When the United States Supreme Court issued the groundbreaking Obergefell v. Hodges decision in 2015 granting same-sex couples the right to civil marriage “on the same terms and conditions as opposite-sex couples,” everybody knew that it would raise many questions that courts around the country would have to answer. Arizona has not been spared. It is currently wrestling with Obergefell’s ramifications for A.R.S. § 25-814, an Arizona statute establishing presumptions of paternity, used in family-court matters to determine who has parental rights to a child.

Recently, a divided panel on Division One of the court of appeals held that Obergefell has no effect on § 25-814 and does not require courts to interpret it in a gender-neutral fashion, meaning that its benefits do not apply to a woman seeking parenting rights to the child that she and her divorcing wife were raising. Turner v. Steinle (Oakley), No. 1 CA-SA 17-0028 (Ariz. App. June 22, 2017).

Heather Lynn Turner and Liza Michelle Oakley were married in October 2014. Even before their wedding, they had been attempting to conceive a child through artificial insemination. Turner was to carry the child, but the couple made no formal agreement about parenting or their respective rights should they have a child. They did discuss whether Oakley should formally adopt, but they were unsure whether that was necessary or if “just being on the birth certificate was enough.” Turner drafted a will providing that in case she died, Oakley would have sole custody.

Oakley participated in the artificial-insemination process: she reviewed donor profiles, accompanied Turner to appointments, and was with her during the insemination procedures. But Oakley did not pay for any of the services. Nor did she sign the clinic’s documents; Turner, the recipient of the fertility services, signed them. One of those documents stated that “any child produced by the process would be the legal child of the recipient, defined as “both recipient and recipient’s husband or partner if applicable,” and that if a child is born to husband and wife, such child ... is considered their own.”

Turner gave birth to a child, C.T., in September 2015. Oakley was there and cut the umbilical cord. The couple listed Turner on the birth certificate in the section designated “father,” but they took no further actions to determine whether Oakley should formally adopt.

Some eight months later, Turner filed for divorce. Her petition acknowledged the couple’s child, noting that she had been impregnated through artificial insemination. Turner was to carry the child, but the couple made no formal agreement about parenting or their respective rights should they have a child. They did discuss whether Oakley should formally adopt, but they were unsure whether that was necessary or if “just being on the birth certificate was enough.” Turner drafted a will providing that in case she died, Oakley would have sole custody.

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MCBA PRESIDENT

Norma C. Izzo

Connecting the Bench and the Bar

The Maricopa County Superior Court is the fifth largest trial court in the United States, and has received national recognition for a variety of programs and innovations, including its Commercial Court and criminal “Problem Solving” Courts. As the sixth largest city in the United States, Phoenix has a large number of attorneys, and a large community in need of legal services. However, despite the size and complexity of Maricopa County, the legal system has not lost sight of the need for accessibility to the justice system.

One of the strengths of practicing in the Phoenix area is the environment of mutual respect and strong communication between the Courts and the Bar. Commissions for appointing judges, committees for drafting rules and jury instructions, and other groups advance the rule of law because of the mix of attorneys, judges, and the public that unite to ensure the strength and integrity of the legal system in Arizona. Maricopa County is truly a unique legal environment, and the availability of a variety of settings in which the different stakeholders can exchange ideas between the Court and the Bar is an important part of that uniqueness and in turn, improves access to justice.

On Friday, September 15, the MCBA will be hosting our annual Bench Bar Conference at the Phoenix Country Club. The Conference is an opportunity for our members to come together with the judges and other judicial officers before whom they practice to talk about the issues that are important to them. As is tradition, Presiding Maricopa County Superior Court Judge Janet Barton will present over lunch, followed by practice-area-specific breakout sessions for attorneys and judges. These breakout sessions are an opportunity to talk about the challenges and opportunities specific to certain types of law and certain types of cases, and to learn more about the different perspectives that the stakeholders bring to the courtroom. The event concludes with a cocktail reception.

The Bench Bar Conference sells out quickly each year, and space is limited, so if you are interested, I encourage you to sign up soon. The MCBA is offering discounted group rates, reduced rates for paralegals, and crediting the conference fee to the membership of new MCBA members who sign up before the conference.

Attorneys and the Court work together daily, and the Bench Bar Conference provides the legal community an opportunity to strengthen those relationships and address challenges facing the legal community as a whole. I hope you will join me at this year’s conference.
The race is on!

Are you an avid runner, a not-so-avid runner, a walker, or someone who likes to give back to the community? Then the 2017 Race Judicata is the event for you. For the past 13 years, the Young Lawyers Division (“YLD”) has organized Race Judicata, an annual 5K walk/run that is geared towards the Arizona legal community, but open to the public. Race Judicata takes place in Tempe at the beautiful Kiwanis Park every October, just as the weather begins to cool down.

In past years, we have had seen tremendous participation from many different law firms, companies, and groups of people that enter as teams. This year we are placing a special emphasis on monthly meet-and-greets and will be handing out prizes for law firms, companies, and other groups of people that enter the race as teams—the bigger the team the greater the prize! We encourage you to gather your crew and strive to be the best team at the race this year.

Not only is Race Judicata a fun event, but it also helps those who are experiencing some tough times in life. A portion of proceeds from the event will be used for the YLD Necessities Drive. The Necessities Drive begins in August 2017, and involves collecting toiletries and other essential items for women and children staying in local domestic violence shelters. The statistics regarding domestic violence are staggering.

According to www.domesticviolencestatistics.org:

- Every 9 seconds in the US a woman is assaulted or beaten;
- Domestic violence is the leading cause of injury to women—more than car accidents, muggings, and rapes combined;
- Domestic violence victims lose nearly 8 million days of paid work per year in the US alone—the equivalent of 32,000 full-time jobs;
- Based on reports from 10 countries, between 55 percent and 95 percent of women who had been physically abused by their partners had never contacted non-governmental organizations, shelters, or the police for help. Therefore, when you see one of the YLD Board members bring a few collection boxes to your law firm’s office in early August to fill up with items such as toothpaste, toothbrushes, shampoo, conditioner, lotion, body wash, diapers, baby wipes, etc., we hope that you will assist us in making this the most successful necessities Drive yet! There will also be a collection box at the MCBA, so if you will be dropping by, please consider bringing some toiletries to donate to the cause!

After the event, the YLD will gather all the donations made by various law firms and individuals and then use a portion of the event proceeds to purchase additional items that are in high demand at the shelters such as diapers, shampoo/conditioner and toothpaste. The YLD then works together with Two Men and a Truck to pack up the items and organize delivery to two different shelters in Phoenix and Mesa. Many thanks to Two Men and a Truck for their donation of both their time and boxes each year!

Registration is now open! Race Judicata will be held on Saturday, October 21, 2017, at Kiwanis Park in Tempe. The race begins at 7:15am, and check-in starts at 6:30am. The cost is $25.00 per person for adults and $15.00 per person for kids. To register for the event, please visit the website at: https://maricopabar.org/ and click on “CLE and Events,” then click on “Calendar.”

In addition to participating in Race Judicata, there are also sponsorship opportunities for those who would like to give a little more and get company recognition at the event. Please contact Lori Kazaroff at events@maricopabar.org for more information on sponsorship or registration for the race or for other ways to get involved.

Finally, a very big thank you to the co-chairs of the Race this year, Ryan McBride, Ben Eid and Rachel Phillips for organizing the event. They also contributed to this article in a large way and I am very thankful to have such outstanding individuals to work with!

Deadline to declare candidacy in Board of Directors election is Sept. 15

The Maricopa County Bar Association (MCBA) is currently inviting members to declare their candidacy for one of five available seats on the Board of Directors. Each of the five positions consists of a two-year term beginning in 2018.

The terms of Lynne Adams, Gail Barsky, Tyler Carroll, Michael Kielcik, and Stan Silas expire on December 31, 2017. An election will be held to fill their seats. The majority of this group will likely run for re-election.

Board Members attend monthly meetings, liaise with one or more MCBA sections, divisions, or committees, and support the work of the association. They are expected to make every effort to attend the Annual Meeting/Hall of Fame, Bench Bar Conference, Barristers’ Ball, and other membership events, as well as assist with fundraising and member recruitment. Candidates must be licensed Arizona attorneys or judges, active members of the MCBA, and in good standing with both MCBA and the State Bar of Arizona. Candidates are asked to:

1. Submit a formal letter of candidacy to the Board of Directors, with the candidate’s signature, addressed to MCBA Executive Director, Allister Adel, either by email (PDF or MS Word document) or postal mail: MCBA 303 E. Palm Lane, Phoenix, AZ 85004-1532, or addel@maricopabar.org no later than 5 p.m., Sept. 15, 2017.
2. Provide additional required election materials. A 200-word bio and a color jpeg photograph must be submitted to maricopalawyer@maricopabar.org no later than 5 p.m., Sept. 15, 2017. Submitted biographies that exceed 200 words may be edited by staff. Please note that a standard-form resume or curriculum vitae are not acceptable.

This bio may include an optional position statement of the candidate’s vision and priorities for the MCBA. Position statements and any other campaign or election materials may not refer to other candidates or include defamatory or inappropriate language, as determined by an Election Review Committee appointed by the President of the Association.

For complete election information, go to www.maricopabar.org for a copy of our By-laws on the Board of Directors webpage.
The McBA has been touched by the personal story of Leslie Satterlee, former Board Member. We invite our full membership to join us in supporting the fight against cancer!

You need to come home.
They think she has leukemia.

That is how I first learned my 4 year old daughter had cancer. I was busy working at the office late one afternoon reviewing a detailed property settlement agreement with an expert consultant on the phone. I was looking forward to finishing up and heading out to a happy hour with some colleagues. While on the phone call with the expert, I saw my cell phone buzz. It was the pediatrician's number. My husband had taken our daughter in earlier that day because she had a fever and small rash-like dots on her neck. I thought the call odd, but nothing major. I tried to get off the call with my expert, but could not switch over fast enough. I missed the call. A minute later my husband was calling my cell. I answered, not yet knowing the call. A minute later my husband was calling my cell. I answered, not yet knowing the call.

Ten months later that moment still haunts me. While my daughter is currently in remission from Acute Lymphoblastic Leukemia, she has had a tough year full of hospital stays, medical procedures, chemotherapy, blood transfusions and various side effects. She is currently in maintenance and still needs to visit the clinic monthly and take oral chemo pills daily. It is more than any child should have to go through—it is more than anyone should have to go through.

That is why our family now supports the Leukemia & Lymphoma Society (LLS). I am proud to be serving as a member of the Executive Committee for LLS’s Light the Night Walk. The Light the Night Walk funds life-saving research and support for people battling cancer. Friends, families, and co-workers form fundraising teams and millions of consumers help by donating at retail outlets. These efforts culminate in inspirational, memorable evening walks in nearly two hundred communities each fall across North America.

Communicating with clients

Lack of communication is the number one complaint a client has regarding their attorney and staff. Lawyers and their staff have an ethical duty to keep the client informed of the current status of their case. One of the issues that every law firm faces is how best to communicate with their client.

We have all heard about the “generation gap” and may think it is an excuse. How many times did we tell our parents “you just don’t understand, things are different now?” In reality, it is different now. With advances in medical care people are working beyond the age 65. According to a September 23, 2014, article for Law Vision Group by Marcie Borgal Shank and Jessa Baker, there are five generations in the work force today; Silent, Transitional, Boomers, Generation X, and Millennials. It stands to reason that the same five generations exist as clients. Understand each generation’s expectations regarding communication will go a long way in achieving client satisfaction.

According to this article the Silent, Transitional, and Boomer generations require and rely on person to person communication or phone calls. Sending them an e-mail or text is the not the best way to communicate with them. Those in Generation X are familiar with both in person and electronic communication. Sending emails with status updates is usually welcomed. However, a phone call for important issues is appropriate. The Millennials were raised with technology at their finger tips. Communicating via electronic methods is usually preferred. Of course, these are generalizations; there are always people who do not nearly fit into the molds, such as my 71 year old mother, who prefers to text her children and grandchildren. The best option would be to get to know your client and ask their preference. If you prefer one method over another, let your client know.

I personally prefer emails. I usually explain to the client that via email I can reply quickly if I am on the phone or in the middle of a project and that it creates a record. I have found that a call or email once a month is beneficial in cementing that working relationship. Of course, there are times that the workload does not permit that personal call; in this instance, an email goes a long way.

The Paralegal Division is finalizing this year’s conference. We are celebrating our fifteenth year as a Division. Registration is now open.

The Division is hosting a two part CLE on Civil Trial Preparation. Maureen Zachow and Stacy Palmer, paralegals with Snell & Wilmer, LLP, will present Civil Practice Tri-
al Preparation. Ms. Zachow and Ms. Palmer have worked on many document intensive cases and are eager to share their knowledge and tips on successfully managing a case to its final resolution. Registration is now open.

Division Meetings are held the second Monday of each month, unless the Monday is a holiday; then it will be held on Tuesday. All members are invited to attend the meeting. Our next Division meeting is August 14, 2017 at 5:30 p.m. at the MCBA offices. I look forward to seeing you there.
MCBA PARALEGAL DIVISION’S CONFERENCE

“Every Possibility Begins with the Courage to Imagine…”

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

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

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

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

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

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

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

REGISTRATION FEES
MCBA Member: $115  Public/Government Paralegal: $115
Paralegal Non-Member: $230  Student Member: $85
Student Non-Member: $110

REGISTER ONLINE
maricopabar.org/paralegalconference or contact Karla Durazo
(602) 682-8586 or kdurazo@maricopabar.org

13TH ANNUAL RACE JUDICATA
SATURDAY, OCTOBER 21, 2017

REGISTRATION
6:30 A.M.
RACE
7:15 A.M.

SISTER CITIES GARDEN AT KIWANIS PARK IN TEMPE

$25/PERSON  $15/KIDS

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

REGISTER ONLINE
maricopabar.org/racejudicata
Interested in sponsoring this event? Contact Lori Katzaroff at events@maricopabar.org

PLEASE JOIN US

TED with Talks
Beer & Wine

TOPIC HABITS

Thursday, August 10, 2017
5:30 - 7:30 p.m.
at the MCBA Office

This is a FREE event intended to help you expand your views on interesting topics. It will give you the opportunity to listen to popular TED Talks, network with like-minded people, all while you have a well-deserved drink.

RSVP by Tuesday, August 8, 2017
Contact: www.maricopabar.org/events

KRG
The Kenrich Group LLC
Outlining models for successful writing

**LEGAL WRITING**

Tamara Herrera

In honor of back-to-school season, I am sharing the first piece of advice I give to new students in August: learn how to outline. Many students tell me that they were never required to outline a writing project, and just as many confess that they think outlining is a waste of time because it takes away time from writing. But outlining is writing, and I try to show students there are many ways to produce a worthy outline. An outline is important because it helps the writer move from researching to brainstorming to writing. Many legal writers use outlines for complex projects as a way to check in on progress or share ideas.

Simply put, an outline is a linear summary of the essential parts of a document. Although an outline generally does not contain details, it must show the parts of the document in a hierarchical order. Generally, legal writers use a traditional outline format using Roman numerals (I, II, III, IV, etc.). I suggest following the specific outline format using Roman numerals (I, II, III, IV, etc.). I suggest following the specific format used in your office.

I do recognize that few legal writers think or research linearly, which is one reason why outlining is often labeled difficult. This difficulty is no reason to skip outlining, though. Following are my suggestions for making outlining easier.

1. Use a mind map or whirlbird outline first. Both of these methods of brainstorming are non-linear and have the reader write every relevant thought that comes to mind. I suggest searching examples of both types of outlines to see which one would work best.

2. Use a reverse outline of a model document. If you have a helpful document, you can outline it in reverse by using its headings and main paragraphs. This reverse outline can then be a guide for a new, similar document. Just be careful not to follow the reverse outline blindly. Each document poses unique requirements.

3. Use a prompt to help organize thoughts in a hierarchical order. To organize a statement of facts, I suggest the prompt “this case is about _______.” To organize an argument, I use the prompt “to win this case, I must prove _______. Prompts even work for transactional drafting: “the key to this deal is _______."

Legislative fee changes affect both Superior Court and Justice Courts

**CLERK’S CORNER**

Michael K. Jeanes
Clerk of the Superior Court

Although this column is generally about issues in the Clerk of Superior Court’s office, it is worth noting that upcoming legislative fee changes are taking place in both superior court and in the justice courts. Arizona’s Administrative Office of the Courts (AOC) recently sent the Clerks a summary of the changes. Selections from that summary are quoted and rephrased below.

“Legislation with an effective date of August 9, 2017, increases the amount of monies to be disbursed to the judicial collection enhancement fund (JCEF) ‘for the purpose of providing assistance, training and grants to courts to meet the minimum standards of courthouse security that are adopted by the Arizona Supreme Court.’ (See HB2540, sec. 23, signed May 12, 2017.) That same legislation amends the disbursement of fees provisions of A.R.S. §§ 12-284.03 (for superior courts) and 22-281(c) (for justice courts). The amendments to these statutes carry out the legislative change to the allocation of the filing fee to JCEF for court security purposes.”

Using existing authority and to match the legislative change, the Arizona Judicial Council endorsed a 2% increase in filing fees that covers the amount appropriated to the judicial collection enhancement fund (JCEF). The fee increases were enacted at the end of May through administrative orders amending the Arizona Code of Judicial Administration §§ 3-404 and 4-303, with an effective date of August 9, 2017. The new filing fee amounts are rounded to the nearest whole dollar amount and the AOC will be updating the fees accordingly within AZTurboCourt and eFileAZ.

The new superior court fees can be viewed on the Clerk’s website at http://www.clerkofcourt.maricopa.gov/fees.asp. Keep in mind that documents submitted for filing that are received by the Clerk’s office—whether at a file counter, by mail, or through a filing depository box—on or before August 8 will be subject to the current fees. Documents received for filing on and after August 9 will be subject to the new fees. The Clerk’s office may need to obtain the difference in fees from the filing party before the Clerk can accepting the documents for filing on and after August 9.

To notify the legal community, the Clerk’s office updated its website with the fee increase information, had flyers available at file counters, placed reminders in the office’s monthly publication, The Brief, and posted reminders on the Clerk’s Facebook and Twitter accounts. For regular updates from the Clerk’s office, follow the Clerk at www.facebook.com/MaricopaClerk; follow the Clerk on Twitter at @MaricopaClerk; and check the Clerk’s Corner column in the Maricopa Lawyer.

Visit The MCBA Online Career Center

www.maricopabar.org

Get them out of your files and generate revenue
Let an AV Rated Attorney with 30 years of experience handle them for you
Get help collecting past due child support and delinquent spousal maintenance

MICHAEL J. FULLER, ESQ.
3010 North Third Street, Suite 200, Phoenix, Arizona 85012
602-241-8599
michael@mjfullerlaw.com | www.mjfullerlaw.com

Contingency Fee Splitting available in compliance with Ethical Rule 1.5(e)
2017 MCBA BENCH BAR CONFERENCE

SEPTEMBER 15, 2017
PHOENIX COUNTRY CLUB

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

LUNCH
12 p.m.

PROGRAM
1 - 4 p.m.

COCKTAIL RECEPTION
4:15 - 6 p.m.

PRICING/PROMOTIONS
MCBA Member
$125.00
Public Lawyers/Paralegals
$65.00
Sustaining Members
$35.00
Non-Members
$175.00*

SPECIAL PRICING FOR GROUPS OF 4 OR MORE

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

Don't forget one of the reasons the conference is so popular and sells out quickly: our cocktail reception to network with the judicial officers!

Lunch, cocktail reception, appetizers and a drink ticket are included in the conference price!

- Register by August 15 and bring your paralegal for $35.00
- *Non members: Sign up as a NEW member and get your conference fee credited toward your membership (including the rest of 2017)

EMAIL
kdurazo@maricopabar.org for information and group pricing

MARICOPA COUNTY BAR ASSOCIATION
303 East Palm Lane, Phoenix, AZ 85004
Phone 602-257-4200
Email info@maricopabar.org

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

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Potential clients can be yours with the MCBA Lawyer Referral Service. The LRS receives more than 10,000 calls per year from people seeking legal assistance as well as attorneys referring clients outside their practice area.

AMONG THE AREAS NEEDING COVERAGE ARE:
- administrative law
- SSI-SSD/Medicare law
- workers’ compensation
- immigration
- Spanish-speaking and West Valley attorneys are especially needed.

It’s easy to join! Call Marcy Morales at (602) 682-8585

A multi-office national law firm is seeking LITIGATION ATTORNEYS, at all levels, for its Phoenix office. Experience preferred in the following practice areas: professional liability defense, health care defense, general liability defense, insurance defense, workers’ compensation defense, employment litigation, and commercial litigation. Also looking for litigation attorneys licensed in Nevada, New Mexico and/or Utah.

Portable book of business a plus.

Email resume to RESUME@QPWBLAW.COM

2390 E. Camelback Road, Suite 440, Phoenix, AZ 85016
In your opinion, why should Paralegals or Paralegal Students join or be involved with the MCBA?

I believe networking is one of the best things you can do for your career. The MCBA does a fantastic job of providing many networking and learning opportunities including conferences, CLEs, Ted-Talks, membership socials, charity events, etc. I encourage other Paralegals to join and attend. I feel there is a misconception that much of what the MCBA offers is limited to attorneys; however, in reality, very little is limited and paralegals are generally welcome.

What do you like the most about the Paralegal Conference? Or Why would you encourage someone to attend the Paralegal Conference?

The Annual Paralegal Conference is a great way to meet and mingle with other paralegals, gain valuable insight and career tools by attending the numerous CLE sessions, and meet new vendors that may be of assistance to you or your firm – whether it be now or in the future. If that doesn’t get you excited, there is always the chance of winning various prizes!

What do you like most about being in the legal field? There is rarely just one answer and even if there is a widely accepted, general answer – there is always room for argument. I enjoy working with attorneys to find the other answer that will work to our benefit. Also, as I enjoy document review and organization, discovery is right up my alley!

If you weren’t a paralegal what would you be?

As my undergraduate degree is in Marketing and Communications, there is a chance I would be doing something in the marketing/advertising field. However, I am also an avid animal lover and in the past, have aspired to be a marine biologist, animal trainer, zookeeper, etc. And of course, there is always the other obvious answer: an attorney.

What’s the craziest job you’ve had?

I wouldn’t say that the job itself was crazy, but the fact that I did the job was. I started looking for a job when I was about 15 and a half and, at that age, my options were slim. I took a job at an embroidery shop as it was the only place I could find that would hire someone under 16 years old. During my time there, I cut off the threads left on the embroidered items by the machines. That’s it! That’s all I did. It was very mundane. Needless to say, as soon as I turned 16 and had additional employment options – I hit the door running!

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

Sabrina, the Teenage Witch. Not only does she have magical powers and never ages, but she also has a hilarious (albeit devilish) talking cat. Sold!

Maricopa Lawyer
ARCHIVAL PROJECT
Calling all loyal readers and history buffs!

The Maricopa Lawyer is trying to assemble a complete archive of all MCBA monthly newsletters published since 1956 (or earlier if they exist) and all editions of the Maricopa Lawyer published since October 1982.

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The firm has changed its name from Berk & Moskowitz, P.C. in light of the departure of Frank W. Moskowitz to become a Maricopa County Superior Court Judge.
The Ethics of Ghostwriting

By Joseph Brophy

If you have been practicing law for any length of time, you have probably been asked to “ghostwrite” for a pro se litigant. In many cases, the requests started shortly after you told friends and family that you were taking the LSAT.

Whether and under what circumstances ghostwriting – the drafting of pleadings and other forms of assistance to unrepresented parties – is permitted varies from jurisdiction to jurisdiction. The split is most pronounced between the federal and state courts, with the federal courts mostly ignoring the many state courts and bar associations across the country that allow the practice.

The ABA views ghostwriting as a form of “unbundling” of legal services, whereby a lawyer performs only specific, limited tasks instead of handling all aspects of a matter. “Unbundling” refers to the fact that traditional legal representation includes a number of tasks (a bundle), which can be unbundled as part of a limited scope representation, which is allowed by ABA Model Rule 1.2(c).

The primary benefit of unbundling is that it makes legal services more accessible to populations that might not otherwise fit the traditional (and expensive) model of full-service legal representation. Low and moderate income litigants are far more likely to use unbundled representation than wealthier litigants. When viewed as a form of cost-effective representation, ghostwriting is a positive practice, given that pro se litigants lose cases at a considerably higher rate than represented parties and that the inaccessibility of legal counsel because of cost is one of the industry’s biggest shortcomings.

On the other hand, there is an ample disapproving of ghostwriting because it violates Rule 11 (the attorney of represented parties – is permitted from exercising prior restraint on student publications. If you have been practicing law for any length of time, you have probably been asked to “ghostwrite” for a pro se litigant. In many cases, the requests started shortly after you told friends and family that you were taking the LSAT.

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On the other hand, there is an ample disapproving of ghostwriting because it violates Rule 11 (the attorney of represented parties – is permitted from exercising prior restraint on student publications. If you have been practicing law for any length of time, you have probably been asked to “ghostwrite” for a pro se litigant. In many cases, the requests started shortly after you told friends and family that you were taking the LSAT.
Judge Q and A: Judge Joseph Kreamer

What do you like the most about your current assignment?
Helping families who are searching for solutions during a very difficult time. The family court calendar can be draining and even demoralizing at times, but there are opportunities to make a real difference if you are willing to engage.

What advice would you give a new lawyer?
Stay balanced. It is easy to get sucked into the vortex of billing, client demands, dueling with opposing counsel, etc. Don't lose touch with family, friends and doing the things you like to do.

What do you think has changed the most in the legal profession since you attended law school?
Technology, of course. When I started my first job after law school, we actually sent drafts of pleadings and memos to a "Word Processing" department where they would be retyped! Technology has made a huge difference, mostly for the better, but things move a lot faster, and that's not always a good thing.

What is your favorite thing to do when you are not working?
Hanging out with my family, exercising, playing golf and watching sports. There are very few sports I won't watch. I probably ought to get some professional help for that.

What is your favorite thing to do when you are not working?
Going to the gym and playing basketball. I enjoy being around other people and having a competitive spirit.

What piece of advice would you give your 20 year-old self?
Go for it and take more risks. Not necessarily the jump out of the airplane kind, but a willingness to try new things and meet new people.

If you weren't a judge what would you be?
Doing play by play for NFL, college basketball and various other sports. Either Jim Nantz or Joe Buck would not have a job right now if I weren't a judge.

Judge Bassett Retires

Judge Bassett joined Superior Court as a Commissioner in 1998. Since then, he's worked in all court departments, which included stints as the Associate Presiding Judge, Family Court Presiding Judge and Probate Associate Presiding Judge. Before joining the court, he worked as a staff attorney at the Arizona Court of Appeals and as a deputy public defender in the Maricopa County Public Defender's Office. He also worked in private practice in Seattle, WA before moving to Arizona.

Judge Bassett earned his Juris Doctorate from Columbia Law School in 1981, and his Bachelor of Arts from the University of Arizona in 1977.

After a distinguished career on the Superior Court Bench, Judge Edward Bassett retired in June.

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The YLD is sponsoring a Necessities Drive to collect toiletries and other items for local domestic violence shelters.

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- Preparation of traditional and electronic trial notebook.
- Preparation of exhibit and witness lists.
- Uses of hard copy and electronic exhibits at trial.
- Uses of courtroom technology including TrialDirector and other applications.
- Process of exchanging hard copy or electronic trial exhibits with opposing parties.
- Process of marking exhibits with the court.
- Fact and expert witness preparation for trial.
- Preparation of hard copy and electronic fact and expert witness files.
- Coordination with the court clerk in advance of trial.
- Courtroom considerations including logistics and electronic capabilities.
- Other trial preparation tasks to include jury instructions, voir dire, jury questionnaires, vocabulary lists, and contact lists.
- Deposition designations, both hard copy and electronic.
- Supplies and equipment needed for trial both in court and in the war room.
- Working on an out-of-state trial to include hotel, war room, transportation, and business services.
- How paralegals can assist during trial and in the courtroom.

**PRESENTERS:** Stacy Velasquez Palmer, Paralegal, Snell & Wilmer, former Division President  
Maureen Lynch Zachow, ACP, Paralegal, Snell & Wilmer, former Division President

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- Hon. Geoffrey Fish  
- Hon. Ronee Korbin Steiner  
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- Hon. Howard Sukenic

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- Hon. Geoffrey Fish  
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Obergefell's legacy
CourtWatch, continued from page 1

Oakley; She later argued that because Oakley is neither the child's natural nor adoptive parent, Oakley had no rights to temporary legal decision-making for C.T.,” he added.

Oakley disagreed, arguing that although she is neither the biological or adoptive parent, she is the presumed parent under A.R.S. § 25-814(A)(1), Section 814(A)—at the heart of this controversy—provides:

A. A person is presumed to be the father of the child if:
  1. He and the mother of the child were married at any time in the ten months im-
     mediately preceding the birth or the child is the product of a cohabitation
     between children and adults with whom they
     2. Genetic testing affirms at least a nine-
     3. A birth certificate is signed by the
     4. The judge initially agreed with Turner,
     5. Howe rejected Oakley’s arguments and
     6. After an evidentiary hearing—found
     7. The judge concluded, “Refusing to
     8. The judge noted in essence that granting
     9. Howe concluded, “its limited application to men
     10. Howe ruled that states may not “ex-

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Graciously accepting recognition as the Volunteer Lawyer’s Program (VLP) “Attorney of the Month,” attorney Thomas F. Hickey says, “I like to think my dad is smiling down on me and is proud I have chosen to help those less fortunate.”

Hickey is being honored for the pro bono work he has done for many years through VLP, and most especially the volunteer commitment he has been making to the Probate Lawyers Assistance Project (PLAP) since the summer of 2016. At PLAP, which takes place at the Maricopa County Bar Association, attorneys donate their time to provide advice and guidance regarding guardianships, conservatorships, informal and formal probates, and trust litigation matters.

PLAP Co-Directors, volunteer attorneys Kelly L. Kral and Tracy M. Marsh, nominated Hickey for having donated more than fifty hours to the clinic in less than a year. “In addition,” said Kral, “when it’s needed, Thomas often picks up an additional shift to fill the schedule.” Hickey says he likes helping people solve problems, and expressions of gratitude and appreciation are rewarding.

One of five children whose parents were teachers, Hickey might have found getting good grades in school a bit daunting. Instead, he tells a story of having challenged one of his elementary school teachers to a race to complete a math test. His classmates gathered round to cheer him on, and when he won the race, the prize for the class was an extra recess. He recalls, “The takeaway for me was that hard work pays off.”

A native of Arizona would likely chuckle at the thought of Flagstaff as a warm place to live, but compared with the climate in Chugach, Alaska, even northern Arizona in the winter would feel warm. A native of Arizona, Hickey says he was seeking a warmer climate when he chose an undergraduate education at Northern Arizona University. When he was ready to attend law school, he moved to an even warmer environment at the University of Arizona in Tucson. And when it was time to choose a place to begin his career, he moved to Phoenix and found he’d not only acclimated to desert weather, he’d developed relationships he wanted to continue here.

In the course of his career, Hickey has practiced in different areas of law, including commercial litigation, construction disputes, surety claims and defenses, real estate disputes, and business formation. But early exposure to estate planning, probate, and estate and trust administration introduced him to a growing need in these areas. He says his enjoyment and passion for this area of law has also continued to grow.

Speaking of the balance between his personal and professional pursuits, Hickey describes a family life filled with activities that revolve around two children and a dog named Reba. “My wife and I were blessed with twins, a girl and boy. They keep us pretty busy!”

Although busy at home and in his office at Gust Rosenfield, Hickey somehow makes time to engage in community service as a member of the Kyrene Rotary Club, the Wills for Heroes program, and the University of Denver College of Law Tribal Wills Project in Phoenix. His family and colleagues in the firm support his volunteer commitments. Acknowledging another “takeaway,” he says, “Pro bono work has opened my eyes to issues within my general practice area that I might not have otherwise encountered.”

PLAP gives thanks for a year of service

The Probate Lawyers Assistance Project, began in 2011, is a collaboration of the MCBA Estate Planning Probate and Trust Section and the Volunteer Lawyers Program. The all-volunteer project is directed by Kelly Kral of Dyer Bregman & Ferris, and Tracy Marsh of Boland Law Group.

PLAP ATTORNEYS

Marlene Appel Kent Berk
Barbara Berman
Adrian Betts
Rita Daninger
Allison Evans
Andrew Evans
James Fassold
Scott Ferris
Hillery Gagnon
Lauren Garner
Matthew Goldbato
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Emily Taylor
Kathryn Warner

PLAP SUPPORT VOLUNTEERS

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Julia Brown
Ryan Dorn
Eleni Fujiwara
Marlyn Griswold
Michael Hartscock
Alex John
Gregory Jones
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Sarah Lemley
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Kathy Thompson
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The Volunteer Lawyers Program provided $3,285,147 in economic benefit to families through cases completed during 2016. Thanks to all who participated and supported VLP!

Welcome, Sustaining Members!

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

- Ms. Barbara B. Berman
- Ms. Leonneesia Herd
- Ms. Terrie S. Rendler
- Mr. Bruce L. Bauman
- Ms. Hoon Carey Snyder
- Ms. Hyat (Ret.)
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- Mr. James P. Yeager
- Mr. James R. Harrison
- Mr. James T. Rayburn

(List updated July 14, 2017)
New Hires

Randy Nussbaum
Dean M. Dinner
Gregory P. Gillis
Paul F. Dowdell

The Scottsdale law firm of Nussbaum, Gillis & Dinner, P.C., has joined Scottsdale-based Sacks Tierney P.A. Among the five lawyers joining Sacks Tierney are bankruptcy attorneys Randy Nussbaum and Dean M. Dinner and construction attorney Gregory P. Gillis. Mr. Nussbaum is a Certified Bankruptcy Specialist (Arizona Board of Legal Specialization) and a Certified Business Bankruptcy Specialist (American Board of Certification). His areas of practice include complex bankruptcy law, real estate, construction, and contract law. Mr. Gillis is a litigator, mediator and arbitrator with nearly 30 years of experience in a wide variety of construction disputes, commercial litigation matters, real estate transactions and litigation, and bankruptcy litigation. Mr. Dinner’s practice emphasizes bankruptcy law, creditor-debtor rights, workouts, commercial transactions and commercial litigation. He is a Certified Bankruptcy Specialist (Arizona Board of Legal Specialization).

Also joining Sacks Tierney are attorneys Scott R. Weiner and Paul F. Dowdell.

Honors & Awards

On June 21st, Jay Zweig, Office Managing Partner of Bryan Cave LLP, and a former President of the Maricopa County Bar Association, was presented with the Outstanding Pro Bono Service Award by the Arizona Supreme Court. Zweig has practiced employment law and commercial litigation for more than 25 years representing private businesses, public corporations and governments in avoiding and resolving employment law disputes. Zweig serves as Bryan Cave’s pro bono coordinator and has handled pro bono cases for indigent and low income families and individuals throughout his career.

Goodman Law PLLC is pleased to announce that Managing Member Jeremy M. Goodman has been appointed to the national arbitration panel of the Financial Industry Regulatory Authority (FINRA). FINRA regulates both the firms and professionals selling securities in the United States and the U.S. securities markets.

Goodman Law PLLC was formed by Jeremy M. Goodman, a transaction, regulatory, and trial attorney who focuses his practice on matters involving financial institutions and other creditors—as well as acting as a neutral mediator and arbitrator of complex disputes. Jeremy is an experienced former banker, and graduate and executive student advisor of the Pacific Coast Banking School.

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