Lose in one case?  
**Maybe you can get those fees in another**

By Daniel Schaack  
Maricopa Lawyer

The scene: A lawyer and client in the law firm’s conference room.

Attorney: “Thanks for coming in. I wanted to give you the bad news personally. The judge ruled against us. We lost.”

Client: “Oh great. Now I have to pay the other side’s attorneys’ fees, don’t I?”

Attorney: “It’s even worse. You also have to pay some of the fees your opponent’s attorneys generated in a different case for a different client. Worse yet, they lost that case.”

Client: “Get outta here!”

Attorney: “I’m totally serious. The Ninth Circuit says you have to pay.”

Client: “What a country!”

It happened in a class action that the Prison Law Office filed on behalf of a class of “present and future California state prisoners and parolees with disabilities.” The District Court held that the California prisons violated the Americans with Disabilities Act in their treatment of disabled inmates. California had argued that the ADA did not apply to inmates and that the Eleventh Amendment barred recovery. But the District Court rejected this argument and the Ninth Circuit affirmed. Armstrong v. Wilson, 124 F.3d 1019 (9th Cir. 1997).

California sought certiorari from the Supreme Court, has a rare combination of extensive litigation and appellate practice experience, an insider’s view of the executive branch and impressive credentials in academia as a law professor as well as some time at the Legislature representing clients.

Hurwitz, 55, was born in New York City but from age 3 grew up in Boonton, N.J., where his father owned a men’s clothing store. His mother, although essentially a homemaker, also put in a fair amount of time in the store together with Hurwitz and his younger brother, who is now a lawyer in Pennsylvania. Hurwitz graduated cum laude in 1968 from Princeton University and received his law degree in 1972 from Yale University, where he was an editor of the Yale Law Journal. After graduation, he clerked for U.S. District Court Judge Jon Newman in Connecticut and then for Second Circuit Judge J. Joseph Smith.

Hurwitz came to the attention of U.S. Supreme Court Justice Potter Stewart as the result of an opinion in an abortion case that Hurwitz had drafted while clerking for Newman. The Supreme Court had relied on the opinion in its landmark Roe v. Wade decision. Stewart offered Hurwitz a clerkship.

While clerking for Stewart, Hurwitz found himself in the midst of the court’s work on the historic U.S. v. Nixon case, in which the court

Andrew Hurwitz with Gov. Janet Napolitano at her press conference in late January announcing her selection of him to fill the vacancy on the Arizona Supreme Court resulting from Justice Stanley Feldman’s retirement. Hurwitz was her first judicial appointment.

Andrew D. Hurwitz, soon to be the newest member of the Arizona Supreme Court, has a rare combination of extensive litigation and appellate practice experience, an insider’s view of the executive branch and impressive credentials in academia as a law professor as well as some time at the Legislature representing clients.

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Andrew Hurwiz...
Value in membership still MCBA’s focus

And goodbye to a friend

I am writing this column in a week with peaks and valleys. The week started with such hope because the fruits of the board of directors’ January retreat were beginning to ripen. During the retreat, the board identified its short- and long-term goals and I am so proud to inform you that the MCBA’s membership remains its focus. We are looking for more ways for you to find value in membership through bench/bar opportunities and meaningful CLE. We are finding new and better ways to attract and retain our members. We have some new committees dealing with board development, capital improvement, membership communications and essential services. All of these committees have strong leaders who are making substantial progress.

The Board Development Committee’s goal is to help prospective board members understand the board’s work. We would like to work with the sections and divisions to help identify the MCBA’s future board leaders. We have a lot of talent out there and the MCBA board members should be the members of choice for other non-profit and for-profit organizations.

The Capital Improvement Committee is charged with looking for ways to better use the MCBA office building, taking steps to ensure that the facility is attractive to members who may want to use it or have a reason to visit. We also are investigating some long-term projects and will share with you once


Joseph T. Rich Jr., an active member of the Maricopa County Bar Association for more than two decades who served as MCBA president in 1997-98, died Feb. 8. He was 65.

Born in 1937 in Kensington, Pa., Rich moved to Phoenix in 1942. He was a graduate of St. Mary’s High School, Phoenix College, Arizona State University and the University of Arizona law college. He received numerous distinguished service awards during his legal career.

Memorial services were held Feb. 12. In lieu of flowers, donations in Rich’s name may be made to St. Mary’s High School, 2323 N. Third St., Phoenix 85004.

Between divorce, CPS and prison: a battered woman’s Catch 22

By Dianne Post
Special to Maricopa Lawyer

Jane was married at 17 to her high school sweetheart. Within months of the wedding, she was pregnant and the battering began. After 10 years and three children, she took the brave step to leave the abuser. She filed for divorce and asked for sole custody with supervised visitation.

Jane knew that separation was the most dangerous time. Most women who are murdered are murdered after they leave. Analyzing murder/suicides for 2000-01, the Arizona Fatality Team found that half of the women murdered were in the process of leaving. One was found dead by her half-packed suitcase.

Jane’s order to show cause was scheduled for eight weeks out, so she got an order of protection to prevent violence and remove her husband from the house. She sought to put the children on the order but the judge refused, claiming that the father had not directly beaten the children and so there was no harm to them. (This is contrary to all research, which shows that between 50 percent and 70 percent of the men who batter their wives also abuse their children. At the time of separation, this child abuse may increase.)

Until the temporary order hearing, Jane refused to allow her husband to see the children because she knew of his violence toward them and feared that to get back at her, he might abduct them. Like the majority of parties to a divorce in Arizona, she did not have an attorney. But she spoke to a volunteer lawyer, who advised that if she prohibited him from seeing the children, she would be violating the “friendly parent” provision of the law. She would be accused of alienating the children from him and he would likely get custody. So she relented and let him have the children for visits.

After one of his weekend visits with the children, the children went to school with bruises and a teacher called Child Protective Services. CPS investigated and substantiated the father’s abuse. But CPS also claimed Jane had “failed to protect” the children by letting him have contact with them and substantiat-ed a claim against her, as well. The domestic relations court no longer had jurisdiction over the custody of the children and CPS placed the children in foster care until both parents went to parenting classes. CPS then returned the children to Jane.

Jane still didn’t have a domestic relations order in place. Her husband threatened her that if she didn’t let him have visitation, he would tell the court she was alienating the children from him. She let him take the children. He killed them and himself. She was charged with child abuse, convicted and sentenced to 10 years in prison.

Farfetched? Absolutely not. This conflict, which puts women in a Catch 22, is extreme-ly common in the lives of battered women. In fact, within the last year, several cases like this have made local headlines.

This schizophrenic attitude toward women is evidenced annually in the bills introduced in the Legislature. One bill introduced in the 2002 session said parental cooperation is the most important thing and the state should encourage it. Another bill, however, stated that if the parents do cooperate and the custodial parent allows the noncustodial parent to pick up the child elsewhere than is written in the order, it’s a crime. A third said that a child could not be removed from a foster home unless there is physical harm or risk of physi-cal harm, yet children are removed from their own parents for less than that. If physical harm is suspected, the foster parent can have the accused abuser removed from the home rather than the child. Yet mothers have had their children removed from them even though the abuser was out of the house. So under that bill, foster parents would have had more rights than biological parents.

In domestic relations court, women are not given credit for being primary caretakers. Suddenly fathers, who have had little or no contact with the children prior to filing for a divorce, want full custody. The smallest thing — such as going to a school conference — makes him the “model father.” Everything she does doesn’t count because it’s what she, as the mother, is supposed to do. That is why Andrea Yates killing her five children was national headline news, but a man, also in Texas, who killed his three children at the same time did not even rate the nightly news.

But those same mothers, who are expected to “be all” to the children, are not allowed to protect those children. If they try to limit contact because of prior violence or sex abuse, they are accused of alienating the father. Parental Alienation Syndrome and its clone “alienation” are the grandest kinds of junk science dreamed up by one man, yet are being allowed into Arizona courts, overtly or covertly, to take children from mothers who are trying to protect them. A bill introduced — See Domestic on page 4

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Yvonne R. Hunter
MCBA PRESIDENT

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Ball raises $15,000 for organ donation group

By Andrew Everroad
Special to Maricopa Lawyer

The Maricopa County Bar Association’s Young Lawyers Division once again had the privilege of raising money for a worthy charity via the annual Barristers Ball. The Feb. 1 event was a tremendous success, raising more than $15,000 with more than 320 attendees and a new twist to the entertainment.

Each year, the MCBA selects an organization to receive the proceeds raised by the annual silent auction. This year, the ball also included a casino, with roulette, craps and blackjack tables. All money raised by the silent auction and the casino went to this year’s beneficiary, the Donor Network of Arizona.

The Barristers Ball Committee always hopes to partner with a beneficiary that not only promotes a worthwhile cause but also provides enthusiastic volunteers to help with the ball. After all, the ball’s focus is raising money for the beneficiary. In my years with the YLD and the Barristers Ball Committee, I can say without hesitation that the Donor Network of Arizona was the most enthusiastic and involved beneficiary to date.

Thanks to the table hosts and the individuals who attended the ball, we raised more than $15,000 for the Donor Network of Arizona. This money will help the Donor Network of Arizona with its donor registry, a database which will maintain a list of those of us who are willing organ donors and have explicitly provided our consent in writing. The registry’s target audiences are current Arizona residents who assume they will be donors simply because of a donor card or a red donor sticker on their licenses, the new Arizona residents who are not sure how to become a donor, and those who have never thought about organ donation.

The Donor Network of Arizona has learned that the vast majority of people are not opposed to organ donation, yet the need for donors is tremendous. Accordingly, the registry will make it easy to become an organ donor and hopefully meet much of the need of those desperately awaiting transplants. You can visit Donor Network of Arizona at www.dnaz.org, and add your name to the registry.

A special thanks to Stacy Underwood and Sara Pace Jones for their assistance throughout the past several months. Thanks, too, to the volunteers from the Donor Network of Arizona who helped in the casino.

In addition to raising money, the attendees took in some incredible bargains at the silent auction. Once again, the items included vacation packages and hotel stays, dinner and theater packages, original artwork and several sports packages. Winnings from the casino were exchanged for raffle tickets that the winners could use toward any of four grand prizes. The grand prizes included a golfing package with a new set of clubs, golf bag, putting machine and golf passes; a trip to San Francisco including airfare and hotel; a trip to Western Pennsylvania including airfare, car rental and hotel; and a package that will allow the lucky winner to be a DJ with Dave Pratt, a firefighter and a transplant surgeon!

Thanks to Mike Lungaretti, Jen Green, Jessica Fotinos, Paige Martin and, especially, Shane Clays and the volunteers from the MCBA, without whose help the ball simply could not exist. The YLD is already looking forward to making next year’s ball an even greater success!

Andrew Everroad, Bonnett Fairbourn Friedman & Balint, served as chair of the 2003 Barristers Ball Committee.

Looking for CLE? We’ve got it!

The Maricopa County Bar Association provides affordable, convenient and relevant continuing legal education seminars. March seminars are:

■ March 5: Understanding & Managing Post-Traumatic Stress Disorder in Personal Injury and Wrongful Termination Cases
■ March 6: Employment and Labor Law: Checklist for Small Business
■ March 13: How Arizona’s Budget Crisis Will Affect Public Lawyers and Their Agencies
■ March 14: Leaders of Litigation, Part 3: Ethics & Settlement Agreements: Pitfalls & Practical Tips
■ March 20: Arizona Residential Landlord-Tenant Law: Rights and Responsibilities of Landlords & Tenants
■ March 21: Leaders of Litigation, Part 4: Voir Dire & Opening Statements
■ March 26: Ethics & Advertising
■ March 28: 2003 Bench Bar Summit
■ March 28: Emerging Issues in Immigration Law in the Wake of Recession and Terrorism

For all the specifics — time, place, price and information about the content — see Maricopa Lawyer’s calendar, page 13.

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Domestic...

Continued from page 2

in last year’s legislative session tried to stop this nonsense but was defeated in committee.

Even the National Judges Association admits that in custody cases with allegations of abuse, the abusers win 70 percent of the time. In a legislative hearing last March, the committee chair said he didn’t believe it. If he won’t believe the judges themselves, what facts could possibly convince him?

This refusal to believe the evidence lies at the heart of the re-victimization of battered women and children by the system. In fact, women who raise the issues of violence and abuse stand a greater chance of losing custody than those who don’t. The message is clear. Our society does not want to admit the extent of violence in our families, estimated by the Civic Research Institute to be in 50 percent to 80 percent of all divorces. Instead, society chooses to kill the messenger and punish the children by putting them into the hands of the abuser himself.

While women are not allowed to protect children in the domestic relations system, they are held responsible for protecting children in the dependency and criminal systems, but they are not given the tools to do so. Many judges will not put children on orders of protection, claiming that to do so would violate parental rights. What about the child’s right to be free from violence?

Some lawyers and legislators accuse women of abusing orders of protection. Yet a judge has to have reasonable cause before granting an order and 82 percent of contested orders of protection in Arizona are upheld, according to Maricopa County Superior Court. We know that violence against women is severely under reported, not over reported. Of all domestic violence calls to the police statewide, only 1 percent result in some negative consequences for the abuser. Yet some legislators, police, prosecutors and judges think they should arrest plaintiffs for “inviting” their abusers to commit the crime by obtaining an order of protection. A bill (HB 2247) has been introduced in this year’s legislative session to arrest plaintiffs for allegedly violating an order. This would create multiple orders, something prohibited by federal law that would cost Arizona about $6 million in federal funds.

If CPS becomes involved, the legal system spends far more time and effort concerned with the victim’s alleged “failure to protect” the child than with the actual abuse. Yet CPS often will tell the victim she has to get a divorce, get an order of protection, go to a shelter, go to parenting classes. Why aren’t charges brought against the actual abuser? Why isn’t the judge charged with “failing to protect” the children when the judge refused to put them on the order of protection? What about the police officer who didn’t arrest? What about the prosecutor who didn’t prosecute? Instead, CPS expects the victim to do what the system with all its money, power and might cannot do — stop the abuser’s violence. Because she can’t, she is punished for being a victim by having her children taken away. The children end up being punished, and their civil rights violated, by being taken away from the one person who has tried to protect them.

On yet another legal front, the criminal court, women also are blamed if a child is injured. In a recent Arizona case, the mother was at work when the child was killed. But because she had taken out an order of protection, which she did not have served, the judge said she should have known the defendant would be violent to the child, and she was sentenced to 10 years. Last October, the Illinois Supreme Court overturned a conviction saying that the prosecutor’s theory — that the mother should have known that the boyfriend was going to harm the child — has no basis in law.

On the other hand, some legislators claim that women who try to protect the children lose custody of orders of protection. Yet DES reports that only 6 percent of battered women who seek shelter obtain orders of protection. Statewide, it’s 18 percent and nationally, it’s 20 percent, so we are right on average. But if women don’t get an order of protection, they are blamed for that, too, and criminal charges brought.

Reverse the scenario. Imagine the father is at work but he knows the mother is having serious problems. The children are harmed. Is the father charged? Andrea Yates’ husband was not.

So what’s a battered woman to do? If she acts to protect the child, she most probably will lose custody in the divorce case. If she doesn’t, she’ll lose custody in the dependency. If the child is harmed or killed by the abuser, she’ll be criminally charged. This is a clear violation of due process and equal protection.

Under the current system, due process, meaning fundamental fairness, is being denied to victims of violence. Concepts of notice and hearing have been at the core of due process from the very beginning. Yet under the current operation of law, the victim has no notice of what she is expected to do. Whatever she does is wrong. If we claim to be operating under a rule of law, Lon Fuller, in The Morality of Law (Yale University Press) has outlined eight attributes of law:

✦ Generality;
✦ Duly promulgated;
✦ Not retroactive;
✦ Understandable;
✦ Not contradictory;
✦ Not require the impossible;
✦ Not change too frequently; and
✦ Practices must be congruent with the law

The current intersections of domestic relations, juvenile dependency and criminal law as applied to battered mothers are not understandable, are completely contradictory and require the impossible. The practices are not congruent with the intent of the law to protect children and victims of domestic violence.

The Maricopa County Bar Foundation and the MCBA YLD thank the following businesses and individuals for their contributions to the Barristers Ball Silent Auction.

Thanks to their donations, the auction and raffle raised more than $15,500!

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Desert Botanical Garden
Desert Island Restaurants
Desert Ridge Resort & Spa
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Wanda Turk
Westlaw
Wildlife World Zoo
Wyndham Buttes Resort
YMCA

Maricopa Lawyer

— See Domestic on page 6
Installing a new standard or removable hard drive

Last month, I suggested that you back up your computer to a removable hard drive. Now I'm going to tell you what is involved in installing one and how to make it removable. Everything I say here relates to installing a new IDE drive. SCSI drives present different issues. This column may seem a little geeky but the process is not as difficult as it may seem.

Two limitations on hard-drive size are important to know about. First, operating system limitations. Before Windows 95, the effective limit on hard-drive partition size was 2 GB or less. Windows 95 enabled larger hard-drive partitions. The second limitation then came into play: the BIOS, the basic start-up files programmed into your computer. Up until about five years ago, BIOS limitations prevented installing hard drives bigger than 8.4 GB. The most recently shipping computer systems have removed that limitation.

Legal Brief

The Arizona International Lawyers Group and the National Law Center for Inter-American Free Trade, in conjunction with the ASU and UA law colleges, will present a series of three seminars on various aspects of Mexican real estate law. The faculty will consist of experts from Arizona and Mexico. The seminars are designed for lawyers and non-lawyers, such as real estate brokers, property owners, developers and investors. The first seminar, on real estate acquired for personal use, will be held March 25 at ASU and repeated March 27 at UA. The second seminar, on real estate acquired for development, will be held April 8 at ASU and repeated April 9 at UA. The final seminar, on real estate acquired for industrial or commercial purposes, will be held April 22 at ASU and repeated April 24 at UA. The ASU seminars will be held from 10 a.m. to 1:30 p.m. on one side, and from 2 to 4:30 p.m. on the other. Registration for each session is $30, or $100 for all three. More information: National Law Center for Inter-American Free Trade, 520-622-1200 or natlaw@natlaw.com.

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Western Woods

LAW OFFICE OF COMPUTING

That’s permitting the explosion in hard-drive size in the computer industry.

Hard-drive prices seem to be in a free fall. Western Digital is selling its 80 GB IDE hard drive for $120, with other drives up to 200 GB for about the same gigabyte price or less. The 80 GB is probably enough for most backup users.

Before you buy a new hard drive you need to check the capacity of your BIOS by calling your computer manufacturer or checking its Internet site. Even if your BIOS does not directly support large hard drives, however, Western Digital has a work-around using its Data Lifeguard installation software. Go to http://support.wdc.com/download/index.asp for information and free download of version 10.0 of the software.

Installing a second hard drive is not hard. It is, however, a little risky and you must make sure you have fully backed up all of your critical information before you start the project. Then you can safely open your computer case.

First, look at the back of your new hard drive. You will see two connector slots. One has 40 pins and connects to the hard-drive IDE controller, which is a wide, flat belt. The other has four large pins and connects to the IDE controller, which is the thin flat ribbon that connects up the drives. No matter, however, because most modern motherboards have space for a second drive controller. It is probably in the form of an extra ribbon cable that is loose inside the case. Your drive kit also probably has an extra ribbon cable for use for the second drive controller.

When you have configured the drive, you are ready to install it into your machine. Because every machine is different, I leave it to you to read your documentation about hard-drive placement in the computer case.

Next, you must locate an available power supply plug and an IDE controller plug. Look at the existing hard drive for an example of the two plugs. When you find them, plug them into the new hard drive in exactly the same way the other plugs are plugged into the existing drive. The flat ribbon cable that has the 40-pin plug on it has a red or white line on one side. That red line must be next to the power supply plug. Again, check the hookup on your existing hard drive.

Most hard drives come with very good instructions, complete with photographs that make this process almost impossible to mess up. If you follow the photographs carefully, you will have completed the physical installation of the drive in 15 minutes or so. Now comes the dangerous part.

Most of the new hard drives come with a floppy disk that contains the basic program for installing the drive. Sometimes you will have to go on to the Internet to download the installation software. I have found the Western Digital software to be virtually idiot proof and that may argue strongly in support of buying a Western Digital hard drive. What ever you do, follow the software instructions with the greatest of care. These instructions do not require geek-level computer skills. The software itself is usually straightforward but be prepared to call customer support in case you have a question.

This is not a place to take a guess about what some ambiguity means. Remember, the people who write these instructions are not lawyers and you may find an occasional ambiguity.

Winton Woods is a lawyer, professor at the University of Arizona College of Law and director of the college’s Courthouse of the Future project. He welcomes questions and comments by email at wintonwoods@mail.com or by phone at 520-881-6118. Visit him at www.wintonwoods.com or www.digitaltrial.net.

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Domestic...
Continued from page 4

Peiter Van Dijk (“Universal Legal Principles of a Fair Trial in Criminal Proceedings,” in Rosas and Helgesen, Human Rights, pp. 89-135) outlines 11 conditions necessary for procedural rights to meet the requirements of international human rights:

✦ Fair hearing;
✦ Public hearing;
✦ Impartial and independent tribunal;
✦ Presumption of innocence;
✦ Notice;
✦ Adequate time and facilities;
✦ Assistance of counsel;
✦ Examine witnesses;
✦ Translator;
✦ Tried in one’s presence; and
✦ Appeal

A battered mother cannot have a fair hearing when she has no idea how she can comply with the law. There is no impartial or independent tribunal when 70 percent of the abusers win custody. There is no presumption of innocence when nothing a mother can do is right. There is no adequate time and facilities when she is allocated 20 minutes for an order to show cause for temporary orders and three hours for a final divorce including custody.

The present system violates equal protection because women and men are not treated the same under the current system. The victim of violence is a female 85 percent of the time but the abuser is a man 95 percent of the time. When abusers win 70 percent of the contested custody cases, that is gender bias. When women in CPS cases are labeled with “failure to protect” and charged with child abuse, often without the abusers being charged, it’s gender bias.

The law in operation is a violation of equal protection because women and men are not treated the same under the current system. The victim of violence is a female 85 percent of the time, the perpetrator is a man 95 percent of the time. When abusers win 70 percent of the contested custody cases, that is gender bias. When women in CPS cases are labeled with “failure to protect” and charged with child abuse, often without the abusers being charged with the underlying acts, it’s gender bias.

The victim of violence is a female 85 percent of the time, the perpetrator is a man 95 percent of the time. When abusers win 70 percent of the contested custody cases, that is gender bias. When women in CPS cases are labeled with “failure to protect” and charged with child abuse, often without the abusers being charged with the underlying acts, it’s gender bias. When women who did no harm to a child are criminally charged for the harm done by an abuser, that’s gender bias.

Efforts at reform

Several efforts at reform are underway nationally and locally but much more remains to be done. The National Council of Juvenile and Family Court Judges, Family Violence Department, produced a booklet in 1999 entitled “Effective Intervention in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice,” often called the Greenbook. The book outlines 16 guiding principles, including interventions with perpetrators and improving court practice. The improvements focus on removing the abusers and not blaming the victim.

Eleven years later, it has not yet started. Currently in Maricopa County, domestic relations judges are only required to have four hours of training related to domestic violence every six months.

Several Greenbook projects based on these guidelines are being piloted around the country. The Greenbook suggests having advocates for domestic violence victims in juvenile courts. A small pilot is occurring in Maricopa County with Sojourner Center and in Pima County with Brewster Center. Another suggestion is cross-training CPS and domestic violence staff. While that is not yet happening in Arizona, the Arizona Coalition Against Domestic Violence (AzCADV) has a contract with CPS to do two days of domestic violence training with new caseworkers. We hope Gov. Janet Napolitano’s new Children’s Cabinet will take these issues into account and use the Greenbook as a starting point.

In the criminal arena, AzCADV is working to create a manual for defending battered women but we need criminal defense attorneys to step up to the plate to help.

The National Council of Juvenile and Family Court Judges, Family Violence Department, has excellent judicial training on many domestic violence issues. For years AzCADV has advocated a minimum number of hours of training in domestic violence for domestic relations judges before they began hearing cases, and has offered the training. Currently in Maricopa County, domestic relations judges are only required to have four hours of training related to domestic violence every six months.

Many states have dealt with these problems through a gender bias study in the courts. In 1992, the Arizona Supreme Court issued an executive order regarding a gender bias study. Eleven years later, it has not yet started. Recently, the State Bar of Arizona forwarded the idea to the Committee on Women and Minities, which was to discuss it last month.

In spite of the tremendous complexity of the law as it relates to violence in the family, family law specialists are not required to have any education, training or knowledge in domestic violence; nor is there any statewide mandatory requirement that judges have any training on domestic violence or child abuse. In Battered Women in the Courtroom: The Power of Judicial Responses (Northeastern University Press, 1998), James Ptacek divided the judges he observed into five categories depending on the demeanor they displayed toward battered women and the male defendants: good-natured, bureaucratic, firm or formal, condescending and harsh. None of the judges were condescending or harsh, because many were toward the women. Requests for spousal support were virtually never granted and requests for child support almost always ignored. This shows how inappropriate judicial responses dovetail perfectly and disastrously with batterers’ control tactics.

Judicial education is but one of many changes that need to occur.

Conclusion

The law as it exists presents an impossible Catch 22 to battered women. If they do as told in domestic relations court, they are punished in dependency and criminal courts and vice versa. If a battered woman uses an order of protection to protect herself and the children in civil court, she is accused of abuse of process in the domestic relations court. If she abides by the domestic relations law, she is charged with failing to protect — or if the children are hurt, a crime.

After 25 years of work on domestic violence in this country, we still blame the victim. When do we get to accountability for batterers? When do we get to truly protecting the children?

The present system violates equal protection and due process. Fundamental change is necessary but that change cannot come about until those controlling the system — legislators, judges, lawyers, prosecutors — stop shutting their eyes and ears and begin to listen to the cries of the victims.

> Dianne Post is the director of systems advocacy for the Arizona Coalition Against Domestic Violence. She can be reached at 602-279-2000, ext. 213, or dpost@azcadv.org.
had to decide whether President Richard Nixon had to turn over his tapes to the special prosecutor. Hurwitz said he almost missed taking the Arizona bar examination in the summer of 1974 because the court extended its term well into July until the Nixon case was decided. He flew to Phoenix to take the bar exam, then flew back to Washington, D.C., to gather up his wife, Sally, and their three children — Jonathon, James and Sarah — and move to Phoenix, where he had a job waiting for him with Martori, Meyer, Hendricks and Victor, which later became Meyer, Montesinos, Vela, Osborn and Maledon. He finished first on the bar exam.

When he first arrived at the firm, he was only the seventh lawyer. Over the years, before its division and evolution into the present Osborn Maledon, the firm grew to more than 80 lawyers. Hurwitz credits Ed Hendricks for “teaching him the ropes” when he arrived and started practicing here.

Over the years, Hurwitz has logged somewhere in the neighborhood of 25 trials and 75 appeals. He has twice argued before the Arizona Attorney General Janet Napolitano, represented Timothy Stuart Ring, who had been sentenced to death under procedures in which the judge was permitted to decide the aggravating circumstances and decide whether the death penalty would be imposed. Last June, the court agreed with Hurwitz and held that the Sixth Amendment requires that a jury and not the judge determine whether aggravating circumstances exist in a death-penalty case. As a result, Arizona legislators amended the statute to conform to the court’s ruling.

In announcing her selection of Andrew Hurwitz to sit on the Arizona Board of Regents for eight years (1988-96), with a term as board president in 1992-93. He served on the board with such prominent Arizonans as Herman Chanen, Jack Pfister, Esther Capin, Edith Auslander, Eddie Basha, Art Chapa, Doug Wall and Donald Pitt. According to Hurwitz, one of the great benefits of being on the Board of Regents was establishing relationships with the movers and shakers in the university system. To this day he remains close friends with former Arizona State University President Lattie Coor.

Because of his experience, Hurwitz was asked by Napolitano, then-governor-elect, to co-chair her transition team with Chris Herstam, who he felt like he was “going home,” until he was told that he had only six weeks to put everything in place. Hurwitz and Herstam, who had headed up the transition for Gov. Fife Symington, as a first order of business put together a 15-person transition committee, which included State Bar President Ernie Calderon, former legislative leader Jack Jewitt and Kris Garrett, president of Bank One. During this assignment, Hurwitz, Herstam and the transition team searched, interviewed, evaluated and made recommendations for appointments to the top positions on the governor's staff and to head up key positions in state agencies and commissions.

Hurwitz gives Napolitano high grades for her effective job making and implementing the decisions that led to a smooth transition and a government that was 100 percent ready to operate on inauguration day. Hurwitz dismisses the suggestion that by virtue of his selection to head up Napolitano’s transition team he was a shoo-in for the Supreme Court appointment. According to Hurwitz, he and Napolitano discussed this issue when he asked that he serve as co-chair of her transition team and the two had a clear understanding that she would not view his role in that capacity as either a positive or negative factor in her consideration of his application for an appointment to the court.

Although it is not widely known, Hurwitz has been somewhat of a fixture at the ASU law college for many years. He has taught classes in legislative process and professional responsibility, as well as a popular and innovative seminar on the Arizona Supreme Court. In that seminar, third-year students studied cases actually pending before the court, reviewed the actual briefs submitted by the parties and then voted on how they would decide the cases. Each student would then write the opinion for the case. When the Supreme Court actually decided the case, the students would compare their individual opinions with the court's decision.

In 1994-95, Hurwitz took a sabbatical to become a full-time visiting law professor at ASU and in recent years he has been teaching a course on introductory civil procedure to first-year students. He has also written law review articles for the Yale and New York law journals and has published numerous articles on First Amendment issues in various other legal publications.

Hurwitz, a Democrat, decided to seek a judicial position five or six years ago, when most of his children were out of school and he was starting to feel that he had accomplished most of the goals that he had set for himself as a lawyer in private practice. During the early part of President Clinton’s second term, he was considered for an appointment to a vacancy in the Ninth Circuit together with several other candidates. The appointment eventually went to Judge Barry Silverman.

After that, Hurwitz applied for the Supreme Court vacancies resulting from the resignations of justices Frederick Martone and Thomas Zlaket. Both times, he ended up on the short list of nominees given to then-Gov. Jane Hull, but both times she appointed Republican Court of Appeals judges — Rebecca White Berch and Michael D. Ryan.

It was difficult to get into Hurwitz’s office at Osborn Maledon without stumbling over more than a dozen softball trophies that were prominently displayed on all sides of his desk. For more than 20 years Hurwitz has “presided” over the pitchers mound at the Madison Park softball field, where his team, sponsored by Luigi’s Delicatessen, plays a double header once a week. Other lawyers on the team are John Gilbert, Phil Seplow, Bill Brown, Jeff Sellers, Ernie Nedd, Frank Lesleyong and John Dacey.

Hurwitz will be sworn in at 3 p.m. March 17 at the ASU law college, but he plans to actually start work on March 3. He said he looks forward to contributing to the high court’s work. He believes his extensive background in private practice and his governmental and teaching experience will be of great assistance to him, permitting him to bridge the business and effect compromises on disputed issues.

Hurwitz will move into the chambers previously occupied by former Justice Stanley Feldman, the most senior member of the court who retired at the end of 2002. There’s no tradition at the court of “moving up to the office with the best view.”

Many have wondered who would ever be able to fill Feldman’s formidable intellectual shoes. Those who are well acquainted with Hurwitz believe that such a person has been found.

We congratulate our distinguished partner

Andrew D. Hurwitz

as he joins the

Arizona Supreme Court

and becomes a member of an extraordinary group of our former colleagues now on the bench:

Arizona Court of Appeals Judge G. Murray Snow
Maricopa County Superior Court Presiding Judge Colin F. Campbell
U.S. Bankruptcy Judge Charles G. Case II
U.S. Magistrate Judge David K. Duncan
Rules...  
Continued from page 1

and similar fees; and prohibiting a sexual relationship with a client unless a consensual relationship pre-dated the representation.

The rule-change petition, which is designated as R-02-0045, are due by April 15. An original and six copies of all comments must be filed with the State Bar in an envelope marked “Rule Comment.” Any person filing a comment also must send a copy of the comment to the petitioner.

Some of the proposed changes follow.

Preamble

The preamble to the ethics rules would explain that a violation of a rule should not have the force of law.

Another change seeks to negate the dicta in Town Dev of Chandler v Superior Court, 173 Ariz. 364, 892 P2d 1377 (App. 1992) that comments to the Rules of Professional Conduct have the force of black letter law. The rule-change petition would state that the comments are interpretative guides that do not have the force of law.

Definitions

ER 1.5 would require that the scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible must be communicated to the client in writing before or within a reasonable time after commencing the representation, except when the lawyer will change a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses also must be communicated in writing.

ER 1.9 regarding conflicts of interest would give examples of what will constitute a conflict of interest where the client used the lawyer’s services to commit a crime or fraud, securing or attempting to secure a substantial injury to another’s financial interest where the client used the lawyer’s services to commit a crime or fraud, securing through misrepresentations or the like, and allowing a lawyer to use information related to the representation except as the ethical rules would permit or require with respect to a client.

Imputed disqualification

A change to ER 1.10 concerning the imputation of conflicts of interest would explain that while lawyers are associated in a firm, none of them shall knowingly represent a client when any of them practicing alone would be prohibited from doing so by ER 1.7 or 1.9 unless the prohibition is based on a personal interest of the prohibited lawyer and does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm.

Subsection (b) would explain that when a lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to that person represented by the formerly associated lawyer and not currently represented by the firm unless the matter is the same or substantially related to that in which the formerly associated lawyer represented to client and any lawyer remaining in the firm has information protected by ER 1.6 and 1.9(c) that is material to the matter.

Subsection (d) would explain that when a lawyer associates with a firm, no lawyer associated in the firm shall knowingly represent a person in a matter in which that lawyer is disqualified under ER 1.9 unless the matter does not involve a proceeding before a tribunal in which the personally disqualified lawyer has a substantial role, the personally disqualified lawyer is timely screened from any participation in the matter and is apprised of no part of the fee that would be given to any affected former client to enable it to ascertain compliance with the rule.

Safekeeping property

One potential new provision in ER 1.15 explains that a lawyer may deposit the lawyer’s own funds in a client trust account for the sole purpose of paying bank service charges on that account, but only in the amount necessary for that purpose. Another provision would explain that fees and...
Finally, the State Bar’s stamp of approval on CLE programs?

By Brian E. Cieniawski

The Arizona Supreme Court is circulating a number of proposed rule changes for comments.

One petition (R-02-0046) relates to proposed Rule 4501, Rules of the Supreme Court, which would empower the State Bar of Arizona’s board of governors, through its mandatory continuing legal education committee, to prepare for the Supreme Court a list of approved providers whose legal education courses and programs will qualify as CLE activity that will satisfy Arizona’s requirements. The State Bar does not currently approve of CLE programs in advance or certify that any programs will qualify as providing CLE credits.

The proposed rule states that programs and courses offered by or under the auspices of the State Bar shall be conclusive as to quality as providing CLE activity that will satisfy the mandatory requirements. Entities and organizations, other than the State Bar and other than those appearing on the list of approved CLE providers, may apply to the mandatory continuing legal education committee for a determination, prior to the course or program being presented, that the course or program satisfies the standards and criteria and qualifies as activity that will satisfy the necessary requirements.

The petition, submitted by the State Bar’s chief bar counsel, states that if the court were to adopt the proposed rule, it should protect the State Bar from any potential exposure to antitrust liability for commencing and maintaining a “certification” program.

A petition (R-02-0042) also has been filed to modify the rules concerning the commissions on appellate and trial court appointments. The proposed amendment would allow a commissioner to be present at an administrative or a screening meeting through electronic means such as telephone or video conferencing with the commission chairperson’s approval. The chairperson may approve the request by a member to attend such meetings electronically only after confirming that a quorum plus one of the commissioners will be physically present at the meeting location.

A commissioner would, however, be able to participate in interviews or vote on nominations by electronic means.

The petition proposes another rule that would specify that a member who attends a meeting electronically would accept the risk that technical problems might prevent the person from actually participating even though the meeting would be held as scheduled. The proposed rule explains that a commissioner shall not be allowed to participate in an applicant interview or vote on nominations through electronic means.

Comments concerning any of the proposed rule changes are due by April 15. An original and six copies of all comments must be filed in the Supreme Court in an envelope marked “Rule Comment.” Any person filing a comment also must send a copy of the comment to the petitioner.
The Prison Law Office “acted in the best interests of its Armstrong clients by providing assistance in Yeskey in whatever capacity it could — including representing the Yeskey plaintiff in the Supreme Court. Surely, undertaking that representation served to protect its clients’ rights even more than the filing of an amicus brief would have.”

Reinhardt wrote that California had benefited from the defendant’s briefing in Yeskey. And had Yeskey eventually prevailed, “Defendants here would likely have received a free ride.” Had that happened, Reinhardt held, “the California officials would have received this benefit for no other reason than that the Supreme Court happened to have chosen Yeskey, rather than Armstrong, as the vehicle for deciding an issue common to both cases.”

But Yeskey eventually lost his case on remand, and ironically, it was because he lost his that California ended up paying the majority of his Supreme Court attorneys’ fees. “[U]nfortunately for the Armstrong Defendants,” Reinhardt wrote, Yeskey “lost on a summary judgment motion in the district court and, as a result, no fees were available from Pennsylvania for any part of that case, including the successful work done in the Supreme Court by the Prison Law Office. Thus, fees for that work were, from a practical standpoint, available only from Defendants here.”

Because the work in Yeskey was important to the preservation of the Armstrong Plaintiffs’ rights, and because their counsel performed the work in order to protect their interests,” Reinhardt concluded, “they would be entitled as the prevailing party in the Armstrong litigation to an award of attorney’s fees for that work from the Armstrong Defendants.”

Judges A. Wallace Tashima and Marsha S. Berzon joined in Reinhardt’s opinion.

The Arizona Supreme Court recently clarified the neutral stance a prosecutor must take in presenting a case to a grand jury. The court held that when the prosecutor’s actions result in a presentation that is unfair to the accused, the indictment is tainted. State v. Maretick, No. CV-02-0253-SA (Jan. 21, 2003)

A grand jury indited Scott Maretick for manslaughter following a car crash that killed his wife. His Corvette was allegedly going approximately 100 miles per hour when it crashed on Frank Lloyd Wright Boulevard in Scottsdale. The crash also severely injured Maretick. Because he suffered brain trauma resulting in memory loss, he was unable to recall the events leading up to the crash, and probably never will.

Alleging that the prosecutor had unfairly conducted the proceedings, Maretick moved the Superior Court to remand the case to the grand jury for a re-determination of probable cause. The only grand jury witness was a Scottsdale police detective. After the prosecutor’s brief set of questions, the jurors asked him questions, including one about

— See Courtwatch on page 12

Writing for a unanimous panel, Judge Stephen Reinhardt rejected California’s argument that it should not be responsible for the Yeskey fees because it was not a party in that case. He pointed to Hashbrouk v. Tesaco, 879 F.2d 632 (9th Cir. 1989), in which the court awarded fees in one case for work done on a Supreme Court amicus brief in a case involving different parties. Hashbrouk held that “the award of fees should cover ‘every item of service which, at the time rendered, would have been undertaken by a reasonably prudent lawyer to advance or protect his client’s interests in the case at bar.’” Reinhardt therefore agreed with the District Court’s determination that the Prison Law Office could recover the amount of fees that would have been necessary to produce an amicus brief in Yeskey.

California argued that Hashbrouk did not apply because the District Court only “pretended” that Plaintiffs’ counsel filed an amicus brief, when in fact they actually represented a party. Construing this to be an argument “that a reasonably prudent lawyer would not determine it to be in his client’s interests for him to undertake to represent another party in an appellate proceeding in which the result would likely substantially affect his client’s interests,” Reinhardt rejected it. “Contrary to Defendant’s assumption,” he wrote, “in some circumstances prudence would compel a lawyer, as part of his obligation to protect his client’s interests, to accept an offer to represent a party whose interests coincided with those of his client.”

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Bench Bar Summit
Friday, March 28
8:30 a.m. - 4:30 p.m.
Pointe Hilton Conference Center at Squaw Peak
N. 16th Street, Phoenix

Breakfast Kickoff - 8:30-9:30 a.m.
The Impact of Budget Cuts on Court Administration in 2003
Speakers:
Terry Goddard, Arizona Attorney General
Hon. Charles E. Jones, Arizona Supreme Court
David Byers, Administrator, Arizona Supreme Court
Hon. Colin F. Campbell, Maricopa County Superior Court

Concurrent Break-Outs - 9:40-10:40 a.m.
Session 1
E-Courtroom: Refining the Art of Persuasion – Part 1
Speakers:
Hon. Gary E. Donohoe, Maricopa County Superior Court
Richard S. Plattner, Plattner Verderame, P.C.
Michell G. Denman, Lewis & Roja
Deaette C. Vaught, Lewis & Roja
Keith L. Hendricks, Fennemore Craig, P.C.

Session 2
Cases That Every Family Law Attorney Should Know
Speakers:
Hon. Connie C. Contes, Maricopa County Superior Court
Lesley C. Davis, Law Office of Lesley C. Davis
Jeffrey G. Pollitt, Jensen & Pollitt, P.L.C.

Speaker:
Hon. Gary E. Donohoe, Maricopa County Superior Court
Wendy E. Hodel, Law Office of Wendy E. Hodel

Session 2
Specialty Courts: How to Navigate the Waters
Speakers:
Hon. Carey L. Hyatt, Maricopa County Superior Court
Hearing Officer Shellie B. Smith, Maricopa County Superior Court
Hearing Officer Aimee B. Faust, Maricopa County Superior Court

Luncheon - 12:15-1:45 p.m.
Death Penalty: Can it be Administered Fairly or Is it Unconstitutional? Analysis of Ring v. Arizona
Speakers:
Kent E. Cattan, Arizona Attorney General’s Office
Vicki M. Lillie, Maricopa County Public Defender’s Office
John A. Stookey, Osborne Maedlen P.A.

Concurrent Break-Outs - 1:55-3:25 p.m.
Session 1
Best Practices in Municipal and Justice Courts
Speakers:
Hon. Elizabeth R. Finn, Glendale City Court
Hon. Roxanne K. Song Ong, Phoenix Municipal Court
Justice of the Peace C. Stephen McMurray, Maricopa County Justice Court

Session 2
Model ADR Practices: Procedural and Ethical Strategies
Speakers:
Alan L. Goldman, Goldman & Kaplan
Thomas L. Toone, Beer, Toone & Sheedy, P.C.
Gary Birmbaum, Mariscal, Weeks, McIntyre & Friedlander PA

Session 2
Prop 200 and 302: Arizona’s Answer to the Non-Violent Drug Offender
Speakers:
Hearing Officer Richard L. Nothwehr, Maricopa County Superior Court
Hon. Eddward P. Ballinger, Jr., Maricopa County Superior Court
Hon. Robert L. Gottsfeld, Maricopa County Superior Court

Session 2
Jury Selection Issues: Miller v. Cockrell and Other Leading Cases
Speakers:
Hon. Elizabeth R. Finn, Glendale City Court
Tom Crowe, Crowe & Scott, P.A.
Nicole France, Quarles & Brady Streich Lang LLP

Concurrent Break-Outs - 3:35-4:35 p.m.
Session 1
Model ADR Practices: Procedural and Ethical Strategies
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Nicole France, Quarles & Brady Streich Lang LLP

REGISTRATION: Mail registration with payment to the bar or phone/fax/e-mail with credit card information. If space is available you may register at the door for an additional $30 fee. If you do not pre-register two business days in advance we cannot guarantee space or materials on the day of the seminar.
CANCELLATIONS: Refunds, less a $20 fee, will be issued only if the CLE Dept. receives your cancellation in writing or by fax 5 business days in advance. If you have a paid reservation, but did not attend, you may request a refund less a $20 fee. If you have a disability, please call ahead so we may accommodate your needs.

To Register: Detach & Mail to: MCBA, 303 East Palm Lane, Phoenix, AZ 85004
Register by phone, with a credit card: 602-257-4200 x 131 or by FAX: 602-257-0522
Maretick's health. The detective responded, "Last time I checked, he made pretty much a full recovery." This was untrue. Maretick's daughter had informed the detective of his serious and permanent injuries.

A juror then asked whether the detective had questioned Maretick why he was driving the way he did. The prosecutor interrupted and stated to the detective, "You have received no statements, is that correct?" The detective agreed. The juror then asked, "Does he have any story to...." Again the prosecutor responded, "I'm sorry."

Maretick contended that these exchanges violated his right to a fair and impartial grand jury. He complained that the prosecutor had intimidated the juror and interfered with the jury. He complained that the prosecutor had violated his right to a fair and impartial grand jury proceedings as "unique in our system." "The prosecutor acts not simply as an advocate, but as a 'minister of justice,' who assists the jurors in their inquiry. Because the accused has no representation, prosecutors must be careful not to influence the jury, and must watch out for the accused's interests. According to Berch, the grand jury is the prosecutor's master: "the prosecutor's powers are derived from the grand jury; it is the grand jury that possesses the broad investigative powers, and... must be the decisionmaker."

With particular regard to this case, Berch wrote, "It is not the prosecutor's role to deflect the grand jury from its inquiry."

These principles were not upheld in Maretick's case, Berch concluded. First, the state's single witness had misled the grand jury by not truthfully testifying about the defendant's health following the crash. In the face of that, Berch found three faults with the prosecutor's actions.

First, he "assisted in misdirecting the grand jury" by failing to correct the detective's misstatement. Second, he prevented the witness from answering the juror's questions, "interposing himself between the juror and the witness in such an intimidating manner that the juror felt compelled to apologize for having asked a question that she had every right to ask." But to further sully the picture, Berch wrote, "the prosecutor failed to instruct the grand jury that it was Maretick's right to be free from self-incrimination, that Maretick had no obligation to present evidence, and that the jurors could draw no negative inference from his failure to do so."

While the prosecutor was not strictly required to give the instruction," Berch continued, "there is little doubt that the combination of the witness misleading testimony, the prosecutor's intervention during grand jury questioning, and the failure to instruct the jurors in the applicable constitutional law raises the concern that the grand jury may have based its indictment upon improper evidence and law."

Berch held that the improprieties prejudiced Maretick. "The untrue statements by the detective, the interference by the prosecutor, and [the omission of that legal advice, considered with the inaccurate testimony, rendered the presentation of this case less than fair and impartial," she wrote. "We cannot say beyond a reasonable doubt that such error is harmless."

Berch then quoted Court of Appeals Judge E. G. Noyes Jr., who had dissented in the lower appellate court. He had written that the proceedings created "a strong appearance that the prosecutor and the police officer knew that the officer had given false testimony; and that the act they each did as they did because they were afraid that the grand jury might not indict Appellant if the officer gave truthful answers to the grand jury's questions." He questioned whether it was a "fundamentally fair grand jury process." Berch held that it wasn't.

Disclosure requirements are analogous to discovery, at least with respect to sanctions for failure to comply. So held Division One of the Court of Appeals in Zimmerman v. State, No. 1 CA-CV 02-0212 (Feb. 11, 2003).

When a party has failed in its Rule 26.1 duty to disclose, the trial court may not take an action that effectively defaults that party without first conducting a hearing under Rule 37(c). That hearing must determine whether the fault lies with the party rather than the attorney, and whether sanctions short of default are appropriate.

Judge Patrick Irvine wrote the opinion, joined by Justices Jefferson L. Lankford and Sheldon H. Weissberg.
March 3
Maricopa Lawyer editorial board, 5 p.m.
Paralegal Division executive committee, 5:30 p.m.

March 5
Understanding & Managing Past Traumatic Stress Disorder in Personal Injury and Writgational Termination Cases 1 p.m. to 4:30 p.m., Aiolaw.com
This program will provide practical recommendations and an understanding of the issues that commonly arise in cases involving emotional injury claims such as PTSD. Learn the signs and symptoms to identify emotional trauma, as well as the diagnostic criteria and tests psychologists and psychiatrists use. Learn how to compile evidence to support or challenge PTSD claims.
Cost: Member attorneys, $75; member paralegals and public attorneys, $55; member self-study $75; non-member attorney, $105; non-member paralegals and public attorneys, $75; non-member self-study $105; same day registration, $15 additional. CLE 3 hours

Family Law Section, 5:15 p.m., University Club

March 6
The Great Affirmative Action Debate: The University of Michigan Law School Case
Sponsored by the Arizona Women Lawyers Association
2 p.m. to 4 p.m., Phoenix Corporate Center, 3003 N. Central, Phoenix, lower-level auditorium
Speakers: ASU law professor Paul Bender and Herb Ely, Ely Bentini Ullman & Rosenblatt
Cost: AWLA member, $25; non-member, $75; at the door, $85. Join by March 5 and pay member rate.
Registration: Call 602-863-7678, or email awla@maricopa.org. Information: Mimi Davis, 602-455-3877 CLE 2 hours

Employment and Labor Law: Checklist for Small Business
2:30 p.m. to 4:30 p.m., ASUD
This seminar is designed with the small Arizona business in mind, will provide attorneys, entrepreneurs and beginning human-resources personnel a checklist of important labor and employment laws and regulations.
Learn how federal laws — such as wage and hour requirements, EEO, safety responsibilities and record keeping — apply to small businesses, which state laws — including pay requirements, worker compensation, unemployment insurance and the Arizona Civil Rights Act — apply to small businesses, and why it is important to do so.
Cost: Member attorneys, $50; member paralegals and public attorneys, $35; member self-study $50; non-member attorney, $70; non-member paralegals and public attorneys, $50; non-member self-study $70; same day registration, $15 additional. CLE 2 hours

ADR Committee, 5:15 p.m., Starbucks, southwest corner of 24th Street and Camelback Road

March 8
Paralegal Career Day, 8 a.m., Phoenix College
March 10
Paralegal Division board, 5:30 p.m.

March 11
VLP Advisory Committee, noon
Scotsdale Bar Association luncheon, noon, Scotsdale Athletic Club, 8225 E. Indian Bend Rd., Scotsdale.
Speaker: To be announced: Cost: $15 with advance payment; (send checks payable to Scotsdale Bar Association to PO Box 807, Scottsdale, 85252-3527) $18 at the door. Information/reservations: Jill Miller, 480-481-3047.
Paralegal Division, 5:30 p.m.

March 12
MCBA executive committee, 11:30 a.m.
Environmental Law Section, noon
Hayzel & Daniels Bar Association, 5:30 p.m.

March 13
Task Force for Recruitment and Retention of Minority Attorneys, 8:30 a.m.

How Arizona’s Budget Crisis Will Affect Public Lawyers and Their Agencies
Public Lawyers Division CLE
Noon to 1:30 p.m., Board of Supervisors Auditorium
Speakers: Maricopa County Superior Court Presiding Judge Colin Campbell; Mark Faull, Maricopa County Attorney’s Office; Richard Travin, Arizona Attorney General’s Office; Tim Haas, Maricopa County Public Defender’s Office
Cost: $15
CLE at least 30 minutes

West Valley Bar Association lunch, noon, conference room at Glen Harbor, the Glendale municipal airport, 6801 N. Glen Harbor Blvd.

Are You 2003 Do You Know Who Your Guardian Is? Current Issues in Guardianship/Conservatorship
1 p.m. to 4:30 p.m., ASUD
Hear a view from the bench and learn what constitutes an emergency and when is an emergency petition really appropriate; whether to gift the guardianship/conservatorship apart. Advertising is an obvious way to do this. Your firm must follow specific rules when marketing to potential clients. If you do not comply with ethics rules on advertising, you could be putting your firm and yourself at risk.
Learn what you can and cannot do to ethically promote your law firm to the public.
Cost: Member attorneys, $75; member paralegals and public attorneys, $55; member self-study $75; non-member attorney, $105; non-member paralegals and public attorneys, $75; non-member self-study $105; same day registration, $15 additional. CLE 3 hours (ethics)

March 14
Leaders of Litigation, Part 3: Ethics & Settlement Agreements: Fiduciary & Practical Tips
1 p.m. to 4:30 p.m., Phoenix Public Library Auditorium, 1221 N. Central Avenue, Phoenix
Practitioners of all levels should attend this practical and informative seminar to learn how to create a binding and enforceable settlement agreement with ethical terms; whether your settlement can be kept confidential; how to avoid limiting your ability to present your case; and how to avoid the “piling on” of additional settlement terms after an agreement has been put on the record.
Cost: Member attorneys, $75; member paralegals and public attorneys, $55; member self-study $75; non-member attorney, $105; non-member paralegals and public attorneys, $75; non-member self-study $105; same day registration, $15 additional. CLE 3 hours (ethics)

March 15
Estate Planning & Probate Section executive committee, 7:30 a.m.
Bankruptcy Law Section, 5 p.m.

March 16
Litigation Section, 7:30 a.m.
Solo Practitioners Section, 11:30 a.m.
LRS Committee, noon
Bench Bar Committee, 12:15 p.m., Central Court Building, 4th floor conference room

Litigation Section judges reception and networking event, 5:30 p.m. to 7:30 p.m. (see ad page 17 for more information)

March 20
PLD board, noon

Reservations (required) by March 18. Information/reservations: Diana Celeste, 602-916-5118 or dcelest ec@fclaw.com.

Arizona Residential Landlord-Tenant Law Rights and Responsibilities of Landlords & Tenants
1 p.m. to 4:30 p.m.
This program puts an emphasis on achieving and maintaining safe, healthful living conditions for families. Learn about evaluating and remedying mold and its health effects; landlord duties to provide safe housing conditions; landlord duties to repair and maintain rental housing; tenant responsibilities to maintain conditions; tenant remedies for repairs affecting health and safety; tenant options when conditions are unsafe; issues, defenses and counterclaims.
Cost: Member attorneys, $75; member paralegals and public attorneys, $55; member self-study $75; non-member attorney, $105; non-member paralegals and public attorneys, $75; non-member self-study $105; same day registration, $15 additional. CLE 3 hours

March 21
Maricopa County Bar Foundation board of trustees, 7:30 a.m.

Leaders of Litigation, Part 4: Voir Dire & Opening Statements
1:30 p.m. to 5 p.m., Phoenix Public Library Auditorium, 1221 N. Central Avenue, Phoenix
Leaders litigators James J. Leonard, J. Grant Woods and Carol Pitch will share their knowledge, insight and experience on voir dire and opening statements.
Cost: Member attorneys, $75; member paralegals and public attorneys, $55; member self-study $75; non-member attorney, $105; non-member paralegals and public attorneys, $75; non-member self-study $105; same day registration, $15 additional. CLE 3 hours

March 24
Juvenile Practice Section, noon

March 25
Corporate Counsel Division board, 4:30 p.m.

March 26
Arizona Women Lawyers Association lunch meeting, noon, Arizona Club. Speaker and program to be announced. Program begins at 12:30 p.m. Cost: AWLA members, $15; non-members, $20.

Reservations (required): 602-863-7678 or lunchcoos@awla-maricopa.org by noon March 24. Information: Amy Schwartz, 602-956-4438.

Ethics & Advertising
1 p.m. to 4:30 p.m., ASUD
Does your firm advertise? Ethically! As the demand for attorneys grows, so does the need to set yourself apart. Advertising is an obvious way to do this. Your firm must follow specific rules when marketing to potential clients. If you do not comply with ethics rules on advertising, you could be putting your firm and yourself at risk. Learn what you can and cannot do to ethically promote your law firm to the public.
Cost: Member attorneys, $75; member paralegals and public attorneys, $55; member self-study $75; non-member attorney, $105; non-member paralegals and public attorneys, $75; non-member self-study $105; same day registration, $15 additional. CLE 3 hours (ethics)

March 27
Bankruptcy Section winetting and judges’ reception, 5:30 p.m. to 7:30 p.m.

March 28
2003 Bench Bar Summit
8 a.m. to 4 p.m., Pointe Hilton Conference Center at Squaw Peak
See ad on page 11
Cost: Member attorneys, $215; member paralegals and public attorneys, $145; non-member attorney, $300; non-member paralegals and public attorneys, $200. All full-day registrations include lunch and judicial reception. Lunch only, $25; judicial reception only, $25; same day registration, $30 additional. CLE 7 hours

Emerging Issues in Immigration Law in the Wake of Reince and Terri Hess
Corporate Counsel Division lunch CLE
11:45 a.m. to 1 p.m., University Club
Speaker: Michelle Auendome, Ryley, Carlson & Applewhite
Cost: CCD members, $22.50; non-members, $32.50
CLE 1 hour
Hunter...
Continued from page 2

how we can continue to serve you. Now I have a request of you. If you are looking for an opportunity to make this organization better for you, I invite you to serve on one of these committees. If you are not sure why you are an MCBA member, here is a chance to get the inside scoop. If any of these committees appeal to you, please call Brenda Thomson at 602-257-4200 and let her know what you want the MCBA to do for you, or identify a committee to support. You also can call me at 602-250-4520 with ideas.

As I stated at the beginning, this week also had some low points. We lost one of our own when Joe Rich died. Joe was president for a very brief tenure during the early months of my inaugural term on the board. He was one of the nicest people I will ever know. Joe always kept his cool and was absolutely dedicated to the MCBA and its members. He served the MCBA until his health demanded rest. We are grateful for the time he spent with us and I know that I am not alone in saying farewell to a wonderful person. Our prayers and thoughts go out to Joe and his family.

To laugh often and much; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty, to find the best in others; to leave the world a bit better, whether by a healthy child, a garden patch, or a redeemed social condition, to know even one life has breathed easier because you have lived. This is to have succeeded.
— Ralph Waldo Emerson

Paralegals to sponsor third career day

By Amy S. Davis
Special to Maricopa Lawyer

The Maricopa County Bar Association’s Paralegal Division is hosting its third annual Paralegal Career Day from 8 a.m. to 1 p.m. March 8 in Phoenix College’s Dome Auditorium.

This event is sure to be as successful and informative as the two before it. It is an opportunity for individuals interested in a paralegal career to gather useful information from practicing paralegals and professional associations. It also is a valuable opportunity to socialize and network with others in the field. In the past, paralegal students and recent graduates of paralegal programs as well as newly practicing paralegals have attended.

Local paralegal organizations will participate. Topics will include career development, attorneys and paralegals working together, developing organizational skills and paralegal certification.

Guest speakers from the profession will offer their expertise and answer any questions. Speakers will include Lewis and Roca attorney Frances Haynes and her paralegal, Kim Schueneman.

A continental breakfast and other refreshments will be available throughout the event, thanks to the generosity of Jennings, Streuss & Salmon and Lewis and Roca.

For more information and to make a reservation, contact Sharon Frye at sfrey@mbcabar.org or 602-257-4200, ext. 136. You also may register online at the Paralegal Division’s website, www.maricopa-paralegals.org.

➤ Amy S. Davis is a paralegal at Rabe & Catanese. She serves on the Paralegal Division’s board of directors and is the liaison for Paralegal Career Day.

Write a letter!

We welcome letters to the editor. Letters generally should be no more than 300 words long. Maricopa Lawyer reserves the right to edit all letters for length. Letters to the editor must be typed at your letterhead, signed and submitted to Editor, Maricopa Lawyer, Maricopa County Bar Association, 305 E. Palm Lane, Phoenix, 85004.
By J. W. Brown  
Maricopa Lawyer

Frederick Jones arrives at Maricopa County Superior Court, blending in with the other attorneys heading around elevators and heading to hearings, trials and settlement conferences. What sets Jones apart becomes evident only when he enters the courtroom. He’s behind the bench.

Jones is among the 206 lawyers in Maricopa County who last year provided Superior Court with nearly 4,400 hours of judicial service valued at more than $240,000.

For the past decade, Jones has served as a pro tem judge, with most of his time spent presiding over family court calendars and settlement conferences. Last year, he spent 105 hours as a Family Court pro tem judge.

“Even with a heavy client caseload, I probably could do at least one day a week working at the court,” Jones said. “I am my own boss, so I am the one looking over billable hours, instead of a supervisor.”

His dedication is paid with intangibles that don’t satisfy everyone.

“You gain valuable experience and see your clients’ matters,” he said. “You get to help the JBD staff, too.”

William Vose, who like Jones is a sole practitioner with an office in Phoenix, agrees with Jones that pro tem work is rewarding.

“The most enjoyable part is to feel like you are helping people,” explained Vose, who donated 106 hours of service last year. His specialties are civil short trials and settlement conferences. His part-time practice allows him to devote so much time to Superior Court. Last year, he also had to dispose of 30 cases (and dedicate whatever time that took) plus help out with backlogs, either as an arbitrator or judge pro tem.

Pro tems include former Superior Court judges and commissioners who are now retired but not ready to hang up their robes. Retired Judge James McDougall topped all pro tems for hours worked. Last year he served a total of 179 hours as a pro tem. The majority of his donated judicial work was in Family Court, but he also did a bit of civil work. Former Commissioner John Trombino also has been exceedingly generous with his time, working 146 hours as a pro tem, of which 138 hours were for the criminal department.

McDougall, Trombino, Vose and Jones represent the extraordinary in terms of the hours of service provided. They each donated more than 100 hours of time to the court. The majority of lawyers who work as pro tem judges serve about 20 hours, but there is a wide range of the number of hours donated. The attorney who came closest to the 100-hour mark is Larry Cohen, who served 75 hours, of which 45 hours were spent handling a civil calendar and 30 hours on a probate calendar.

“The court is truly appreciative of the tremendous time and effort dedicated by our judges pro tem,” said Superior Court Presiding Judge Barbara Mundell. “Their contribution helps the court as well as our community by resolving a significant number of cases in an efficient manner. It encourages qualified lawyers to consider applying to serve as judges pro tem. We utilize judges pro tem in civil, criminal, probate, juvenile and family cases as well as family settlement conferences.”

To be eligible, pro tem judges must be at least 30 years of age, of good moral character, admitted to practice law in Arizona at least five years and an Arizona resident at least five years.

All current judges pro tem are required to submit an application for reappointment by Aug. 8 for the 2004 calendar-year term. New applicants must file a four-page application, which also is due by Aug. 8.

Application forms may be obtained by visiting the court’s website, www.supercourt.maricopa.gov. From the homepage, go to the heading Site index, scroll down to Judges Pro Tempore and you will find both applications. Instructions are included on the website.

The judge pro tem process is being changed for the 2004 term.

“The Judge Pro Tem Committee found that the ever-growing judicial calendars compel us to increase the service requirement,” Mundell said.

Currently, judges pro tem must accept at least two days of service during the year. New proposals being considered would base service on a quarterly or monthly schedule, rather than an annual schedule, and base service either by the hour or half-day (such as 12 hours per quarter, three half-days a quarter, four hours per month or one-half day per month).

“The committee invites your comments on which proposal presents the most convenient avenue for the service requirement to be met,” Mundell said.

Written comments should be sent to Ken Crenshaw at 201 W. Jefferson, Central Court Building, Phoenix AZ. 85003, or emailed to kcrenshaw@superiorcourt.maricopa.gov. He will compile responses and provide them to the committee.

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Two trial bench, one – no, two –
Court of Appeals vacancies in process

With her first Arizona Supreme Court appointment already under her belt, Gov. Janet Napolitano soon will have nominations to fill two vacancies on the Maricopa County Superior Court and one opening on the Court of Appeals.

The Maricopa County Commission on Trial Court Appointments on Feb. 28 was to interview 15 candidates for two vacancies on the trial court bench resulting from the resignation of Judge Robert Myers and the retirement of Judge Alan Kamin. Myers resigned from the bench to become Attorney General Terry Goddards chief deputy.

From among a field of 39 applicants, the commission chose to interview Elizabeth P. Arriola, Nancy R. Bodinet, Harriett E. Chavez, Margaret M. Dean, James W. Evans, Gerald R. Grant, Larry Grant, Kristin C. Hoffman, Steven A. LaMar, Raymond P. Lee, Terrance C. Mead, John C. Rea, Peter B. Swann, Elliott C. Talenfeld and Robert J. Weber.

After the interviews, the commission was to nominate at least three candidates for each of the two vacancies to Napolitano.

Meantime, the Commission on Appellate Court Appointments accepted applications through Feb. 24 to fill a vacancy on Division One of the Arizona Court of Appeals resulting from Judge E.G. Noyes’ retirement Jan. 31.

The commission planned to use the applications to nominate candidates for the vacancy that will result from the expected retirement of Judge Edward Voss.

The commission had not, by press time, set a date to review the applications and determine which applicants it would interview.

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Are You Missing Nursing Home Neglect & Abuse Cases?

Nursing home residents are neglected and abused more often than we think. Poor outcomes in the care of the elderly may be a signal of neglect or abuse. However, the investigation and analysis of liability are complex and labor intensive.

In order to maximize recovery, an attorney must possess a working knowledge of federal and state regulations governing nursing homes, as well as an understanding of industry practice (both clinical and fiscal).

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

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

For additional information call or write:
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Phoenix, Arizona 85015
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VLP celebrates ‘For Love of Justice’ by honoring pro bono providers

By Patricia Gerrich
Special to Maricopa Lawyer

The Volunteer Lawyers Program’s annual “For Love of Justice” awards luncheon on Feb. 14 celebrated the generous donation of pro bono service by members of the legal community and support professionals. The audience of 250 people included judges, attorneys, VLP supporters and others from the community who joined the VLP Advisory Committee and staff to honor and thank those who donated services in 2002 to help low-income clients gain access to justice.

In her keynote address, Arizona Republic columnist Laurie Roberts commended attorneys for their volunteerism and acknowledged that the public should hear more about their good works. Roberts illustrated the importance of pro bono service by telling the stories of some of the VLP clients she had spoken with about their legal needs and the ways volunteer attorneys had made a difference in their lives. Among others, she told about a victim of domestic violence who received emergency help getting her kidnapped child returned, a grandparent who was able to get surgery for her granddaughter who had cancer, and a low-income family able to get an operable vehicle because their pro bono attorney got their deposit returned by the used-car dealer that had sold them a lemon.

Roberts said hearing these and other success stories at the event had changed her views about attorneys. Commenting on the impact that pro bono attorneys have on their clients’ lives, she emphasized that “journalists write about injustice, volunteer attorneys right wrongs.”

Former Arizona Supreme Court Chief Justice Frank X. Gordon Jr. and Arizona Court of Appeals Judge Ann Scott Timmer presented many of the awards. Maricopa County Superior Court Judge Mark Armstrong presented awards for family law and children’s services.

A number of the awards recognized work in critical areas of law needed by people with low incomes such as landlord-tenant, consumer fraud, bankruptcy and family law. Other special awards recognized firms and organizations for the quantity and quality of their pro bono service.

VLP gave, for the first time, the John P. Frank Advocate for Justice Award in memory of the zealous advocate and role model who passed away recently and had been a longtime VLP participant. Joseph C. Kreamer of Hopkins & Kreamer received the award for his commitment to increasing access to justice for all in Arizona and the leadership example he provides for everyone in the legal community.

DeShon Pullen, VLP Sole Practitioner of the Year, and J. Michael Christopher, VLP Attorney of the Year.

Attorneys (from left) Rich Peters, Irwin Harris and Rick Jones were among those honored for providing assistance to unrepresented litigants through VLP’s Family Lawyers Assistance Project.
VLP awards for service during 2002

Law Student Pro Bono Award.................Kinnie Young
Paralegal of the Year...........................Tamarra Evert
HIV/AIDS Law Project Volunteer of the Year........Eric Moore
Outstanding Operations Volunteer...............Michael Simmons
Business Leadership-Interpreter..............Kathy Hansen
Volunteers of the Month 2002..................Donald R. Alvarez
Quarles & Brady Streich Lang
J. Michael Christopher
Thomas N. Payne
Quarles & Brady Streich Lang
J. Michael Christopher
Volunteer of the Day Award...................David Hilton
Sole Practitioner of the Year..............DeShon Pullen
New Attorney of the Year.....................Daisy M. Quinterri
Family Law Attorney of the Year........Harry P. Friedlander
Joseph W. Mahowald Memorial Award.........Rip J. Peters
Janet Feely
Nancy Tribbensee
Consumer Attorney of the Year...............Nick Rayes
Tenants’ Rights Attorney of the Year.........Harri Norman Stone
Emeritus Attorney of the Year..............Alena Cantor
William T. Birmingham Clinic Services Award....Thomas Joseph Davis
Non-Profit Advocate of the Year.............Ellis M. Cantor
Paralegal Recruitment Award.................MCBA Paralegal Division
Business Leadership — Court Reporting.......Pamela Griffin, Griffin & Associates
Business Leadership — Process Service.......EZ Messenger
Bankruptcy Service Award.....................Phillips & Associates
Small Firm of the Year........................Engelman & Berger
Medium Firm of the Year.....................Mahr Hacket Pederson Blakely & Randolph
Large Firm of the Year.........................Quarles & Brady Streich Lang
Sustaining Award of Excellence..............Snell & Wilmer

Children’s Law Center awards
Firm of the Year for Children’s Services.........Quarles & Brady Streich Lang
Guardian Ad Litem of the Year...............Debra L. Runbeck
Brooks J. Holcomb
Guardianship Mentor of the Year...............Joseph M. Boyle
FACT (Free Advice Clinic for Teens)...........Jeffrey G. Poliss

Special recognition
Exceptional Service to VLP Award...............Patrick X. Fowler
John C. Hendricks
Brenda Thomson
John P. Frank Advocate for Justice Award......Joseph C. Kremer
MCBA Frank X. Jordan Jr. Traveling Award......William E. Morris Institute for Justice

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PEOPLE IN LAW

- Brian Campbell, a partner with Bonn & Wilkins, is one of 10 new members of the board of Big Brothers Big Sisters of Central Arizona, one of the largest Big Brothers Big Sisters agencies in the United States.
- Maureen Anders, with Mohr, Hackett, Pederson, Blakely & Randolph, is chair-elect of the CREW Foundation, the philanthropic arm of CREW Network, a professional association of women in the commercial real estate industry. The CREW Foundation provides assistance to organizations that promote the economic self-sufficiency of all women and girls.
- Rita A. Meiser, a partner with Jennings, Strouss & Salmon, has been named to the Arizona board of Childhelp USA, one of the oldest and largest national nonprofits dedicated to the treatment and prevention of child abuse and neglect. Meiser practices adoption, labor/employment and health care law and mediation.
- Heidi Staudenmaier, a partner with the Snell & Wilmer Indian law and gaming law practice group, was elected to serve as president of the International Masters of Gaming Law for a one-year term. The IMGL is a non-profit association dedicated to the education and advancement of the gaming law profession.

At its annual awards and installation banquet, the Phoenix Legal Support Association named the Scottsdale City Attorney’s Office as firm of the year and George Chen of Bryan Cave as boss of the year. Three Femmenmore Craig employees received awards: Linda Polcha, mentor award; Constance Gantz, award of excellence; and Karen McElroy, new member of the year. Pamela Griffin, of Griffin & Associates and Susan Morton, of The Morton Group, received the NALS Scales of Justice Award. The association’s 2003 officers—See People on page 19

You are cordially invited to the MCBA Litigation Section Judges Reception and Networking Event

An Evening of Wine Tasting

Wednesday, March 19, 2003
5:30 p.m. to 7:30 p.m.
Maricopa County Bar Association
303 East Palm Lane, Phoenix

The tasting will be led by a wine ambassador and will feature wines from award-winning winemaker, Beaulieu Vineyard.

MCBA Members may join the Litigation Section and attend the event for the section member prices listed below.

MCBA Litigation Section Members: No charge
   Member Guest: $7.50
   Judges: No charge
   Non-Section Members: $30.00
   Guests: $10.00

Join the Litigation Section: $25.00

Please make reservations for the event by March 14, 2003.
Due to limited seating, pre-registration is required for attendance.

For more information or to register, please call Bonnie Glass at 602-257-4200, ext. 138, or email bglass@mcbar.org.
You also can register online at www.maricopabar.org
Steve Tully has joined Baird, Williams & Greer and will continue to focus on commercial litigation and insurance law. Tully represents District 11 in the state House of Representatives.

Jodi Weisberg is the new legal director of Fresh Start Women’s Foundation. Wesberg (M.S., addiction studies, and J.D., UA) formerly was director of communications for the Arizona State University College of Law.

David K. Rosen and Christopher A. Schmalz have joined Gust Rosenfeld as associates. Rosen (J.D. cum laude 1997, Western New England College) concentrates his practice on general civil litigation, including construction, insurance, professional malpractice and appellate work. He previously practiced with Jennings Strouss. Schmalz (J.D. 1996, American University) will focus his practice on municipal law, particularly on zoning, land use and real estate development. He previously practiced with Gammage & Burnham.

Wendy Evelyn Giberti (J.D. 1999, Washington & Lee University) has become associated with Titus, Brueckner & Berry. She practices with the firm’s litigation group.

John M. McKinders has opened the McKinders Law Firm, a successor to Cawood & McKinders. It will continue to occupy offices at 1108 E. Greenway, Suite 1, Mesa. McKinders’ practice includes real estate litigation and transactions, commercial litigation and transactions, bankruptcy and family law.

Jones, Skelton & Hochuli has added eight new associates. Donn C. Alexander (J.D. 1998, UA) practices civil litigation, medical malpractice defense, health care and insurance defense. He previously was an associate at Doyle Winthrop. Suzanne R. Cobb (J.D. 1997, Drake University) practices insurance defense, insurance coverage and bad faith. Prior to joining the firm, she practiced at Burke Panzarella Rich. Kathleen S. Elder (J.D. 2002, UA) practices in the areas of medical malpractice and elder abuse. Before attending law school, she was a nurse at the Banner Good Samaritan Regional Medical Center. Abby L. Ewing (J.D. 2001, UA) practices commercial litigation, civil rights, and municipal law. Before joining the firm, she clerked for the Arizona Court of Appeals. Sanford K. Gerber (J.D. 1993, Whittier Law School) practices in the areas of insurance defense, bad faith and personal injury litigation. Prior to attending law school, he taught English and played professional tennis. Jill L. Hirneisen (J.D. 2002, UA) practices in the areas of medical malpractice and general civil litigation. Prior to pursuing a legal career, she was a nurse at hospitals in Arizona and Pennsylvania. Scott W. Hulbert (M.P.A. 2000, University of Colorado; J.D. 2002, Vermont Law School) practices in the areas of insurance defense, environmental law, toxic tort and administrative matters. Christina W. Kelly (J.D. 1998, McGeorge School of Law) practices insurance defense. Prior to joining the firm, she was an associate at Burrell & Seletos and a prosecutor with the Maricopa County Attorney’s Office.

Lucas J. Narducci has been named resident manager of Bryan Cave’s Phoenix office, succeeding Teresa D. Forst, who had been in that position for nearly seven years. Under Forst, the Phoenix office grew to 83 lawyers from 36 lawyers. Narducci (J.D., UA) also leads the firm’s environmental client service group and is a member of Bryan Cave’s executive committee.

Snell & Wilmer has elected seven attorneys in its Phoenix office and one attorney in its Tucson office as new partners. David Carroll (J.D. magna cum laude 1995, New England School of Law) joined the firm in 1996 and concentrates his practice in commercial finance, construction lending and banking law. Dan Goldfine (J.D., University of Minnesota) joined the firm in 1998 and concentrates on commercial litigation, including antitrust, health care and white-collar criminal defense. Jeff Gujdner (J.D. magna cum laude, ASU) joined the firm in 1996 and practices energy, environmental and real estate law. Tony Tully (J.D., University of Minnesota) joined the firm in commercial litigation and product liability law. Robert Kott (J.D. magna cum laude 1995, ASU) joined the firm in 1995 and focuses his practice in a variety of commercial litigation matters, including contract disputes, securities, fraud and racketeering actions and professional malpractice defense. Heidi Richter (J.D., University of San Diego) joined the firm in 1995 and practices labor, employment and intellectual property litigation. Lori Schmig (J.D. 1994, University of Texas) joined the firm in 1998 and practices bankruptcy, insolvency and business reorganization. Mark Konrad (J.D. magna cum laude 1991, UA) joined the firm’s Tucson office in 1995 and focuses his practice on various types of business litigation and transactions.

Brown & Bain has elected Jill J. Chasson (J.D., Boston University) as a member. Chasson, who joined the firm in 1998, practices with the firm’s labor and employment practice group.

Alan S. Kamin, who retired from the Maricopa County Superior Court bench in January, has joined Brown & Bain as of counsel and will focus his practice on arbitration, mediation, discovery master services and general business litigation.

Gov. Janet Napolitano has named Chuck Blanchard to serve as the state’s Homeland Security director. Blanchard, who worked as Army general counsel, will report...
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People

Continued from page 17

are MaryAnn Buelna and Jackie Moore, Bryan Cave, co-presidents, McCleary, secretary/treasurer, and Ginger Hinckhouse, membership director. Scottsdale attorney Barbara Groth is the chair of a new group of arts enthusiasts called BVA Bravos, created by Business Volunteers for the Arts. BVA Bravos will host networking and recruiting events for volunteers and assist with recognition and fundraising. Groth also has been named to the Business Volunteers for the Arts board of directors.

Jordon R. Rose, land-use and zoning attorney with Jordan, Bischoff, McGuire & Rose, has been named to the managing board of the Institute for Justice, a libertarian public-interest law firm.

Richard Mallory, a senior partner with Snell & Wilmer, has been named Valley Leadership’s “Man of the Year.” Mallory has served as a founding or founding member of a variety of organizations, including the board and executive committee of the International Genomics Consortium, the Herberger Theater Center, the Phoenix leadership group known as the Phoenix 40 and Valley Leadership.

Moves...

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directly to the governor and will develop Napolitano’s Homeland Security strategy.

Kolbrudt has nominated Lewis and Roca attorney S.L. “Si” Schorr to a seat on the state Board of Transportation. Schorr, a senior partner in the firm’s Tucson office, practices real estate, corporate and general business law and is a certified real estate specialist.

Ryan J. Lorenz (J.D. 1999, Creighton University) and Stephen E. Bayton (J.D. 2002, University of Iowa) have joined Norling, Kolbrudt, Sifferman & Davis as associates. Lorenz practices in the areas of commercial litigation and creditors’ rights. He is admitted to practice in Nevada as well as Arizona. Bayton will focus primarily on business organizations and commercial and real estate transactions.

Kerry M. Griggs and Mary G. Pryor have become senior members and Ginnette M. Bray and Joel DeCancio have become members of The Cavanagh Law Firm. Griggs (J.D. 1995, Washington University) practices products liability, commercial litigation, consumer protection and special-risk insurance law. Pryor (J.D. magna cum laude 1999, ASU) practices medical malpractice, personal injury, medical products, pharmaceutical and insurance defense law. Bray (J.D. 1997, Pepperdine) and DeCancio (J.D. magna cum laude 1999, ASU) practice insurance defense and civil litigation.

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