouraging attorneys assigned to arbitration to donate the $75 fee to the Foundation’s fundraising efforts.

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

THANK YOU FOR MAKING A DIFFERENCE!

MCBA PARALEGAL DIVISION’S CONFERENCE

“Every Possibility Begins with the Courage to Imagine…”

WHEN
FRIDAY, SEPT. 8, 2017 7:15 A.M. TO 5 P.M.

WHERE
DESERT WILLOW CONFERENCE CENTER
4340 E. Cotton Center Blvd., Phoenix, AZ

Keynote Speaker
Vince S. Goddard, Maricopa County Attorney’s Office
“The Analysis of a Death Penalty Case: Getting it Right When Life and Death are at Stake”

First Breakout Session
• Trial Track: “Did Your Lamb Turn into a Lion? Trial Preparation and Presentation Techniques for Large Complex Cases”
  – Tim Piganelli, Piganelli & Associates
  – Sambo Dul, Perkins Cole, LLP
• Family Law: “To Have and To Hold: Drafting, Negotiating, and Challenging Prenuptial Agreements”
  – Jeff Pollitt, Law Office of Jeffrey Pollit

Second Breakout Session
• Trial Track: “Discover Under the New Rules Swim Towards the Safe Harbors!”
  – Kenneth Withers, Deputy Executive Director of The Sedona Conference
• Bonus Ethics Session: “The Good, The Bad and The … Yeah”
  – Hon. William J. O’Neil, Supreme Court of Arizona
• Employment Law: “The Impact of Proposition 206 on Arizona’s Workforce (Minimum Wage and Paid Time Off)”
  – Jodi R. Bohr, Gallagher & Kennedy

Third Breakout Session
• Trial Track: “Start Making Sense: What the Talking Heads Can Teach Us About Opening Statements and Closing Arguments”
  – Scott Claus, Dickinson Wright
• Elder Law: “Care Planning for Parents, Spouses, Children and Clients”
  – Marsha Goodman, Frazer Ryan Goldberg & Arnold, LLP
• White Collar Crime (telemarketing and email scams)
  – Flynn Carey, Mitchell Stein Carey

General Sessions
• “Game of Thorny Ethics Questions”
  – Patricia Sallen
• “Cyber Security 101, What You Should Know”
  – David Grant, Associate General Counsel, Director of Privacy, Altep

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Let’s talk about abbreviations

LEGAL WRITING

Tamara Herrera

If I were to list the most common topics of readers’ questions, abbreviations would be in the top five. For instance, some readers have asked me about using abbreviations in emails versus formal briefs. My advice for both is the same, as I mentioned in a prior column: Use abbreviations sparingly and only if the reader will not be confused. Following are some of the more mechanical questions readers have asked me about abbreviations.

1. Should I include periods in an abbreviation? Although this question sounds simple, its answer has many layers. First determine if the abbreviation is part of a legal citation. If it is part of a citation, then follow the punctuation guidelines in Bluebook. You should also determine if the abbreviation is part of a formal name, like a business name. If the abbreviation is part of a formal name, then you should use the periods as they appear in that name. I once worked for a company that stylized its name to include lowercase and punctuation-less “inc” as the end of its business name. What a spell-check nightmare!

If the abbreviation is not part of a citation or a formal name, then American English conventions require a period at the end of a sentence. You should never use two periods at the end of a sentence.

Some abbreviations end with an abbreviation? The period that ends the abbreviation will also end the sentence. You should never use two periods at the end of a sentence.

Wrong:  She resigned from Harrison Corp.
Correct: She resigned from Harrison Corp.

3. How do I introduce an abbreviation in my sentence? Some abbreviations are so common that they need no introduction. You should just use the abbreviation consistently throughout the document (Dr., Mr., Inc.). For other abbreviations, the best way to introduce them is to put the abbreviation in a parenthetical directly after the first instance of the word. Avoid the use of legalese to introduce the abbreviation (hereinafter, hereinafter known as).

4. How do I form the plural of an abbreviation? Generally, you would add “s” or “es.” Do not include an apostrophe, because the apostrophe shows possession. These rules apply to the same rules for acronyms.

Wrong: ed’s, CD’s, RN’
Correct: eds., CDs, RN’s

The most notable exception to this rule is the plural of a single letter: It uses the apostrophe to avoid confusion (mind your p’s and q’s).

ABA guidance on cybersecurity

By Joseph Brophy

Editor’s note: For the past two years, Russell Yark has been contributing the legal ethics column to the Maricopa Lawyer. In addition to his lawyer liability and litigation practice, Yark has also spent the past seven years as an NFL instant replay official. Last month, he was appointed Vice President of Instant Replay for the NFL and he and his family have since relocated to New York. We have appreciated Yark’s guidance on legal ethics over the years and wish him the best. In his absence, please welcome his colleague, Joseph Brophy, who will be contributing to this column.

The technological landscape as it relates to the practice of law has changed a great deal since 1999. That is the year in which the ABA issued Formal Opinion 99-413, which concluded that the use of email was consistent with the lawyer’s duty under Model Rule 1.6 to maintain the confidentiality of information relating to the client’s representation. In response to the variety of devices that lawyers use to store and transmit client information, the ABA mode rules and comments were subsequently modified in 2012 to require lawyers to be aware of the benefits and risks associated with the technology they employ (Model Rule 1.1), and to make “reasonable efforts” to prevent the inadvertent or unauthorized disclosure of or access to information relating to the representation (Model Rule 1.6(d)). Arizona is one of the many states that adopted these changes and lawyers must stay current on changes in legal technology.

Perhaps recognizing that imposing an obligation of “reasonableness” does not offer the same protection as a “reasonable steps” or “adequate security” requirement, on May 11, 2017, the ABA Standing Committee on Ethics and Professional Responsibility issued Formal Opinion 477 (revised as Formal Opinion 477R on May 22, 2017), which provides guidelines on the kind of fact-based analysis that lawyers must undertake to fulfill their ethical obligations to protect electronically stored information and communications. While the opinion does not specify the reasonable steps that a lawyer should take under any given set of facts, it does identify the areas that a lawyer must understand and the steps that a lawyer should consider taking when implementing a cybersecurity system.

The sufficiency of the security measures implemented by a lawyer will be dictated in large part by the sensitivity of the information. Unencrypted email may be fine for information of normal or low sensitivity. Some sensitive information might require encryption. Some information is so sensitive that it should not be stored electronically at all. For example, keeps its secret formula in a bank vault and its lawyers would be ill-advised to store that information on their servers, no matter how secure they may be. Some state bar ethics opinions provide specific guidance on the circumstances under which email communications should be afforded special security protection. See, e.g., Tex. Prof’l Ethics Comm. Op. 648 (2015) (identifying security measures that a lawyer should consider whether to encrypt or use other security precautions to protect email).

Among the issues that lawyers need to understand if they are to make reasonable efforts to protect client information are: (1) the nature of any threats (the higher the risk the greater the obligation required); (2) how the client’s confidentiality can be protected (e.g., how is the information transmitted and where it is stored); and (3) how the security measures employed work (you cannot claim security measures are reasonable if you do not understand them). Technologically challenged lawyers (and there are many of us) can employ and rely on third parties to assist with understanding and implementing a system for protecting client information, but the lawyer is obligated to conduct due diligence regarding the competence, practices and security employed by any third-party vendors, as well as to ensure that the use of that vendor does not create a conflict.

Formal Opinion 477R is not an exhaustive discussion of what is required of lawyers in the area of cybersecurity, but it is a good starting point. As information technology continues to change, and as new ethics opinions around the country address those changes, lawyers’ ethical obligations in this area will continue to evolve and increase. As lawyers continue to embrace new technologies, they must also continue to stay up on the ethical responsibilities that come with them.

Joseph Brophy is a partner with Jennings Haug Cunningham in Phoenix. His practice focuses on professional responsibility, lawyer discipline and complex civil litigation. He can be reached at JAB@JHC.law.
The firm has changed its name from Berk & Moskowitz, P.C. in light of the departure of Frank W. Moskowitz to become a Maricopa County Superior Court Judge.

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MCBA MEMBER SINCE 2015

In your opinion, why should young lawyers and law students join or be involved with the MCBA?

For young lawyers and law students in particular, becoming involved in the MCBA is a great opportunity to meet other lawyers and judges and get your name and practice area circulating in the legal community. It’s also a way to develop leadership skills through participation in committees, sections or the board.

What do you like most about being in the legal field?

I know it’s cliché but being able to help others in need, especially the underserved in our community, is the best part of being a lawyer. It’s also one of the most intellectually rewarding jobs on the planet — and the people you meet and get to work with aren’t so bad either!

If you weren’t an attorney what would you be?

An elementary school teacher or working with kids in some other capacity. I love being around kids and I relate to them better than most adults.

What are your hobbies or interests?

Anything with my dogs and fiancé: hiking, swimming, road tripping, you name it. I also really enjoy housecleaning; something about it is very therapeutic to me.

What’s the craziest job you’ve had?

I had a lot of odd jobs growing up, including stints at a dry cleaners and a kiosk in the mall, but the craziest job was probably selling in-chair teeth whitening treatments at Sam’s Club when I was 16. I had to wear a lab coat and we had chairs with bleaching lights for “patients” to sit in while receiving treatment. I didn’t actually perform any whitening procedures, but it was bizarre nonetheless.

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

Ms. Frizzle, because she’s fearless and has a magic school bus.

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Maricopa County Superior Court honors reunified families

As part of Arizona Family Reunification Month, Maricopa County Superior Court hosted its fourth annual Family Reunification Day on June 10 at Sun Valley Community Church in Tempe.

The event honored 16 families, who have successfully achieved family reunification, with a lunch and commemorative program.

“All children need a safe, stable home where they receive care, love and nurturance that they need to grow to be healthy, happy and productive adults,” said Judge Colleen McNally, Presiding Juvenile Department Judge. “Reunification Day is a day to honor and celebrate the challenges that brought their children to foster care. These families have demonstrated their strength and resilience and have been successful in providing safe and stable homes for their children.”

When child abuse or neglect has occurred, children may be removed from their home to ensure their safety and wellbeing. Parents then have an opportunity to address the challenges that led to their children’s removal. This includes the creation and fulfillment of a detailed case plan. In order to complete this process, parents must work closely and comply with orders from a judge, and also meet regularly with caseworkers and attorneys.

In fiscal year 2016, 2,312 children exited the foster care system due to being reunified with their parent or guardian. This represents 36.8 percent of all the children who left court supervision in fiscal year 2016, which is up from 32 percent in FY15.

Maricopa County is one of many communities across the country that hosted a Reunification Day Celebration. Organizers of this event included Maricopa County Superior Court, the Arizona Office of the Attorney General, Maricopa County Office of the Legal Advocate, Maricopa County Office of the Legal Defender, Maricopa County Office of the Public Advocate, the Department of Child Safety, CASA of Maricopa County, Casey Family Programs, Prevent Child Abuse Arizona, Voices for CASA Children, and members of the community.

Welcome, Sustaining Members!

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

Ms. Barbara R. Berman
Mr. Bruce L. Bauman
Ms. Kay Bigelow
Ms. Laura Kay Chapman
Mr. Michael A. Curtis
Mr. James C. Dutson
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Ms. Carol A. Soderquist
Ms. Jennifer Stupski
Mr. Robert E. Thomson
Mr. James P. Yeager
Mr. Daryl Wilson

(List updated June 12, 2017)

For a single payment of $500, Sustaining Members receive unlimited attendance at in-person Continuing Legal Education programs and other benefits for the current membership year. For more information or to become a Sustaining Member, please contact Membership Coordinator Cynthia Quinonez at 602-682-8582.

Three court professionals become fellows at the Institute for Court Management

The latest Arizona court professionals to graduate from the Institute for Court Management Fellows program work for courts in Prescott, Phoenix and Tucson. The fellows program is the highest certification and most demanding program of court management and the only program of its kind in the U.S.

The final step of the fellows process includes a three-day master class held in Washington, D.C., during which participants present and reflect upon the results of their court research and improvement projects. Successful participants are recognized at a graduation ceremony held at the U.S. Supreme Court and awarded certification as a fellow of the Institute for Court Management.

The new fellows are:

- Heather Seets, Alternative Dispute Resolution Program Manager, Superior Court in Yavapai County, Prescott. She conducted research and presented on “Victim Offender Mediation and Dialogue in Adult Criminal Cases.”
- Keith G. Kaplan, Assistant Court Administrator, Criminal Division, Phoenix Municipal Court, Phoenix. His thesis and presentation was titled “Model for the Successful Implementation of Court Technology.”
- Laura Spain, Deputy Court Administrator, Tucson City Court, Tucson. Her research and presentation was on “Achieving Excellence: Mastering Quality Assurance at Tucson City Court.”

Three court professionals have joined the association as Sustaining Members for 2017:

- Ms. Shawnna Riggers
- Mr. James P. Yeager
- Mr. Daryl Wilson

To become eligible for a fellowship, applicants must have completed the Certified Court Manager process and the successor program, Certified Court Executive. Both of these programs demand rigorous study covering a broad array of topics including: caseload management, court performance standards, managing financial resources, technology projects, court-community communication, strategic planning and more.

The National Center for State Courts, based in Williamsburg, VA, sponsors the Institute for Court Management.
A recap of the 2017 Arizona Legislature session

As any watcher of the legislature knows well, Arizonans are never safe so long as lawmakers toil under the Copper Dome.

As of May 10, Grand Canyon State residents can rest assured that they are out of danger for the remainder of 2017.

This year featured the least contentious, slowest session in recent memory. House Speaker J.D. Mesnard and Senate President Steve Yarrow kept crazy bills to a minimum and, therefore, partisan fights rarely flared.

During the four-month-long session, legislators passed 355 bills, with Gov. Doug Ducey signing the vast majority of them. He vetoed just 11 bills, the lowest number of vetoes by an Arizona governor since 2004.

Other than being judged a success because Arizona remained under the Comedy Central radar and balanced the budget with just a few tricks and gimmicks, the legislature tackled significant issues that impact us all.

The state budget included $30 million for road repair and construction. Gas tax money designed to help pay for road maintenance has instead been used to fund the highway patrol. This decision, however, has put a strain on the cities’ and counties’ efforts to maintain streets and build new thoroughfares.

The state budget also gave teachers a pay raise of 1 percent next school year and 1 percent the following year.

Even though the session is over, several issues remain at the forefront. Several groups are trying to refer legislation to the ballot. The Empowerment Scholarship Account legislation that creates an expanded voucher system is opposed by parent groups and could make its way to the ballot if opponents gather more than 75,000 valid signatures by the summer. Changes to the way initiatives are placed on the ballot are also being challenged. Organizers also must gather 75,000 valid signatures to send it to voters for the 2018 election.

The legislature is out of session, but its work impacts us every day. The next legislative session begins in just seven months.

Barrett Marson is a public relations consultant with a focus on politics. He also hosts a podcast at www.appointedaz.com that focuses on politics.

The views and opinions expressed by the author in this column are his own and do not necessarily reflect the views and positions of the MCBA.

Paralegal Career Day

Paralegal Career Day was held on May 20 at the MCBA office. Participants received help with their resumes and cover letters and got tips on how to negotiate salary. They also partook in mock interviews and were given business attire fashion tips from image consultant Clarisse Ringwald. Thank you to the event sponsors The Morton Group, Arizona Summit Law School and DeShon Laraye Pullen, PLC.

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July 2017 Calendar

- All events at MCBA office, unless otherwise specified.

3 4 MCBA office closed
7 MCBA office closed
12 Summer Social 5:30-8 PM
14 MCBA office closed
21 MCBA office closed
28 MCBA office closed
31 Maricopa Lawyer Editorial Board Meeting 5:15-6:15 PM

Please watch your MCBA E-News for updated information about meetings and events.

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Write a CLE review and get the CLE on the house (up to 1.5 hours max)!
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Court upholds ruling
CourtWatch, continued from page 1

eers’ rule did not apply. The supreme court granted Alger’s petition for review. That court affirmed the court of appeals’ rulings but disagreed with its reasoning.

Chief Justice Scott Bales’ opinion first addressed the duty issue. He noted that the court of appeals had found a duty “because all people have a duty to use reasonable care to avoid causing injury to others.” But he declined to adopt such a sweeping view.

“[W]e need not here decide whether people generally owe a duty of reasonable care to others,” he wrote.

“example,” he added, “a caregiver hired to perform personal care services—such as feeding, dressing, and assisting in personal hygiene—might not owe a duty of reasonable care to a patient whose negligence negligently caused fires.”

Joining Bales’ opinion were Vice Chief Justice John Pelander, Justices Robert M. Brutinel, Ann A. Scott Timmer, Clint Bolick, and Andrew Gould, and La Paz County Superior Court Judge Samuel E. Vederman, who sat in for Justice John R. Lopez, IV.

Editor’s note: Daniel P. Schaeck, an Assistant Attorney General, represented Francis Alger before the supreme court in Sanders v. Alger.

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Google has not gone the way of ‘genericide’

Businesses want their brands to be successful, but can a brand name become too successful? It does happen. What used to be a common name can swallow up the field and become the generic term for a type of product, instead of identifying one competitor’s version of the product. You’re probably aware that aspirin and kerosene were once brand names but have lost their brand-name protection. This phenomenon is known as “genericide.”

Bales also noted that the rescue doctrine supports the existence of a duty here. Under it, the common law encourages people to come to others’ aid when they are in peril; it does so by ensuring that they can recover damages against the person whose negligence created the need for rescue.

He cautioned that the fact “[t]hat a duty exists does not mean that it has been breached in any particular case or that a negligent act has proximately caused an injury.” It also “does not preclude the jury’s application of doctrines such as comparative fault, assumption of risk, or superseding cause to limit recovery of damages,” he added.

Bales rejected Alger’s plea not to impose the duty on developmentally disabled clients vis-à-vis their DDD-contracted caregivers. “Although public policy may support the adoption of a no-duty rule in some circumstances, … we decline to adopt a rule that patients categorically owe no duty of care to those who provide caregiver services,” he wrote.

“Nor can we conclude that finding a duty here would ‘chill socially desirable conduct or otherwise have adverse effects[,]’” he added. “Indeed, barring recovery by caregivers might well discourage people from providing such services.”

Bales then turned to the firefighters’ rule, declining to extend it to Sanders. He described the rule as an exception to the rescue doctrine that arises as a matter of public policy because “the tort system is not the appropriate vehicle for compensating public safety employees for injuries sustained as a result of negligence that creates the very need for their employment.”

Joining Bales, Justices Brutinel, Bolick, and Gould, Bales noted, as he declined to extend it to DDD contractors. “Our recognition of a patient’s duty to his or her caregiver is based on the direct, categorical relationship and is not limited to situations in which the caregiver responds to an emergency created by the patient’s negligence,” he wrote.

He also distinguished DDD caregivers from firefighters. “Unlike firefighters, caregivers generally are not ‘public safety employees who are authorized, equipped, and compensated to professionally rescue others.’” He agreed with the court of appeals that “Sanders’ job did not depend on encountering ‘negligence that creates the very need for [her] employment’ in the same way a firefighter encounters mostly negligently caused fires.”

Joining Bales’ opinion were Vice Chief Justice John Pelander, Justices Robert M. Brutinel, Ann A. Scott Timmer, Clint Bolick, and Andrew Gould, and La Paz County Superior Court Judge Samuel E. Vederman, who sat in for Justice John R. Lopez, IV.

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A panel of the Ninth Circuit recently considered a claim that “Google” has gone the way of ‘genericide.’

Despite the ubiquity of Google’s use as a verb — meaning to search for something on the internet — the court rejected a claim that it has committed genericide. Elliott v. Google, Inc., No. 15-18509 (9th Cir. Mar. 17, 2017).

Over a two-week span, Chris Gillespie acquired 763 Internet domain names that all included the word “Google.” He paired “Google” with specific brand names, products or services, including googleinternet.com, googlehakakobama.com and googlenewtv.com.

Shockingly, Google looked unfavorably on his actions. It filed an objection with the organization that controls these types of things, the National Arbitration Forum. The NAF ruled in Google’s favor, concluding that Elliott was guilty of cybersquatting. It transferred the disputed domain names to Google.

Elliott then sued Google in Arizona federal court. District Judge Stephen M. McNamee granted summary judgment to Google, and Elliott appealed to the Ninth Circuit.

There he once again met defeat, in an opinion written by Judge Richard C. Tallman. Elliott based his case on what he called “the indisputable fact” that the word “Google” has morphed into a verb meaning to search the internet. He contended that this was enough to establish the necessary generic use as a matter of law.

Tallman rejected the contention. He noted that under the Lanham Act a trademark has a presumption of validity. Thus, the burden was on Elliott to prove “that the primary meaning of the word ‘Google’ to the relevant public is as a name for internet search engines generally and not as a mark identifying the Google search engine in particular.”

The fact that “Google” has become a verb did not meet that standard.

Tallman noted that the Ninth Circuit applies a test known as “who-are-you/what-are-you?” Under it, if the public “primarily understands a mark as describing ‘who’ a particular good or service is, or where it comes from, then the mark is still valid.”

By contrast, the trademark has become generic “if the relevant public primarily understands a mark as describing ‘what’ the particular good or service is.”

“For example,” Tallman wrote, “ASPIRIN, CELLOPHANE, and THERMOS were once protectable because they were understood as identifying the relevant public is as a name for those goods.

He rejected Elliott’s contention that the mere fact that a trademarked noun or adjective has become a verb in the public’s mind is enough to cause genericide. “Elliott’s semantic argument,” he wrote, “contradicts fundamental principles underlying the protectability of trademarks.”

“Because a claim of genericide must relate to a particular type of good or service and because verb use does not necessarily constitute generic use,” Tallman wrote, the district court had properly “refused to frame its inquiry as whether the relevant public primarily uses the word ‘Google’ as a verb.”

He also rejected the notion that the mere fact that “Google” is used predominantly in generic fashion is enough to remove its trademark protection. Instead, the question turns on “how the public primarily understands the word itself, irrespective of its grammatical function, with regard to internet search engines.”

Elliott’s case was founded because he had not shown that the public uses “Google” indiscriminately for search engines — as opposed to using it to describe searching the internet.

Joining Tallman’s opinion was Chief District Judge Louis Guirola, Jr., of the Southern District of Mississippi.

Ninth Circuit Judge Paul J. Watford filed a concurring opinion clarifying his position that “evidence of a trademark’s ‘indiscriminate’ verb use” can never “tell us something about whether the public primarily thinks of the mark as the generic name for a type of good or service.”

*****

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There he once again met defeat, in an opinion written by Judge Richard C. Tallman. Elliott based his case on what he called “the indisputable fact” that the word “Google” has morphed into a verb meaning to search the internet. He contended that this was enough to establish the necessary generic use as a matter of law.

Tallman rejected the contention. He noted that under the Lanham Act a trademark has a presumption of validity. Thus, the burden was on Elliott to prove “that the primary meaning of the word ‘Google’ to the relevant public is as a name for internet search engines generally and not as a mark identifying the Google search engine in particular.”

The fact that “Google” has become a verb did not meet that standard.

Tallman noted that the Ninth Circuit applies a test known as “who-are-you/what-are-you?” Under it, if the public “primarily understands a mark as describing ‘who’ a particular good or service is, or where it comes from, then the mark is still valid.”

By contrast, the trademark has become generic “if the relevant public primarily understands a mark as describing ‘what’ the particular good or service is.”

“For example,” Tallman wrote, “ASPIRIN, CELLOPHANE, and THERMOS were once protectable because they were understood as identifying the relevant public is as a name for those goods.

He rejected Elliott’s contention that the mere fact that a trademarked noun or adjective has become a verb in the public’s mind is enough to cause genericide. “Elliott’s semantic argument,” he wrote, “contradicts fundamental principles underlying the protectability of trademarks.”

“Because a claim of genericide must relate to a particular type of good or service and because verb use does not necessarily constitute generic use,” Tallman wrote, the district court had properly “refused to frame its inquiry as whether the relevant public primarily uses the word ‘Google’ as a verb.”

He also rejected the notion that the mere fact that “Google” is used predominantly in generic fashion is enough to remove its trademark protection. Instead, the question turns on “how the public primarily understands the word itself, irrespective of its grammatical function, with regard to internet search engines.”

Elliott’s case was founded because he had not shown that the public uses “Google” indiscriminately for search engines — as opposed to using it to describe searching the internet.

Joining Tallman’s opinion was Chief District Judge Louis Guirola, Jr., of the Southern District of Mississippi.

Ninth Circuit Judge Paul J. Watford filed a concurring opinion clarifying his position that “evidence of a trademark’s ‘indiscriminate’ verb use” can never “tell us something about whether the public primarily thinks of the mark as the generic name for a type of good or service.”

*****
VLP ATTORNEY OF THE MONTH
Attorney always had laser-sharp focus for public service

By Peggi Cornelius, VLP Programs Coordinator

As divergent as farming and living in a small town are from practicing law and urban dwelling, one of the things attorney James Cork brought from his upbringing in rural Michigan to his adult life in Arizona is an appreciation for the importance of being a contributor to the quality of life wherever he lives. In recognition of the many ways in which Cork generously gives to his community through participation in the Volunteer Lawyers Program, VLP has named him “Attorney of the Month.”

When beginning high school, Cork experienced culture shock when he was transferred from a combined middle/high school with 350 students in Michigan to a three-year high school with 2,000 students in Arizona. He felt the transition was made easier by having spent vacations visiting relatives living in Mesa, but there were more family relocations before his graduation. When it was time to select a university, his school of choice was Arizona State University. Entering college, Cork’s primary goal was to work in law enforcement, and he became a young man on a mission. After receiving a bachelor’s degree in justice studies, he immediately sought and obtained admission to law school, choosing a change of scenery by attending Thomas Jefferson School of Law in San Diego, Calif. He admits to one glorious interlude working a summer job on an Alaskan glacier. Otherwise, Cork worked continuously at a San Diego family law firm while completing his J.D. Thereafter, he passed the bar and began to practice law without skipping a beat.

“I have always primarily worked in family law,” Cork says. “Thankfully, I’m employed at Fromm Smith & Gadow, where we are not only given the opportunity to donate time to our community, but are encouraged to do so.”

As a member of VLP, Cork participates in advice clinics for pro se litigants in family court, and in a unique legal advice clinic called Medical Legal Partner- ship, coordinated by VLP’s Children’s Law Center. The CLC also helps him in serving as a court appointed advisor for children whose lives are affected by the outcome of custody disputes.

In talking about his pro bono experiences, Cork comments on how he’s been influenced. “One day, I advised a young woman who was in a relationship in which she was the victim of domestic violence. We were discussing options for about an hour and came up with a game plan for her to move forward. I remember seeing her when I was ready to leave. She was in the lobby, crying and hugging one of the clinic staff members,” he says, recalling a memorable moment that happened while working at the Family Lawyers Assistance Project at superior court. “It occurred to me that what seemed like a minimal amount of time to me had made a huge difference to her at a time when she didn’t know what to do. I try to remember that feeling and keep it in mind when I volunteer.”

He also reflects on differences and similarities between people who seek his counsel in the office and those he encounters in settings where he volunteers.

“Individuals at the pro bono clinics are, by and large, individuals with less formal education and generally without any financial resources; pretty much the complete opposite of my clients in private practice,” he says. “Yet, despite these noticeable differences, certain issues persist regardless of educational background and/or socio-economic status. Knowing this has given me a broader understanding of the nature of these issues, how to approach them in my practice and how to address them with my clients.”

Although he’s a busy lawyer with commitments to community service, Cork has a well-rounded personal life. His nuclear family includes his wife, 18-month-old daughter and three dogs. They enjoy time with their extended family and trips to visit relatives in Michigan and the Pacific Northwest.

Noting that the years he spent studying in San Diego also included some play time, Cork says, “I picked up scuba diving so I’ve been blessed with occasional trips to dive with friends in places like Hawaii, Jamaica and Mexico. Last year, we spent four days off the coast of Baja with White Whales.”

When asked who he thinks might be most proud of his pro bono work, Cork replies, “Probably my paternal grandparents. In addition to raising children and operating one of the oldest farms in Michigan, they were heavily involved in volunteer work in their local community. I think they would be proud to know I am following in their footsteps in that regard.”

ADOPTION
Aime Clarke (2 cases) Arizona Law Practice
Sandra J. Crute Cretza Law Firm
William Hicks A. Hicks, III Ballard Spahr
Edwin G. Ramos De La Ossa & Ramos

BANKRUPTCY
Lamar Hawkins Aiken Scheick Hawkins & Ricciardi
Michael Zimmerman (2 cases) Berry Riddick

CONSUMER
Robert L. Frease Snell & Wilmer
Rodney Ott Quarkers & Brady

COURT ADVISORS FOR CHILDREN IN FAMILY COURT
Jessica M. Cotter The Law Firm of Jessica M. Cotter
Jeremy M. Goodman Goodman Law
Cody L. Hayes Hayes Esquire

VOLUNTEER LAWYERS PROGRAM THANKS ATTORNEYS

The Volunteer Lawyers Program thanks the following 34 attorneys and firms for agreeing to provide pro bono representation on cases referred by VLP to help people with low incomes. VLP supports pro bono service of attorneys by screening for financial need and legal merit and provides primary malpractice coverage, donated services from professionals, training, materials, mentors and consultants. Each attorney receives a certificate from MCBA for a CLE discount. For information about ways to help, please contact Pat Gerrich at VLP at (602) 254-4714 or pgerrich@claz.org.

GUARDIANSHIP OF MINOR CHILDREN
Kristy Blackwell Scott & Blackwell
Kyle S. Hirsch Bryan Cave
Kevin Kim Pobinelli
Monica Thompson Pobinelli
Tanner Warnick Pobinelli

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LICENSES
Robert F. Crawford Law Office of Robert F. Crawford

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James W. Tuffin James W. Tuffin, Attorney at Law

TRANSACTIONAL ASSISTANCE TO CHARITABLE ORGANIZATIONS
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Emily B. Kile Kile & Kuliszewski Law Firm
Julie S. Kim Law Offices of Timothy D. Ducar
Kelli L. Wilkins Snell & Wilmer

**PRO BONO SPOTLIGHT ON CURRENT NEED**
Experienced family law attorneys are needed to provide legal advice and brief help to unrepresented family law litigants at VLP’s Family Lawyers Assistance Project (FLAP) at superior court locations.

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

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

Justice Museum announces calendar contest for young artists

The Maricopa County Justice Museum and Learning Center is hosting a 2018 calendar art contest for artists ages 5 through 12. The theme is “Justice. For All” and pictures should reflect the artists’ visual representation of what justice looks like to them. It may be a picture related to the law, our courtrooms or courthouses, judges, attorneys or trials, or anything related to the broad theme of justice for everyone.

How to enter
Artists ages 5 through 12 are invited to submit hand-drawn, homemade artwork (hint: we like color, anything from crayon to paint is great) created on 8.5” x 11” white paper reflecting the theme. The Calendar Committee will choose the winning artwork (up to 13 submissions), which will be featured in a 2018 calendar to be sold by the Justice Museum only.

The contest runs until July 28, 2017. Submissions should be scanned at 300dpi or higher, and saved as a .jpg or .pdf file. Artists do not have to be formally affiliated with the MCBA or the Justice Museum board of directors to enter, but they do need to be between the ages of 5 and 12 by May 15, 2017.

Winners will be invited to attend the Justice Museum Founders’ Breakfast on Nov. 21, 2017. Calendars will be available for purchase in late 2017 to benefit the Maricopa County Justice Museum and Learning Center.

To receive the entry form and waiver, email Marcy Morales at mmmorales@maricopa-bar.org.
NEW HIRES

Carpenter Hadw godt Delgado & Bolen would like to welcome Chariette Harrsig to the family.

Harrsig has practiced labor and employment law for her entire career. She brings to the firm her expertise in representing employees in all aspects of employment disputes, including representing employers in the EEOC, NLRA, DOL, and state and federal courts. She also counsels employers on a day-to-day basis on employment law issues. Harrsig is also a contributing author of the Arizona Employment Law Handbook. She also has substantial commercial litigation experience, representing clients in business disputes of all types. Further, she was listed in AZ Business Magazine’s Top Attorneys list for Labor/Trust & Estates.

Elizabeth Chatham has bolstered its immigration practice with the addition of Elizabeth Chatham as a partner in the Phoenix office.

Chatham brings more than a decade of complex immigration experience advising Fortune 500 and 500 companies, fast-growth organizations, entrepreneurs, educational institutions, nonprofits and individuals to the firm's immigration and naturalization practice. As a recognized leader in immigration law, she understands that companies operate under different models and focuses on providing highly-tailored legal guidance.

She counsels her clients on a range of temporary and permanent U.S. immigration options, including H-1B, L-1, O, P, TN, E-1, E-2 and R visas as well as EB-1 Outstanding Researcher, Extraordinary Ability, Multi-National Manager, National Interest waivers and PERM Labor Certifications.

Harrsig understands that companies operate under different models and focuses on providing highly-tailored legal guidance, drawing on the context of any client’s given needs and goals.

HONORS & AWARDS

Pohilnelli shareholder Melissa Ho has been selected by the U.S. Commission on Civil Rights to serve a four-year term on the Arizona State Advisory Committee (SAC). In this role, she will provide advice and recommendations to the commission about allegations of voting rights deprivation, race, color, religion, sexual orientation, gender identity and national origin discrimination, and denials of equal protection of the laws.

In addition to serving the commission, Ho volunteers in several other committees under the State Bar of Arizona, the Arizona Women Lawyers Association and the Arizona Asian American Bar Association to name a few.

Stinson Leonard Street, LLP, has bolstered its immigration practice with the addition of Elizabeth Chatham as a partner in the Phoenix office.

Chatham brings more than a decade of complex immigration experience advising Fortune 500 and 300 companies, fast-growth organizations, entrepreneurs, educational institutions, nonprofits and individuals to the firm's practice. As a recognized leader in immigration law, she understands that companies operate under different models and focuses on providing highly-tailored legal guidance.

She counselled her clients on a range of temporary and permanent U.S. immigration options, including H-1B, L-1, O, P, TN, E-1, E-2 and R visas as well as EB-1 Outstanding Researcher, Extraordinary Ability, Multi-National Manager, National Interest waivers and PERM Labor Certifications.

She also provides guidance on consular processing, naturalization and immigration compliance, including E-9 audits, and performs trainings for corporate human resources personnel. As a naturalized U.S. citizen who was born in India, Chatham brings firsthand knowledge of the immigration process to the firm.

She earned her J.D. from Gonzaga University School of Law.

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