Member Holiday Social

Join us for a casual and complimentary Holiday Social on Thursday, Dec. 12, from 5:30-7:30 p.m. at the MCBA Office. You'll enjoy appetizers, spirits, soda and a chance to win door prizes to make your holiday merrier (must be present to win). All members are welcome, and there is no charge, but RSVP to www.maricopabar.org/event/MCBAHolidayParty.

Newly elected members to the MCBA Board of Directors announced

Four new members and one incumbent have been elected to serve on the 2014 MCBA Board of Directors. The newly elected members are (in alphabetical order): Gail Barsky, Flynn Carey, Comt. Geoffrey Fish and Matthew Meaker. Incumbent Norma Izzo Milner was re-elected to serve on the board for an additional two-year term.

Seven candidates ran for five open seats on the board of directors. MCBA members licensed to practice in Arizona and in good standing with the State Bar of Arizona were eligible to vote in the election, which ran from Nov. 1-15, 2013.

The 2013 immediate past president, David E. Funkhouser III of Quares & Brady, will continue to serve on the board.

The board of directors will hold its first meeting of the year on Thursday, January 16, 2014.

INSIDE...
- How a lunatic fringe saved Arizona - p. 3
- Photos from the 2013 Pro Bono Golf Classic - p. 7
- Hall of Fame Luncheon and Annual Meeting recap - p. 10

Inside...

How a lunatic fringe saved Arizona


The legislature recently adopted a measure known as HB 2593, a sweeping act dealing with elections matters. Among its provisions is one that greatly increases campaign-contribution limits for candidates for statewide and legislative offices. The governor signed HB 2593 into law in April.

The new measure rankled some parties, including a coalition led by the Arizona Citizens Clean Elections Commission. It challenged HB 2593 in a special action in the Arizona Supreme Court, arguing that its attempt to change campaign-contribution limits ran afoul of the so-called Voter Protection Act or VPA; constitutional provisions that generally preclude the legislature from repealing or changing voter-approved laws.

But the supreme court declined jurisdiction. So the commission filed suit against Secretary of State Ken Bennett in superior court. Exercising a statutory right, Speaker of the House of Representatives Andrew Tobin and President of the Senate Andy Biggs intervened as defendants.

In 1988, the voters passed the Clean Elections Act, including A.R.S. § 16-941, which established campaign-contribution limits in clean-elections cases. That section did not actually state the applicable numbers; instead, it referred to A.R.S. § 16-905, a previously enacted voter-approved provision that had actual numbers.

Along with its complaint, the commission moved the court to preliminarily enjoin Secretary Bennett from enforcing the provisions of HB 2593 that relate to the increased contribution limits. The briefing schedule on that motion pushed oral argument to Sept. 10 — mere days before HB 2593’s Sept. 13 effective date.

Within a couple of days after the argument — doing yeoman’s work in the face of a pressing deadline — the judge issued a seven-page order denying the requested injunction. He ruled that the commission did not have a strong likelihood of success on the merits — one of the four criteria for preliminary injunctions. Tentatively agreeing with the defendants’ argument, he concluded that HB 2593 did not run afoul of the VPA because the contribution limits were encompassed in § 16-905, which does not itself have VPA protection, based on an argument that none of the parties had raised.

And if § 16-905 — the Clean Elections Act provision — has VPA protection, he concluded, it does not extend that protection to § 16-905 by merely adopting the latter section as the formula for determining the contribution limits in clean-elections campaigns. (He also opined that that § 16-941 probably does not have VPA protection, based on an argument that none of the parties had raised.)

The commission challenged the ruling with a special action in the court of appeals. That court vacated the order denying the preliminary injunction and ordered the superior court to reconsider it. It criticized the superior court for not having complied with procedural rules.

See Court rejects attempt to change campaign-contribution limits page 14
It's time to say goodbye

By Dave Finkenhouser III

In interactive mediation, the mediator should possess considerable experience in the subject matter of the dispute. In a mediation process, the mediator must be fully informed about all of the important issues and details of the case. As a result, interactive mediation involves a number of important considerations. The mediator should be knowledgeable about the subject matter of the dispute. In a mediation process, the mediator must be fully informed about all of the important issues and details of the case. As a result, interactive mediation involves a number of important considerations. The mediator should be knowledgeable about the subject matter of the dispute. In a mediation process, the mediator must be fully informed about all of the important issues and details of the case. As a result, interactive mediation involves a number of important considerations. The mediator should be knowledgeable about the subject matter of the dispute. In a mediation process, the mediator must be fully informed about all of the important issues and details of the case.
Amidst ambiguous modifiers generally take a legal writer by surprise because grammar textbooks don’t address it. However, yet these little ambiguities can cause a big headache for a reader. The most common place to find a classic ambiguous modifier is in a sentence with one adjective appearing before a string of nouns. Fortunately, there are several plans of attack for clarifying the meaning of an ambiguous modifier.

**YLD 2013 highlights**

The YLD Mentor Committee, led by Kristy Alvarez, started a new initiative this year geared directly to the current realities of the job market. The YLD Launch Pad, led by at least three leaders and support its leadership, is a Ask-A-Lawyer sessions will be held on an annual basis and will feature various mentors throughout the Valley. These events have been very successful in reaching the public and those in need. It is rare to see announcements regarding volunteer opportunities for Ask-A-Lawyer in the YLD world.

The Barristers’ Ball, held on March 5, 2013, was a big success. The Barristers’ Ball Committee, led by Brie Klaiman, Jason Wilf, and Ken Casey, organized the event to include a costume night and the band along with the food and drinks and a silent auction. The YLD also wanted to thank all of our board members and staff, and thank you for your support.

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In closing, we’d like to extend a very big thank you to the YLD board and Melissa Stoltz, Brian Bostnick and Allen Kimbrough, who continue to work hard and contribute to the efforts of the YLD. We are grateful for the hard work and professionalism that you have demonstrated throughout the BACs. A sincere "thank you" goes to the board members for their time and dedication.

Caylee Blake (President-Elect), Front, Back, and the others.

**Fixing little ambiguities brings big payoff**

**LEGAL WRITING**

**PARALEGAL DIVISION PRESIDENT**

**Sarah Flake**

**All good things must come to an end**

It had to be believed almost a year has gone by since my first piece in this Maricopa Lawyer. The time has flown by! I have been privileged to have such a wonderful job this past year. We often get off the holiday season and be
time to time and dedication.

Thank you to all of our board members and staff, and thank you for your support. The Barristers’ Ball, held on March 5, 2013, was a big success. The Barristers’ Ball Committee, led by Brie Klaiman, Jason Wilf, and Ken Casey, organized the event to include a costume night and the band along with the food and drinks and a silent auction. The YLD also wanted to thank all of our board members and staff, and thank you for your support.

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INSIDE THE COURTS

Get to know Judge Jay Adleman

Q: What made you do the most moving to make the transition from a Commissioner to Superior Court Judge?

Adleman: Not much. It really surprised me! All of the other judicial officers and current state officers were wonderful to work with any time as both a commissioner and a judge. I have an outstanding support staff.

Q: What were you doing when you were notified of your appointment to the bench?

Adleman: I was working at my desk when I received the phone call it was very exciting. My heart was pounding...it was a rush of emotions, that's for sure.

Q: What's your favorite quote?

Adleman: “Nothing is as effective as an unthanked soldier” by Ralph Waldo Emerson.

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

Adleman: If I had the chance, I would play a round of golf with Winston Churchill, John Lennon and Charles Bukley. That would be quite a foursome indeed.

Commissioner swearing-in ceremony

On October 22, 2013, the Maricopa County Superior Court celebrated the appointments of Commissioners Justin Benner, Utili-Spark’s Laurie Laing, Karen G. Lemaire, Julie Ann Mata and Adrianna Van Wyk with a swearing-in ceremony held at the Board of Supervisors Auditorium in Phoenix. Presiding Judge Norman Davis delivered the Oath of Office.

BMO Private Bank Pro Bono Golf Classic raises funds

It was a beautiful morning for golf as thirty teams played their way around The Legacy Golf Resort in Phoenix and raised funds to benefit the Maricopa County Bar Foundation and the Volunteer Lawyers Program. Golfers signed up for the morning with a hearty breakfast.

WINNING FOURSOMES

FIRST PLACE: Lars Lagarm, Jeff Carson, Brian Burch, Bill Silve
SECOND PLACE: Team Fraser Ryan Goldberg — T. J. Brea, Dave McKee, Scott Stephens, Tom Moloney
THIRD PLACE: Team Scott & Winter — Bradley Keiser, Jeffrey Hayden, Will Brackett, Jon Collins

TITLE SPONSOR:

BMO Private Bank

DRINK CART SPONSOR:

Gammage and Burnham

HOLE-IN-ONE SPONSOR:

Jeff Carson, Brian Burch, Bill Atkins

CLOSEST TO THE PIN SPONSOR:

Tag Messinger

Annie Alten, and Adrianna Van Wyk with a day in the country; held at the Board of Supervisors Auditorium in Phoenix. Presiding Judge Norman Davis delivered the Oath of Office.

Get-a-Member Campaign

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

Here’s how it works:

All recruited new members (who have not been a member for at least a year) receive a certificate for one hour of free CLE. For every new member you recruit (up to four), you receive additional hours of free CLE.

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

For the last 20 years, Commissioner Seyer has gained valuable experience in the private sector practicing primarily civil and criminal law. He has also served as a judge pro tem in various courts, including Initial Appellate Court at the six-year level. During the last 15 years, Commissioner Mandel, who has worked with the law firms of Burch & Combs, has practiced extensively in the areas of commercial transactions and litigation, governmental relations, campaign finance and elections law. He has also served as General Counsel at the Arizona Secretari.

Contact info:

Call the Membership Department for details at (602) 257-4000.

The Frazer Ryan Goldberg & Arnold group.

Jennifer Barnes (right) and her group.

Tom Jones Ford

Harrian Law Firm

Liddy Legal Support Services

Engelman Berger

Marc Kalish

Snell & Wilmer

Pro Financial Insurance

Polsinelli

Nussbaum Gillis & Dinner

Gust Rosenfeld

Greenberg Traurig

and David Allen, received the coveted garden party at the Maricopa County Bar Foundation.”

ADLMAN: “Nothing is as effective as an unthanked soldier” by Ralph Waldo Emerson.

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Adleman: If I had the chance, I would play a round of golf with Winston Churchill, John Lennon and Charles Bukley. That would be quite a foursome indeed.

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For more details about our school’s on-time graduation rates, job placement rates, the median debt of students who completed the program, student STAND OUT.

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Perhaps the best way to stand out is by hiring the best legal practitioners.

Visit our free Arizona Chapter site at www.NADN.org/directory

You’ll enjoy delicious appetizers, beer, wine, soda and a chance to win. All members are welcome and there is no charge, but send in your RSVP to www.maricopabar.org/event/MCBAHolidayParty.

Thursday, Dec. 5, from 5:30-7:30 p.m. at the MCBA Office, 303 E. Palm Lane, Phoenix.

You’re invited to the bar — MCBA, that is — for a casual and complimentary Holiday Social on Thursday, Dec. 12, from 5:30-7:30 p.m. at the MCBA Office, 303 E. Palm Lane, Phoenix.

Does poor credit or bankruptcy leave your clients dreaming of a nicer, newer car? Bankruptcy does not change the fact that they need safe reliable transportation!

We can help your clients re-establish credit the day after you file their Bankruptcy 7! Payments within your client’s budget on the vehicle they choose — not the dealer’s. Discretion is desired.

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Maricopa Lawyer December 2013 • 9
The 2013 Hall of Fame inductees include Don Bruton, Ross M. Mumme, Jennifer A. Cranston, Edward Hermes, Adiba Jurayeva and Charles W. Brown. In addition to Bruton, three other inductees were honored at the Hyatt Regency in Phoenix. More than 300 people attended the event.

Also honored at the event was the Robert R. Munro, Member of the Year, Jennifer Cranston. The award was established in 2012 after a chance of several years. In addition, the Michael H. Ross Scholarship was awarded to two outstanding recipients, Adiba Jurayeva and Charles W. Brown.

The Hall of Fame inductees are inducted into the Pioneer or the Modern era. Inductees into the Hall of Fame are divided into two categories: the Pioneer era and the Modern era. Inductees into the Hall of Fame are divided into two categories: the Pioneer era and the Modern era. Inductees into the Hall of Fame are divided into two categories: the Pioneer era and the Modern era. 

Jennifer Cranston
The Robert R. Mills Member of the Year

ADDITIONS
Sarah J. Michael
Sole Practitioner
Joshua De La Ossa
Sole Practitioner
Konnie K. Young
Sole Practitioner

BANKRUPTCY
Diane Drain
Sole Practitioner
James W. R. Beller
Franklin Law Firm

DOMESTIC VIOLENCE/FAMILY LAW
Katherine Kraus
Sole Practitioner

GUARDIANSHIP OF MINOR CHILDREN
Karl A. Freeburg
Sole Practitioner

HOMEOWNERSHIP ISSUES
Euan Paul Schabe
Shane, Waibel

SECURITIES LAW
Sarah J. Michael
Sole Practitioner

The Volunteer Lawyers Program Thanks Attorneys
The Volunteer Lawyers Program thanks the following attorneys and firms for agreeing to assist on 25 cases referred by VLP to help low-income families. VLP supports pro bono attorneys who supply legal advice and draft legal papers and provide ongoing primary or public爹爹services, dovetailed with professionals from training, professional, marketing, and consultation. Each attorney received a plaque from MCBA for a CLE certificate. For information on ways to help, please contact Pat Gerck at VLP at 602-254-7474 or admin@azvlp.org.

"Pro bono spotlight on current need**
Volunteer lawyers are needed to assist families who have problems with lemon used cars, car repairs and other consumer issues.

F. Javier Sobranes (Sobranes & Sobranes)
GARRISON & COX, P.C.
Sole Practitioner

OCCUPATIONAL CINEMATOGRAPHY ADDICTS
Saul Aten
Sole Practitioner

GUARDIANSHIP OF AN ADOPTED CHILD
Jennifer A. Cranston
Sole Practitioner

KARI LEAF & ASSOCIATES
Kari Leaf
Sole Practitioner

SUGARWILCOX
Charles W. Brown
Sole Practitioner

More than 300 volunteers are needed to

**VLP ATTORNEY OF THE MONTH**
New volunteer says pro bono work makes him feel like ‘a million bucks’

By Peggy Cornelius, Volunteer Coordinator
When attorneys like Ross M. Mumme, MCBA Attorney of the Year and Attorney of the Month, are recognized at the annual Barristers Ball, there are those who first come to mind: Attorneys who have graduated from law school recently and are looking for pro bono experience. Those who are attorneys who have begun career service through the VLP, helping them find a mentor or a student advisor to assist them in giving back to those who have given them ideas, skills and wisdom.

In Mumme’s case, a second thought might be to consider what would drive someone who is in the peak of his career to continue pro bono work when his or her full time practice is already demanding? What motivates someone who is already committed to pro bono work as a core operating philosophy? Mumme’s answer to that question is multi-faceted, and includes the ongoing support of the Arizona community, where he has found an appreciation for service.

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Programs are on a first come, first served basis. There will be no immediate on-site registration at any program.

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The State Bar of Arizona does not approve or accredit CLE activities for the mandatory Continuing Legal Education requirement. The activities offered by the MCBA may qualify for the indicated number of hours toward your annual CLE requirement for the State Bar of Arizona, including the indicated hours of professional responsibility (ethics), if applicable.

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All pre-payment must be received in advance of the program you are attending registered until the date of the program.

SIGNATURE/REGISTRATION

You may register in the office of the MCBA (8:00 a.m. to 3:00 p.m.) to obtain a fax form and pay your program fee on the day of the program in cash or check.

ON-SITE REGISTRATION

Programs are on a first come, first served basis. There will be no immediate on-site registration at any program.

CLE CREDIT

MCBA gives credit for the State Bar of Arizona, including the indicated hours of experience and the indicated CLE designations. What works for life insurance agents can lead to serious income tax liability for the courts.

The State Bar of Arizona does not approve or accredit CLE activities for the mandatory Continuing Legal Education requirement. The activities offered by the MCBA may qualify for the indicated number of hours toward your annual CLE requirement for the State Bar of Arizona, including the indicated hours of professional responsibility (ethics), if applicable.
The Maricopa Lawyer invites members to send news of moves, promotions, honors and special events to post in this space. Photos welcome. Send your news via email to rmaricopalawyer@gmail.com.

Arbitration Fee Donations Help

In December 2012, Melinda Hart, Chair of the Maricopa County Bar Foundation (MCPF) board of directors, received news that the Maricopa County Bar Association (MCBA) had approved an initiative to assist in the funding of the Maricopa County Bar Foundation’s arbitration program.

The new MCBA initiative will allow attorneys to voluntarily increase their MCBA dues by the amount of one arbitration fee donation per month. The MCBA is the largest member-based organization in Arizona and the MCPF is a 501(c)(3) nonprofit organization that provides full-service investigation and information gathering support to attorneys. The SOUTHWEST GROUP provides full service investigation and information gathering support to attorneys.

JUDICIAL OFFICE FOR RENT

Rent negotiable. Contact Elna at elna@beer-toone.com. - Up to 5 offices with 3,6,532 SF - Up to 5 small conference rooms, kitchen, cable, quiet workspace, utilities, including rate cases, financings, service-area agreements, commercial code, commercial lending and leasing, loan documentation and mediating commercial and real estate disputes.

The Phoenix office of Cuba and Burns, LLP has announced that the firm has added attorney Meghan Alvarado to its Phoenix office. Alvarado joins the Construction/Real Estate Practice Group of the firm.

Partnering with the Maricopa County Superior Court, the Maricopa County Bar Foundation (MCPF) is working to expand the number of pro bono mediation opportunities in the Maricopa County courts.

At CPM, we are committed to connecting you to the right resources that can help you achieve the best results.

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