CAST YOUR ELECTRONIC VOTE NOV. 1-16
Six candidates vie for five seats on MCBA Board of Directors

Please contact the Membership Department at (602) 257-4200 to have your information updated. Both electionsonline.us and MCBA will send you reminder emails during the two-week voting period. Some firms may block the unfamiliar URL, so be sure to check your spam folder for the voting email. If you believe you are eligible to vote but have not received any voting emails, please contact Isolde Davidson at (602) 257-4200 or idavidson@maricopabar.org to receive your voting information.

The six candidates standing for election in the 2012 MCBA Board of Directors election are: Keelan Bodow, a commissioner of the Maricopa County Superior Court; Lianne Bullock, associate at Quarles & Brady, LLC; Julie LaFave, a member of the Sorenson Law Firm, LLC; Amanda C. Sheridan, associate at Snell & Wilmer; and Sarah C. Smith, associate at Gust Rosenfeld, PLC.

MCBA member attorneys licensed to practice in Arizona and in good standing with both the State Bar of Arizona and the MCBA are eligible to vote. Voting in the 2012 Board of Directors election is quick and easy using MCBA's online election vendor. No paper ballots will be distributed.

On Nov. 1, you will receive your voting information by email from electionsonline.us. This email will contain a link to the election and your username and password. At the election site, you will find biographical information and a photograph of each candidate, and will be prompted to vote for five of the six candidates. Candidate bios and photos will also be posted on the MCBA website at www.maricopabar.org.

It is essential that MCBA has your correct email in its database. If you are not receiving emails from us on a regular basis, then we do not have your valid email address.

Appellate judges will tell you that appellants must preserve their issues in order to have them considered on appeal. Appellants must raise the issue in the trial court. Having done so, they must also raise it in the opening brief. Those who fail to do so are usually out of luck.

But judges will also tell you that they may make exceptions. They usually do so in cases of particular importance—ones involving constitutional issues affecting many people other than the litigants. A panel of the Ninth Circuit recently made an exception for a different reason. They reversed a judgment based on an argument that they raised for the plaintiff because they felt sympathy for his plight. Hall v. City of Los Angeles, No. 10-55770 (9th Cir. 2012).

Harold Hall’s case does evoke sympathy. In 1984, he witnessed a gangland drive-by shooting that killed five people. Police persuaded him to testify against a notorious gangster. Cooperating with the police put Hall in serious danger, and the police protected his home for many months.

In his interactions with the authorities, Hall grew close to Detective Wayne Dufort. Hall saw Dufort as a friend and father figure. Dufort gave Hall money, helped him get a job and treated him with respect. He would later betray Hall.

Sometime after the drive-by shooting, somebody murdered a brother and sister. No physical evidence connected Hall to the crime, and police identified a drug dealer as a suspect. A witness had overheard him order the killing. Hall’s testimony in the drive-by shooting implicated the drug dealer as a suspect. A witness had overheard him order the killing. Police persuaded him to testify against a notorious gangster. Cooperating with the police put Hall in serious danger, and the police protected his home for many months.

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When I think Halloween, I think costumes, candy, bobbing for apples, and—of course—‘The Simpsons’ Treehouse of Horror.’ For those of you not familiar with the series, The Simpsons is an animated sitcom about a dysfunctional family. Each year the show produces a Halloween episode called ‘Treehouse of Horror,’ featuring short stories in which the characters are placed in some horror, science fiction or supernatural setting.

The Story
My favorite Treehouse of Horror segment is called “Send in the Clones.” The story focuses on Homer Simpson—the oafish, unhealthy, beer-drinking, doughnut-loving patriarch of the family—who buys a magic hammock that can create duplicates of anyone who lies in it. [Interlude: Isn’t that genius?! Who among us, when faced with a never-ending task list and continuously pressing deadlines, wouldn’t want a clone or two or three? Too many times have I frantically wished—or at least wished in a more idealistic moment—that I could have a clone to share the workload. Perhaps a clone will offer a solution to the problem of overwork.] Our hero Homer immediately sees the infinite uses for his clones. He creates multiple Homers, one for each of his many undesirable tasks: household chores; shopping with his wife; visiting his father in the retirement home; playing with his children. (Okay, so maybe Homer isn’t quite a “hero.”) But after one of the clones uses a chainsaw to kill a neighbor (it is a Halloween show after all), Homer realizes just how dangerous they are.

Homer tries to fix the problem by abandoning the clones and the hammock in an isolated cornfield. Unfortunately, the necessary skill is the ability to act on that information. If you see a member of the Bench and Bar Committee, thank them for meeting their mission, and alleviating some angst from your day. ■

Preferences for Profiles: What it is and how it aids litigants

By Stephanie Prybyl, Law Student/Project Volunteer

The Maricopa County Bar Association’s Bench and Bar Committee meets quarterly in an effort to further its mission: To forge a spirit of cooperation, collegiality, and exchange among the judiciary, and the practicing bar, by providing a resource to collaboratively solve problems, and improve the legal system, thereby providing an accurate public perception of the judicial system.

Because the bench and bar are both growing larger, the committee recognized the difficulties attorneys have in ascertaining the expectations of respective judicial officers. Asking around the water cooler isn’t as effective as it might have been in days gone by. So the committee thought, why not ask the judges to tell us their preferences?

This was not the first time such an idea had been tried. But this time the request was made in an organized, uniform way on behalf of the entire Maricopa County Bar Association’s membership. Thus was born the Preferences for Profiles Project, an administrative effort where Maricopa County judges and commissioners were personally interviewed about their courtroom preferences for post- ing on the Superior Court website.

The Bench and Bar Committee devised a profile survey, highlighting procedure and protocol, for the five Superior Court Divisions: Civil, Criminal, Family, Juvenile and Probate. Hon. Christopher Whitten, co-chair of the Bench and Bar Committee, then supervised the distribution of the survey to every judge and commissioner, asking officials to address topics such as motion practice, discovery disputes, pre-trial guidelines, trial procedure, jury selection, and courtroom etiquette.

Over the course of the summer, project coordinators reached out to roughly 160 judicial officers, in 9 court facilities. Like all things administrative, thoughtful responses took time to draft and involved a team effort to compile. In the end, approximately 85 profiles were finalized court-wide with more to follow.

Posting of the profiles coincided with the release of the county’s new website. To access a profile, go to the Superior Court’s website at http://www.superiorcourt.maricopa.gov. From the home page, click on I want to… Find a Judge. When you select judges or commissioners on the next page, you will be able to view a table of names, division assignments, phone numbers, and locations, with hyperlinks to biographies, and now, profiles.

Whether you are an experienced practitioner, a young lawyer, or even a pro per litigant, the Superior Court website holds valuable information. To maintain momentum behind the Preferences for Profiles Project, if a judicial officer has a profile posted, acknowledge their contribution by honoring it. If a profile is not published, respectfully request one. And if you see a member of the Bench and Bar Committee, thank them for meeting their mission, and alleviating some angst from your day. ■

Beware of magic hammocks

Jennifer A. Cranston

The Moral
So what are the lessons to be learned from this gruesome tale? First, apparently you can have too much of a good thing (who knew?). Second, a passion for doughnuts can be deadly. Finally, instead of wishing for clones, we should learn to understand our limits and delegate properly.

I think one of the most fundamental skills of a successful attorney is the ability to accurately estimate how much time and effort she will need to invest in a given project or case. The companion and equally necessary skill is the ability to act on that information by delegating to responsible colleagues (not psychological clones).

Accepting every new matter and then trying to do it all ourselves will leave most of us wishing for magic hammocks. And that’s simply not practical or a very good idea (if Homer’s experience is any indication).

So learn from the mistakes of Homer, beware of magic hammocks and have a happy and safe Halloween! ■

Public seminar:
The Maricopa County Bar Association’s Women’s Division hosts its annual seminar on Friday, November 15, 2019, from 9 a.m. to 2:30 p.m. The seminar is about the challenges women face in the practice of law. For more information and registration, please visit www.maricopabar.org.
Changes in probate and juvenile, filing changes in probate cases

A primer in presidential style

LEGAL WRITING

Tamara Herrera

Because the 2012 presidential election is right around the corner, I thought it would be interesting to read up on how writers (both legal and non-legal) address the President in writing.

During my reading, I encountered differing uses of terms and differing capitalization in titles, so I sought out one of the newest legal writing style books for advice: The Lawyer’s Editing Manual, by Joan Ames Magat. Following are some tips about how to write about the President, and the government’s other high officials, in proper style:

1. President: This term is always capitalized, even when the term is plural.
2. Chief executive: This term is not capitalized because it is not an official title or office.
3. Presidential: This term is an adjective, so it is not capitalized, even if it refers to the current President.
4. Administration: This term is generally not capitalized unless the President’s name precedes it or the term is clearly referring to a specific administration as a short-form reference.
   - President Clinton’s Administration
   - the current Administration
   - several presidential administrations
5. Other official titles and offices: Only capitalize words that are being used as an official title or office. Do not capitalize these words if they are used in a generic sense. Capitalize a short-form title or office only when (1) the words are part of the official title or office and (2) the full name has been previously used in the document. Generally do not capitalize plurals.
   - The Environmental Protection Agency (the Agency, if full name already used)
   - Senator Kyl
   - the most senior senator from California
6. Branches of government: These terms are not capitalized.
   - executive branch, legislative branch, judicial branch

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Recorded phone calls could be trouble: Check the circumstances

“I have this recorded phone call that would be GREAT to use in court...”

In family law, I often have clients tell me they have recorded phone conversations with their soon-to-be ex that will surely prove their case. As you may imagine, this “smoking gun” rarely turns out as favorably as expected.

If the client’s recorded phone calls occurred between the client and the opposing party in Arizona, then there should be no need to further counsel the client as to the practice of recording phone calls (though you may have practical reasons why they should focus their energy on other efforts). However, if you learn that the taped phone calls are with a party across state lines, or that your client is not a party to the conversation at all, then you will need to advise them of their potential liability under both federal and state wiretapping laws.

Many states derive their wiretapping laws from the federal wiretapping statutes. The Wire and Electronic Communications Interception and Interception of Oral Communications Act (18 USC §§ 2510 to 2521) governs all interstate calls and includes authority for electronic surveillance. Thus, wiretapping includes both interception of a telephone call via the telephone signal itself, as well as eavesdropping.

The Federal law, with certain exceptions, prohibits the interception, use and disclosure of protected communications (see 18 USC § 2511). A notable exception to the interception, use and disclosure of protected communication is the “one party consent” — meaning, generally, that if one party of a conversation (including the person recording who is part of the conversation) is aware of the interception/recording, then there is no violation of the Federal law. Penalties for violating this Federal law include excluding the evidence obtained and criminal conviction and civil damages, among other things.

The applicable Arizona statute, ARS § 13-3054, provides that, with exceptions, “a person is guilty of a class 5 felony who either:
1. Intentionally intercepts a wire or electronic communication to which he is not a party, or aids, authorizes, employs, procures or permits another to do so, without the consent of either a sender or receiver thereof.
2. Intentionally intercepts a conversation or discussion at which he is not present, or aids, authorizes, employs, procures or permits another to do so, without the consent of a party to such conversation or discussion.
3. Intentionally intercepts the deliberations of a jury or aids, authorizes, employs, procures or permits another to do so.”

Furthermore, “[w]hen provided as provided in sections 13-3010 and 13-3017, a person who intentionally and without lawful authority installs or uses a pen register or trap and trace device on the telephone lines or communications facilities of another person which are utilized for wire or electronic communication is guilty of a class 6 felony.”

The Arizona statute is similar to the federal law in that someone can lawfully record a conversation so long as one party consents to the conversation. Thirty-eight other states (plus the District of Columbia) have adopted similar statutes requiring only one-party consent to record conversations; however, twelve states have adopted statutes that generally require all parties to consent to the recording (such as California, Florida and Nevada).

So, what do you do if your client tells you they have recorded phone calls?

First, ask your client if they were part of the conversation. If they were, then the one-party consent was definitely satisfied and so long as the recordings only involved people in Arizona there likely is not a problem with the recordings.

Second, if your client was not part of the conversation, see who else was. For example, perhaps the client tells you that they were not part of the conversation, but that the conversation was between their child and the ex (the other parent). Arizona has held that “If the parent has a good faith, objectively reasonable basis for believing that the recording of a child’s telephone conversa-

tions is necessary and in the best interest of the minor, the guardian may vicariously consent on behalf of the child to the recording without violating [federal law]” (emphasis added). Arizona v. Morrison, 203 Ariz. 489, 56, P.3d 63 (2002). The Morrison case was a criminal case involving sexual molestation charges and thus simply touting the as necessary for the “best interests of the child” is likely not enough.

But, if your client tells you that they installed a recording device on their spouse’s phone to prove they were cheating, well then, under the federal law, courts have consistently held that there is no inter-spousal immunity. Thus, it is improper for one spouse to record or intercept phone calls of the other spouse if there is no consent. Wiretapping laws apply even in the marital context.

Third, even if you have one-party consent, you need to know where the people being recorded were physically located at the time of the recorded call. Remember that one-party consent is the rule for federal as well as a majority of states, but not all states. If your client recorded someone in California, then you may need to deal with the California statute on recordings, which requires all parties to consent.

Fourth, if you have determined that the recording was wrongly obtained, then be very careful with what you do with it. Remember that the federal law prohibits the “use” of intercepted communications. Under the federal law, there is likely no violation for simply listening to the recording, but there could be liability with any effort to introduce or describe the illegally intercepted communication in court.

So next time your clients tell you about that recorded call, “that would be GREAT to use in Court,” or asks you if they should record phone calls to help build up their case, remember to ask some important foundational questions first before your case turns into a criminal or federal case.

Can you take a case requiring special knowledge and expertise?

**QUESTION**
I've been assigned a case which seems to require some specialized scientific knowledge and expertise that I do not have. How do I prepare to handle this case and learn the technical information necessary to effectively represent this client?

Most attorneys have litigated cases which required a mastery of a subject way beyond anything they might have learned in law school. For instance, medical malpractice attorneys must have a certain level of medical and clinical knowledge to assess the standard of care, and the existence of negligence or error.

Although an attorney may not have a medical, accounting or engineering degree, they can learn the necessary concepts to understand the issues in the cases they take. Per E.R. 1.1, lawyers must provide competent representation which requires knowledge of the matters at hand. This means not only is it a great idea to learn specialized technical information for a case, it is also a lawyer's ethical duty to do so.

So, here are some ideas to help you prepare for a highly technical case:
1. Read technical books and magazines:
The librarian will become your new best friend as you embark on a quest to be better informed.
2. Take classes online or in-person:
Of course, there are alwaysCLEs that might be useful. In addition, Maricopa County community colleges offer classes and certificates covering areas of study which include accounting, construction, and biology. See, http://maricopa.edu/.
3. Rely on your experts:
Your client is paying an expert to provide specialized and technical information, so use them to your advantage. Conduct substantive telephone and in-person conversations, and ask them for some recommended reading material.
4. Search YouTube and Other Online Resources:
You would be amazed at what you can find on YouTube and through a Google search. In the past, I have found journal articles and video tutorials that were very educational. However, be wary—not everything on the Internet is from a legitimate source.
5. Talk to Other Attorneys:
Speak with other attorneys who practice in the area in question. Ask them what they did to learn the area of their expertise, and gain information you can apply to your case.
6. Join a Specialized Organization:
Many times there are specialized organizations that will offer technical information and resources to their members. As an example, the American Institute of Architects (AIA) allows for individuals without an architecture degree to become “Associated Individual Members.” Associated Individual Members share in all of the AIA’s resources, programs, services and activities. All of which could be invaluable sources of information for an attorney preparing for a construction litigation case.

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Nicole Siqueiros is an associate family law attorney at Haller & LaLanne, PLLC. Ask an Associate is a periodic column which allows attorneys to anonymously submit questions to a real-life associate attorney. To read your questions, please e-mail Nicole Siqueiros at nsiqueiros@hallerlaw.com.
A month of reflection and thanks

I wish everyone a happy (and delicious) Thanksgiving! I have been helping my seven-year-old son read about the first Thanksgiving for a school assignment and wanted to share some of what I have found. Distilling some myths about the first Thanksgiving:

- The English that came over did not call themselves Pilgrims, nor did they wear black or have silver buckles on their shoes. They actually wore bright happy colors.
- The Native Americans did not wear large feathered headdresses to the feast.
- Thanksgiving was not about family, but it was about community. THIS is something we should think about not only this year, but in years to come.

Thanksgiving has been an American tradition for about 400 years now. One fall day, four Englishmen were hunting for meat for a harvest celebration. Their Native American allies heard some gunshots and thought the English might be preparing for war. The tribe leader visited the English settlement with 90 of his men to find out if it was true. They soon realized that the Englishmen were only hunting for meat for a harvest celebration.

The Native American leader sent some of his own men to hunt deer for the feast. After all the hunting was done, the English and Native American men, women and children ate together a grand meal of deer, corn, shellfish, and roasted meat for three days. It is documented that they also played ball games, sang, and danced. Sadly, this sense of community and friendship only lasted a generation between the English and the Native Americans in the area.

The holiday really started to take shape in 1863 when President Lincoln declared it a national holiday to give thanks for “general blessings.” And in honor of the month of giving thanks and general blessings, I wanted to give my thanks to:

- Members of the MCBA Paralegal Division: As of the end of September, the MCBA Paralegal Division has 320 members, which is an increase of 40 members over last year. Although there is an increase in membership this year, I would really love and appreciate seeing an increase in involvement and attendance by our members in some of the great events set for the remainder of this year and throughout next year. This is your division, and we’d love to see you all. If you have any suggestions for projects or events, please don’t hesitate to e-mail me or next year’s president, Sarah Fluke.

- MCBA Staff: Thank you, MCBA staff for all you do for the division, whether it’s providing membership information, setting up CLE, or promoting our events, you all are wonderful and always responsive to our requests.

I’d especially like to thank Laurie Williams and Bree Boehler. At least one of you, if not both of you, attend all of our board and conference meetings, and happy hour events, and guide us in the right direction with our activities. The MCBA Paralegal Division Board of Directors has many new faces this year, which is wonderful. But at the same time there are not too many directors that have been active long enough to know the ropes, so I relied heavily on the MCBA staff this year. I know the board and I have asked more of you than years past and we appreciate all you do for us.

Vendor/Sponsors/Speakers: Thanks again to all the businesses that donated time and materials to this year’s conference. Thank you, Jessica Cronin of Litigation Services, and Bad Hart of Nationwide Legal Services, for sponsoring our last two happy hour events. I appreciate your generosity and hope you had as much fun as I did. For those who spoke at a CLE this year, we appreciate that you took time out of your busy schedule to speak to the MCBA Paralegal Division throughout the year.

MCBA Paralegal Board and Committee Chairs: Thank you all for volunteering your personal time to help me this year with the Paralegal Division. All your hard work and the time you committed has not gone unnoticed, and I will forever be in your debt. I could not have done this without each of you, and I am honored to call you all not only colleagues, but friends as well.

Personally: This year has been so great and rewarding for me. I truly have enjoyed my time as the Paralegal Division president and encourage everyone to think about getting involved in this way. First and foremost, I would like to thank my son, Jackson. I am a single mom to a wonderful seven-year-old boy and don’t have the luxury of having a “partner in crime” to help in the day-to-day tag team responsibilities of raising a child. Thank you Jack for becoming such an independent young man over the past year and allowing me to sometimes have dinner with you and then sit down and start working from home on MCBA business.

I would also like to thank and declare my undying love and gratitude to my parents, Ronnie and Cathy Barnella, my grandparents, Cam and Ruth Hill, and my friends Angelia and Doug Ebner. Your willingness to always be available and willing to care for and feed Jack while I attend board meetings, conference meetings, CLE and other events and obligations has never gone unnoticed. I really could not have done this without your encouragement, love and support. I am truly blessed to have you all as family.

Last but certainly not least, thank you to Phoebe Moffatt. We have worked together now for over five years and not only have you been a great support in my professional life, but you have been a great support in my personal life, especially as a fellow working mother. Since the beginning, you have encouraged me to get involved and grow in my profession. You encouraged me and supported me while studying and receiving my Paralegal Certification, which is by far the hardest thing that I have done professionally, but also the most rewarding. The fact that you recognize and appreciate the time I put into that accomplishment means so much to me. You have always made me feel like a valuable asset, appreciated, and respected. Words can’t describe how much that means to me. Here’s to many more years together.

Upcoming Events: I hope to see you all at the CLE on Nov. 16. We are having a panel of Maricopa County Superior Court staff trainers for Civil, Family, Criminal, and Juvenile courts on hand to discuss best practices for communicating and working with trial divisions. Unique aspects of each legal area will be reviewed, and the panel will be available to answer questions. Please also watch for information about the division’s Holiday Party/Toy Drive Event which will be held mid-December.

Thank you, Laurie, Bree, and everyone on the staff. You have always made my job so easy and enjoyable. You are wonderful and always responsive to our requests.

Thank you Jack for becoming such an indispensable part of my life. And for being my "partner in crime" to help in the day-to-day tag team responsibilities of raising a child. Thank you for becoming such an independent young man over the past year and allowing me to sometimes have dinner with you and then sit down and start working from home on MCBA business.

Thank you to our board members and MCBA staff, and all the attorneys who volunteer their time and talent to make this division such a valuable asset, appreciated, and respected. Words cannot describe how much that means to me. Here’s to many more years together.
INSIDE THE COURTS

New Judge Q-and-A: Joan Sinclair

Q. What has surprised you the most about making the transition from commissioner to judge? Please explain.

I have not had any real surprises on the transition from commissioner to judge. It still sounds a little odd when people refer to me as judge.

Q. Who has been the biggest inspiration in your legal career?

My biggest inspiration in my legal career was former Arizona Chief Justice Charles Jones. I clerked for him from August 2001 to August 2002. It was a wonderful experience seeing firsthand how he approached issues at the appellate level. I learned a lot that year, both from the work and from him. I have also been inspired by former U.S. Supreme Court Justice Sandra Day O’Connor and former Arizona Chief Justice Ruth McGregor. These ladies have been role models for me.

Q. What’s your favorite quote?

My parents were happily married almost 41 years before my mother passed away. She used to say in jest when talking about her relationship with my father that “what’s mine is mine and what’s his is mine.” Thinking about that always makes me laugh.

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

If I had a day to spend with anyone, living or dead, I would spend the day with my mother and my daughters, just getting caught up on what’s been going on since she passed.

Q. Do you own an iPOD? If so, what songs are currently in your playlist?

I don’t own an iPOD—my children do, but I don’t.

The Protective Order Center has won the 2012 Arizona Judicial Branch At-Large Achievement Award for outstanding contributions in meeting the goals of Justice 2020 “A Vision for the Future of the Arizona Judicial Branch 2010-2015.”

The goals are outlined in the judiciary’s plan for continuing to improve public trust and confidence in the Arizona court system. The Protective Order Center provides resources to help individuals understand and navigate the process of obtaining protection orders to prevent domestic violence or harassment.

Protective Order Center wins award for promoting public trust

Judge John Buttrick cuts the cake at his retirement celebration. He has served on the Superior Court since 2001.

An almost ordinary investiture for an extraordinary man

By Daniel Schaack

The investiture ceremony for Judge Randall M. Howe, the newest judge on Division One of the Court of Appeals, took place on Sept. 27. Howe is a 1988 graduate of the Arizona State University College of Law, having received his bachelor’s degree, summa cum laude, from ASU in 1985.

Howe was appointed to the court on May 29, 2012, by Governor Jan Brewer. Chief Justice Rebecca White Berch administered the oath of office.

Before his appointment, Howe had a long career in public service. He comes to the court from the United States Attorney’s Office, where he started in 2008 as an assistant U. S. attorney. He later became chief counsel of its Criminal Appeals Section. Before that, he spent 12 years at the Arizona Attorney General’s Office, including stints as an appellate supervising attorney in the Liability Management Section and eight years as chief counsel of the Criminal Appeals Section.

Speakers at the investiture were Joseph Mikish and Joe Maziarz, both assistant attorneys general, Karla Hotts Delord, an assistant U.S. attorney, and Philip Roas, editorial page editor of the Arizona Republic. The stories they told were, in many ways, similar to the positive things that speakers at all judicial investitures say. After all, judges are people who have reached the pinnacle of their profession.

But this time was a little out of the ordinary. Their unfailing laudatory remarks led Chief Judge Lawrence F. Winthrop, who presided over the ceremony, to jokingly depart from his normal practice. He said that he usually gives new judges the opportunity to rebut their speakers’ remarks. No rebuttal was needed here, Winthrop quipped, because none of the speakers had thrown any barbs at Howe.

The stories they told recounted the circumstances that Howe has overcome to attain the judgeship, a position that he has coveted for many, many years. Howe has multiple sclerosis, and those attending the ceremony heard the struggles that his mother went through to get her boy into classes for “normal” people in the face of school officials’ resistance. They heard how she refused to let her son view his condition as a handicap.

And they heard how Steve Payne, a teacher at Skyline High School in Longmont, Colorado, insisted that Howe join the debate team. This stunned both Howe and his mother, as neither imagined it to be a worthwhile endeavor for someone whose speech is challenged by MS. Howe credited this move—and his participation on the team—for giving him the confidence to pursue a career in the law, a career that would eventually see him argue before the United States Supreme Court.

They also heard that while Howe’s perseverance and strength come from his mother, his constant good nature in the face of adversity likely comes from his father. And they heard that Howe has been informally adopted into the families of many of his friends and colleagues. Indeed, handling the traditional robing part of the ceremony were not just Howe’s significant other, Kathleen Sweeney, but one of her nieces and two of her nephews.

Howe is the immediate past chair of the board of directors of ABIL, the Arizona Bridge to Independent Living. He was the chair of the Governor’s Council on Developmental Disabilities, and he has received the Mayor’s Award from the City of Phoenix Mayor’s Commission on Disability Issues. He was also president of the board of directors of the Arizona Center for Disability Law.

The investiture fittingly took place at the Disability Empowerment Center in Phoenix. In his work with ABIL, Howe was instrumental in getting the center built. Visible in attendance at the ceremony were a number of the center’s clients—more evidence of Howe’s extended family.
Legal Briefs • Federal Legal News

By Meagan Pollnow

Supreme Court grants review of seven additional cases

In addition to cases already scheduled for argument and decision, the U.S. Supreme Court granted review of seven new cases on Oct. 5, 2012.

In Bowman v. Monsanto Co., a farmer planted seeds purchased from, and patented by, the Monsanto Company. In addition to the purchase, the farmer, Vernon Bowman, entered into a licensing agreement which prohibited Bowman from collecting so-called “second generation” seeds from the first harvest to use in future crops. Despite Bowman’s use of different seeds in his second crop, Monsanto detected its technology in the second seeds in his second crop, Monsanto (Monsanto) to control its patented seeds after sale. The case also presents the question of whether the Court may adopt an exception or limitation to the doctrine, or ability of the patent holder (Monsanto) to control its patented seeds after sale. The case also presents the question of whether the Court may adopt an exception or limitation to the doctrine of patent exhaustion for “self-replicating technologies” such as seeds.

Another interesting case, McBurney v. Young, examines whether, under the Privileges and Immunities Clause and v. Young, examines whether, under the Privileges and Immunities Clause and the doctrine, or ability of the patent holder (Monsanto) to control its patented seeds after sale. The case also presents the question of whether the Court may adopt an exception or limitation to the doctrine of patent exhaustion for “self-replicating technologies” such as seeds.

New pilot program aims to expedite civil litigation

Attorneys practicing before the U.S. District Court, Western District of Pennsylvania can now opt to set their case for trial within six months of the initial case management conference. Participation in the pilot program, if agreed to by both parties, is aimed at expediting employment and insurance cases. The program’s rules limit discovery, deposition time, and limit each party to three hours to present evidence. No motions for summary judgment are permitted. The program is loosely based off of a similar pilot program in the Northern District of California. More information can be found at http://news.uscourts.gov/program-speeds-civil-litigation-western-district-pennsylvania.

Megan Pollnow is a member of the Maricopa Lawyer Editorial Board and an associate at Asimou & Associates.

MCBA presidents, past and present meet over breakfast


November 2012 Calendar

All meetings at MCBA Office, unless otherwise specified.

1 CLE: The Intersection of Autism and Family Law: What the Bench and Bar Should Know
   Noon
   Construction Law Section Board meeting
   Noon

2 Estate Planning, Probate & Trust Section Board meeting
   7:30 a.m.
   CLE: So You Want To Be a Judge
   11:30 a.m.

3 Case Huff & Associates Pro Bono Golf Tournament
   The Legacy Golf Resort, 6:30 a.m.

5 Litigation Section Board meeting
   Noon

6 CLE: The Basics of Conducting a Non-Judicial Foreclosure in Arizona
   Noon

7 Young Lawyers Division Board meeting
   Noon

8 MCBA Executive Committee meeting
   7:30 a.m.
   CLE: Disregarding Despised or Dissident Devisees (How to Disinherit Somebody)
   7:30 a.m.

12 Paralegal Division Board meeting
   5:30 p.m.

13 Family Law Section Board meeting
   Noon
   CLE: Solos & Small Firm Owners: It’s your business—only you can make the most of it!
   5:30-7:30 p.m.

14 Environmental & Natural Resources Law Section Board meeting
   Noon
   LRS Committee meeting
   Noon

15 Employment Law Section Board meeting
   Noon
   CLE: The Benefits and Ethical Pitfalls of Social Media for Construction Clients and Attorneys
   Noon
   MCBA Board of Directors meeting
   4:30 p.m.

16 CLE: Dos and Don’ts for Working with Trial Divisions in Superior Court
   Noon

21 Bankruptcy Law Section Board meeting
   7:30 a.m.
   MCBA closes at noon

22- Thanksgiving Holiday –

23 MCBA closed

28 MCB Foundation Board of Trustees meeting
   7:30 a.m.
MCBA SEeks Volunteers
The MCBA is currently seeking additional new members for the following MCBA Committees:

- Bench and Bar
- Continuing Legal Education
- Lawyer Referral Service
- Maricopa Lawyer Editorial Board
- Membership
- Technology

If you are interested in serving on one of these committees, please send an email to appointments@maricopabar.org. Please write the name of the committee on which you’d like to serve in the subject line of your email and include a resume with your request.

With your help, the MCBA can continue and expand its service to the profession and the public.

Get-a-Member Campaign
(Gets you free CLE and maybe a $100 gift card!)

We’d like to encourage you to recruit new members for the Maricopa County Bar Association.

Here’s how it works:
All recruited new members (hasn’t been a member for at least a year) receive a certificate for one hour of free CLE.

If you recruit one new member, you receive one hour of free CLE. For every new member you recruit up to four, you receive additional hours of free CLE.

And, if you bring in five new members, you receive four hours of free CLE plus a gift card for $100. Certain restrictions apply.

Contact info:
Call the Membership Department for details at (602) 257-4200 or check the MCBA website at www.maricopabar.org.

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Glendale Center
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Ted F. Warner

Prickly Pear Level ($500 and Above)
Case Huff & DeRito Retail
John L. Hay
Kevin D. Quigley
Warner Angle Hallam Jackson & Formanek, PLC

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Roberto Pulver
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Simply a higher standard of representation for buyers and sellers.
You Are Cordially Invited to the

2013 Barristers Ball & Casino Night

A gala occasion to benefit a worthy cause

Saturday, March 9, 2013
THE WESTIN KIERLAND RESORT & SPA ■ 6902 E. Greenway Parkway
Scottsdale, Arizona 85254

COCKTAILS & SILENT AUCTION ■ 6:30 p.m.
DINNER AND DANCING ■ 7:30 p.m.

Black Tie Optional

Beneficiary of the 2013 Ball
Maricopa County Bar Foundation

Presenting Sponsor
Case, Huff and Associates, Inc.

Reservations
EARLY BIRD REGISTRATION (ends Jan. 15) ■ Table of Ten: $1,250
REGULAR REGISTRATION ■ Table of Ten: $1,325
INDIVIDUAL REGISTRATION ■ $135

How to Register
Please register online at www.maricopabar.org or call Laurie Williams at (602) 682-8585

PLEASE PRINT CLEARLY

Name: _______________________________ Firm: _______________________________

Please reserve seats for _____________ # of guests         Table host name*: ______________________________

Address:  ___________________________________________________________________________________________

City: ________________ State: ______ Zip: __________E-mail: _____________________________________________

* Table hosts are firms or individuals who sponsor a table of ten. Please provide guest list along with payment.

☑ Please place me/us at a no host Table  ☑ Please seat me/us with ______________________________

TABLE GUESTS

1. __________________2. ___________________3. ________________4. __________________ 5. __________________

6. __________________7. ___________________8. ________________9. __________________ 10. _________________

PAYMENT INFORMATION

Please Charge my: ☐ Visa ☐ MasterCard ☐ AMEX

☑ Total charge to my card $__________________________or ☐ My check for $__________________________

Credit Card Number: ____________________________ CVV#: _________ Exp. Date: __________________

Please return form to MCBA, Attn: Laurie Williams, 303 E. Palm Lane, Phoenix, AZ 85004 or Fax to 602-682-8601.
If you registered and paid, but couldn't attend, you may request that materials be sent to you, free of charge (allow

WALK-INS
All registrations must be paid in full two business days prior to the program date or a late fee of $15 applies.

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

LATE REGISTRATION
All registrations must be paid in full two business days prior to the program date or a late fee of $15 applies.

For example, registrations for a September 17 program must be paid by September 15 in order to avoid the late fee.

ATTENDANCE POLICIES

WALKINS
You may register at the door if space is available; the $15 fee will apply. If you do not register at least two business

CANCELLATIONS/REFUNDS
Refunds, less a $10 fee, will be issued only if the MCBA receives your cancellation, in writing by mail, fax (602) 682-8601, or email to matconpus@azbar.org at least two business days prior to the program.

NO SHOWS
If you registered and paid, but could not attend, you may request that materials be sent to you, free of charge (allow

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METE THE JUDGES LUNCHEON SERIES
Lunch included
May qualify for 7.5 ETHICS credit hours (1.5 each session)

Fee and attendance policy information. Avoid the $15 late fee - register early!

INDIVIDUAL PROGRAM PRICES
MCBA members: .............................................................. $62.50
MCBA Public Lawyers & Paralegal Division members: .................... $40
MCBA student members: ................................................. $10
Non-members: ......................................................................... $102.50

SESSION 5 • FRIDAY • NOV. 2 • 11:30 A.M.-1 P.M.
So You Want to be a Judge?

Join Arizona Supreme Court Vice Chief Justice Scott Bales and a panel of experts to learn what it takes to become a judge. Panelists include sitting judges from municipal court, superior court, and the court of appeals; members of the commissions who nominate candidates for judicial appointment; a superior court commissioner; and a former gubernatorial staffer. Learn what judges do, how to prepare to apply for a judgeship, the appointment process and what to expect once you’re on the bench.

MODERATOR:
Hon. Scott Bales, Vice Chief Justice, Arizona Supreme Court and former chair of Commission on Trial Court Appointments

PANELISTS:
Hon. Peter Swann, Judge, Arizona Court of Appeals, Division One
Hon. Ron Reinstein, Maricopa County Superior Court (ret.) and member of the Commission on Trial Court Appointments
Hon. David Cunanan, Maricopa County Superior Court
Hon. Rick Nothwehr, Commissioner, Maricopa County Superior Court
Hon. James Sampanes, Judge, Phoenix City Court and former member of City of Surprise Judicial Selection Advisory Commission and City of Tempe Judicial Advisory Board
Joe Kannefield, Partner, Ballard Spahr and former general counsel to Gov. Jan Brewer
Doug Cole, Member, Commission on Appellate Court Appointments
Debra Stark, Member, Commission on Trial Court Appointments
Don Vogel, Member, Commission on Trial Court Appointments

Register at www.maricopabar.org or call Bree at (602) 682-8588
**THURSDAY • NOV. 15**
12:00-1:00 PM

The Benefits and Ethical Pitfalls of Social Media for Construction Clients and Attorneys

**SPONSORED BY:** the MCBA Construction Law Section

**COST:**
- MCBA members: $45
- MCBA Construction Law Section members: $40
- MCBA Paralegal & Public Lawyers division members: $30
- MCBA Student members: $10
- Non-members: $75


**FRIDAY • NOV. 16**
12:00-1:30 PM (Lunch Included)

Dos and Don’ts for Working with Trial Divisions in Superior Court

**SPONSORED BY:** the MCBA Paralegal Division

1.5 hours CLE credit available

Judicial staff trainers for civil, family, criminal and juvenile courts discuss best practices for communicating and working with the trial divisions. Unique aspects of each case type will be reviewed. The panel will be available to answer questions.

**PANELISTS:**
- Ricky McKaig, Family Judicial Staff Trainer
- Kristi Dollman, Civil Judicial Staff Trainer
- Debra Rubin, Juvenile Judicial Staff Trainer
- Sandra Mena, Criminal Judicial Staff Trainer

**COST:**
- Paralegal & Public Lawyers division members: $15
- Paralegal Non-members: $25
- Student members: $10


**THURSDAY • DEC. 6**
12:00-1:00 PM

Evidentiary Hearings—Tips on How to Outshine Your Opponent

**SPONSORED BY:** the MCBA Litigation Section

1 hour CLE credit available

Many litigators treat evidentiary hearings as little more than extended oral arguments. Yet depending on the type and timing of the hearing, success can mean the difference between quickly ending a dispute and protracted litigation. The MCBA Litigation Section presents this program which offers tips to successfully outshine your opponent in an evidentiary hearing. Tips and topics will include use of bench memos, hearing notebooks, exhibits, witnesses, and electronic/demonstrative presentations.

**PRESENTERS:**
- Kevin M. Judiscak, Engelman Berger, PC
- Scott W. Hubbert, Engelman Berger, PC

**COST:**
- MCBA members: $45
- MCBA Litigation Section members: $40
- MCBA Paralegal & Public Lawyers division members: $30
- MCBA Student members: $10
- Non-members: $75


**THURSDAY • DEC. 13**
7:30-8:30 AM (Breakfast Included)

Nuts and Bolts of Form 706

**SPONSORED BY:** the MCBA Estate Planning, Probate and Trust Law Section

1 hour CLE credit available

This seminar will cover some practical aspects of Form 706, especially those concerning the changes in the most recent edition to the form. We will also look at any changes to the estate and gift tax laws in 2012. Specific topics of discussion include, but will not be limited to:
- Common errors on Form 706
- Adjusted Taxable Gift issues
- Portability
- New Schedule PC

**PRESENTER:** Wesley R. Scott, Attorney, Office of Chief, Estate & Gift Tax Program, Internal Revenue Service, Phoenix

**COST:**
- MCBA members: $45
- MCBA Estate Planning, Probate and Trust Section members: $40
- MCBA Paralegal & Public Lawyers division members: $30
- MCBA Student members: $10
- Non-members: $75

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Join us for our free seminar (with 1 hr. CLE credit available)
The Entrepreneurial Equation™ to learn strategies to help you:
- Save time
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**SPKERS:**
- Eric Sitton, Edward Jones Financial Advisor • David Wynn, Invesco Regional Vice President

**Join us for a Social with refreshments and light snacks after the program.**

**TUESDAY • NOVEMBER 13, 2012 • 5:30-7:30 PM.**

Maricopa County Bar Association, 303 E. Palm Lane, Phoenix 85004
Call Tricia Vasquez at 480-895-0689 by Monday, November 12 to reserve your seat

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**VLP ATTORNEY OF THE MONTH**

That ‘indescribable feeling of helping people...’

By Peggi Cornelius, VLP Programs Coordinator

Like many devoted family law attorneys who engage in pro bono work at the Family Lawyers Assistance Project (FLAP) in Superior Court, Kimberly Staley learned of the advice clinic for pro se litigants from an actively involved colleague and friend, Katherine Kraus. Staley's enthusiastic and impressive commitment to FLAP and her willingness to provide pro bono representation in cases referred by the Children's Law Center have recently brought her recognition as the Volunteer Lawyer's Program (VLP) “Attorney of the Month.”

Since joining VLP in March 2012, Staley has spent one or more mornings or afternoons a month at FLAP, advising litigants who cannot afford representation. “It’s a case involving juvenile dependency, and she’s been willing to travel long distances around the Valley to advise people at the Mesa, Downtown and Northeast Phoenix courts,” said project coordinator Karen Jackman.

A graduate of Phoenix School of Law, Staley was well versed in many aspects of the legal system before attending law school. Her 46 year marriage and the examples they set as volunteers in community service.

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**Staley accepted a pro bono case through VLP’s Children’s Law Center, and is representing a client who hopes to adopt a child.**

“It’s a case involving juvenile dependency, and these matters are complex, but I was taught you give your time to help people...” said she. “I do feel good about helping a victim of domestic violence find a voice,” Staley said. “I can reassure them they can survive, just as I did after being victimized in my first marriage. I tell them it doesn’t define them, and it can strengthen them to move forward. The most challenging part of advocating for people who have been DV victims is the frequent lack of understanding in the judicial system. It is frustrating to witness bullying being continued in a divorce action when attorneys or judges do not recognize it for what it is.”

As an undergraduate, Staley chose a degree in Human Resource Management, because she wanted to be a plaintiff’s employment lawyer. At present, her solo practice is focused on adoptions and family law. Perhaps her change in focus reflects the pleasure she takes in family life, and some of her bittersweet experiences, as well.
New hires
Cory Smith is among three new associates who have joined the firm of Bryan Cave, Smith is a registered patent attorney joining the Intellectual Property Client Service Group. He received both his JD (2011) and his BS in Computer Engineering (2004) from the University of Arizona. His technical experience includes a position as an engineer at IBM, where he designed data storage systems. Prior to joining the firm, Smith served as a law clerk for the Hon. A. John Pelander, Arizona Supreme Court, and was a summer associate with Bryan Cave in 2010.

Patricia Solomon
Sanders & Parks, PC announced that it recently hired Patrick Solomon as an associate to work in its General Civil Litigation Practice Group. Solomon graduated magna cum laude from the Brigham Young University J. Reuben Clark Law School.

David G. Derickson
David G. Derickson joined Richdoun, Heriot & Lewis in Phoenix. Derickson brings decades of corporate experience as a criminal civil litigator, as well as his advocacy before professional administrative agencies. A former Superior Court judge for Maricopa County, Derickson is a member of the Board of Governors for the State Bar of Arizona.

Squire Sanders has expanded its Labor & Employment Practice Group in Phoenix, adding a team of lawyers from Greenberg Traurig’s Phoenix office, including two partners. Lawrence Rosenfeld is one of the leading senior employment practitioners in Arizona. Rosenfeld has more than 35 years of employment law experience, particularly in the defense of federal and state statutory employment claims including individual and class action defense of Title VII and wage-hour claims as well as restrictive covenant litigation and client counseling. Previously, he served as co-chair of Greenberg Traurig’s National Labor and Employment Group for 10 years. Daniel B. Pasternak also served as co-chair of Greenberg Traurig’s National Labor and Employment Group for 10 years. Pasternak has a wealth of experience representing employers in a wide range of labor relations matters, including union organizing campaigns, collective bargaining negotiations, unfair labor practice charges and representation case proceedings before the National Labor Relations Board and federal appellate courts, and grievance arbitration proceedings.

Promotions
Mary O’Grady and Kristin Windburg are among four new partners announced by Osborn Macedon, PA. O’Grady’s practice focuses on appeals, civil litigation and administrative law; she has long-time experience with public law matters, and was a solicitor general for the State of Arizona and has represented state and public officials, most recently working with the State Redistricting Commission. Windburg focuses her practice on employment litigation, employment counseling and commercial litigation. She was previously clerking at the Arizona Supreme Court for Justice W. Scott Bales.

Awards
Pam Overton Risolo of Greenberg Traurig will receive the YWCA of Maricopa County’s “A Tribute to Leadership” Award in the category of Community Service Corporate Leaders. She will receive the award in February of 2013.

Achievements
Margaret B. Albanna of Polsinell Shughart has assumed the chair of the Environmental and Natural Resources Law Section for the State Bar of Arizona after being elected by the section membership. Albanna is an environmental and natural resources law attorney and counsels clients on a broad range of regulatory compliance and strategic considerations with respect to development, operations and transactions. She is past chair of the bar’s Administrative Law Section and the Maricopa County Bar Association’s Environmental Law Section. Albanna is also active in the Arizona Mining Association.

Quailes & Brady, LLP announced that Edward A. Salanga, a partner in the firm’s Phoenix office, was elected president of the City of Chandler Industrial Development Authority (“CIDA”). Salanga is a partner in the firm’s Litigation & Dispute Resolution Group and co-chair of the Real Estate and Construction Litigation Subgroup. As part of his commercial litigation and direct sales practice, Salanga represents businesses in a variety of disputes in both federal and state courts, as well as in alternative dispute resolution proceedings. He is a member of the firm’s Diversity Committee and serves as co-chair of the Expert Witness Committee of the American Bar Association Section of Litigation. Salanga earned his law degree, magna cum laude, from Arizona State University and his undergraduate degree from Vanderbilt University.

Appeals
John Friedman Sole Practitioner
Auctions
Jeremy M. Goodman Goodman Law
Sarah K. Langenhuizen Sitzman Morrison Hecker
Kimberly A. Staley Sole Practitioner
Bankruptcy
André E. Carman Warnock, MacKinlay & Carman
Roland D. Cobb (2 Cases) Sole Practitioner
David Wm. Engelmann Engelmann Berger
Kirk A. Guinn Guinn Law Group
Cristina Perez Perez Law Group
Carolee M. Simmons Kamper & Simmons
Shaw L. Stone Sole Practitioner
Consumer Issues
George J. Coleman, III Nett & Wilmer
John M. DeStefano, III Nett & Wilmer
Chelsea S. Durkin Osborn & Macedon
J. Mare Hennessee Nett & Wilmer
Gavin J. O’Connor Sole Practitioner
Gregory A. Robinson Farley Robinson & Larsen
DOMESTIC VIOLENCE/FAMILY LAW
Bruce D. Brown Sole Practitioner
Christina S. Hamilton The Cavanagh Law Firm
Nicole Siqueiros Haller & Lawrence
F. Javier Sobampo The Sobampo Law Firm

COURT ADVISORS/GALS FOR CHILDREN
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Sarah Burt Burt & Feldman
Jason B. Castle Mariscal Weeks McIntyre & Friedlander
Joshua Phillip De La Ossa Law Office of Joshua Phillip De La Ossa
Amanda Ehrlich HydroGeoLogic, Inc.
Elizabeth Feldman Bregman Burt Feldman
Jennifer G. Gadow Fromm Smith & Gadow
Victoria F. Longellow Longellow Law Group
Terrance C. Meal Meal & Associates
Marilyn Murphy Hymson Goldstein & Pantilat
William R. Wingard Sole Practitioner
Alicia Meier Wolfson (2 Cases) Sole Practitioner
Scott H. Zwillinger Goldman & Zwillinger

FEDERALLY SUBSIDIZED HOUSING RIGHTS
Daniel P. J. Miller Miller & Miller
GUARDIANSHIP OF INCAPACITATED ADULTS
Barbara Richmond Berman
Law Office of Barbara Richmond Berman
Rebecca Chung Quailes & Brady
James R. Condo (2 Cases) Nett & Wilmer
Jill Freeret Pinacate Wealth Capital Corporation
Laura H. Kennedy Cohen Kennedy Dowell & Quigley
GUARDIANSHIP OF MINOR CHILDREN
Amie S. Clarke Burguan Clarke Law Office
Joshua P. De La Ossa (2 Cases) Law Office of Joshua P. De La Ossa
John E. DeWulf Roslila DeWulf & Patten
Chelsea C. Durkin Osborn & Macedon
Meredith H. Flori Perez Law Group
Michael J. Hammer Lewis and Roca
Gregory O. Hing Stockton Hing
Sarah K. Langenhuizen Sitzman Morrison Hecker
Megan L. Lennox Bryan Cave
Jane A. Proctor Fennemore Craig
Wesley D. Ray Polsinell Shughart
Pedro J. Rivera-Marty Bryan Cave
Nancy E. Tribbensee Arizona Board of Regents
Adrienne Wray Willhoit Ballard Spahr

HOME OWNERSHIP/REAL PROPERTY
Ronda R. Beckerle Thraen Osborn & Macedon
Gary R. Zwillinger Zwillinger & Knueve
OTHER – JUVENILE
Amie S. Clark Burguan Clarke Law Office
Thomas A. Morton Sole Practitioner
TAXES
Roland D. Cobb Sole Practitioner
Thomas J. Morgan Lewis and Roca
TENANT’S RIGHTS
Janis G. Pelletier Lewis & Roca
Timothy J. Thomason Mariscal Weeks McIntyre & Friedlander
TORTS
Kenneth W. Burfurd Hastings & Hastings

**PRO BONO SPOTLIGHT ON CURRENT NEED**
Volunteer Lawyers who speak Spanish are needed to work with VLP Staff and volunteer attorneys assisting clients who speak Spanish. Legal needs include debts, bankruptcy, consumer, and home ownership.

If you are an MCBA member and you’ve moved, been promoted, hired an associate, taken on a partner, or received a promotion or award, we’d like to hear from you. Talks, speeches (unless they are of national stature), CLE presentations and political announcements are not accepted. In addition, the Maricopa Lawyer will not publish notices of honors determined by other publications (e.g., Super Lawyers, Best Lawyers, etc.). Notices are printed at no cost, must be submitted in writing, and are subject to editing. Items are printed as space is available. News releases regarding lawyers who are not MCBA members in good standing will not be printed.

BULLETIN BOARD POLICY
Items are printed as space is available. News related to publications (e.g., Super Lawyers, Best Lawyers, etc.) or to legal events, other than honors determined by other publications (e.g., Super Lawyers, Best Lawyers, etc.). Notices are printed at no cost, must be submitted in writing, and are subject to editing. Items are printed as space is available. News releases regarding lawyers who are not MCBA members in good standing will not be printed.

Volunteer Lawyers Program Thanks Attorneys
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Wine and CLE

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Mistakes were made!
At the “Even the Best Makes Mistakes” CLE held last month by the MCBA Litigation Section, a seven-member panel of distinguished trial lawyers put smiles on everyone’s faces talking about their less-than-stellar moments practicing law. Below, panel member Thomas Lee Toone of Beer & Toone, tells his story; Michael Kennedy of Gallagher & Kennedy (back of head) is at right. Other panel members were Booker Evans of Greenberg Traurig, Gerald W. “Buzz” Alston of Jennings Strouss & Salmon, Pamela Kingsey of Tillany & Bosco, Joseph Swan, Jr. of Schneider & Oronty, and Michael C. Manning of Stinson Morrison Hecker.

MCBA Books for Lawyers

Guide to Arizona Statutes of Limitation 2011 (2nd edition)
The one reference every lawyer really needs to meet critical deadlines and avoid malpractice

This 174-page book (softcover, spiral bound), newly updated through 2011, includes most, if not all, statutes where a time limitation is specified. Compiled, updated and edited by the MCBA Young Lawyers Division, the Guide is intended for use as an aid to Arizona attorneys in all areas of practice.

The Most Frequently Asked Questions in Environmental Law (2nd edition)
Completely up-to-date and comprehensive, this publication of 16 chapters covers every major area of environmental law of interest to persons and organizations in the Arizona business community. Each chapter has been drafted and updated by experienced local practitioners and provides fully referenced, Arizona-specific information. The content is presented in an informative, non-technical manner for use by non-environmental practitioners and non-lawyers. It is also useful for legal professionals who are experienced in environmental law but need a quick reference and research aid for questions in unfamiliar subject areas. The book has sixteen chapters and 200 double-spaced pages in a three-ring binder. It is written and edited by the MCBA Environmental & Natural Resources Section and can be downloaded online.

The essential criminal law practitioner’s reference

This book is a compilation of the most frequently referenced criminal statutes, rules, guidelines, timelines, and sentencing information, among other useful information. This second edition contains updates and additional sections to make it more practical and helpful for use as a portable criminal-law desk reference. Use it as a quick reference during Arizona criminal proceedings. Spiral bound, 210 pages, the book lies flat and is convenient to take to court. Compiled by the MCBA Criminal Law Section. Downloadable online.

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Wine and CLE

Cynthia Chandley of Snell & Wilmer addresses her audience at the MCBA Wine & CLE event at Page Springs Cellars near Cornville Oct. 12, sponsored by the Environmental Law Section. Attendees heard three speakers (the other two were Stan Watts of Doberer & Watts and Paul Ulrich of the law offices of Paul G. Ulrich) talk about the evolution of law in Arizona. They also enjoyed a wine tasting and a tour of the winery.
Race Judicata

Young Lawyers Division Oct. 7 event to raise funds for its community service projects is enjoyed by all.
Nelson concluded that leave to amend should have been granted. She reported that the lower court had based its decision on Hall's failure to meet and confer with opposing counsel before moving to amend. She noted that the federal rules require courts to freely allow amendments unless the plaintiff has been guilty of undue delay, bad faith, or a dilatory motive. Hall's failure to meet and confer with opposing counsel did not fall within that list, so Nelson concluded that it did not constitute a valid reason to deny the request to amend.

She also held that the district court had erroneously concluded that allowing the amendment would prejudice the defendants. After all, the facts supporting the new claim were the same; the only change was the un-derlying legal theory.

Summing up, Nelson wrote the following: “An ordinary case in which counsel neg-lected to allege an obvious claim in a pleading would not warrant sua sponte consideration of a amended complaint, in part because it would be manifestly unjust to permit it to find an abuse of discretion. But we are not called to consider an ordinary case, but, rather, an extraordinary one involving an unfortu-nate confluence of events—events not fit for a just and fair society. We are reminded today that as jurists we hold the power to protect in-dividuals against arbitrary government action and abuse of power. In remanding this matter to the district court, we intend to safeguard the fairness, integrity and reputation of our court by making justice possible for Hall.”

Judge Sandra S. Ikuta dissented, opining that the majority not only should not have reached the amendment issue, it had wrong-ly decided it. She accused the majority of engaging in “an act of judicial fiction” by全く理由を供述しないと認められる。

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fully convicted based on false documents manufactured by a jailhouse informant and a confession coerced by detectives using con-
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