Superior Court on the Brink of Setting Record for New Judges
By J.W. Brown
Maricopa Lawyer

Events over the next month could make history for Superior Court in Maricopa County.

Three new judges—Helene Abrams, Bruce Cohen and Michael Kemp—are being sworn into office during the month of August. By Labor Day, however, their status as the newest judges on the bench could change as Governor Janet Napolitano begins filling the court’s seven vacancies.

A flurry of retirements from the bench and the creation of two additional judicial positions for the Superior Court provide a unique situation for the governor. She is in position to set a record for placing the most Superior Court judges in the shortest span of time.

The Maricopa County Commission on Judicial Appointments is awaiting public comment on 21 candidates for the seven judgeships. There will be a round of interviews, and the commission will hold its public vote on August 5 to decide which applicants will be nominated. The commission sends their roster of nominees to the governor and she appoints from the list after conducting her own round of interviews.

See New Judges page 12

O’Connor’s Success Born From Expectations of One
By Cari Gerchick
Maricopa Lawyer

The honor bestowed on a Supreme Court Justice of the United States Supreme Court—Sandra Day O’Connor—at the State Bar Convention’s Annual Gala two years ago has become even more poignant now in the wake of her resignation from the court.

Sandra Day O’Connor is much more than the icon she rose to as the first woman Supreme Court justice. O’Connor is a person, and as one who means so much to the Arizona legal community, it was important for me to research her life to find out exactly what makes her the person she is.

Many articles and books tell about O’Connor the jurist. But reading a book that O’Connor and her brother, H. Alan Day, wrote about their family ranch, the Lazy B, provided more insight into O’Connor the person. Also helpful was time spent combing through boxes of notes and photographs in the Day Family Papers, housed at the Arizona Historical Society in Tempe.

Even those who grew up in Scottsdale, the “West’s Most Western Town,” may have a hard time imagining life in early, rural Arizona. Reading about the Lazy B provides insight on the Arizona of a time before freeways and skyscrapers. Life on the ranch involved working until the work was done, and done right.

It would be impossible for a child today to imagine growing up on a ranch with no air conditioning or a Sony Play Station. Sandra Day played her own sort of video games with animals, particularly with her cat Snowball.

She didn’t sit in front of a television watching a movie’s scenery change; she rode her horse Chico from one well to another with her family’s favorite cowboy, Bug Quinn. In O’Connor’s world, she was the one taking action, not sitting passively; it was the landscape that stayed still. There was no Internet from which to glean information. One of her mother’s favorite traditions, for example, was going into town once a week to pick up her magazine subscriptions. The closest town to the Lazy B ranch was Lordsburg, New Mexico, and Sandra Day read the Lordsberg Liberal as a child.

O’Connor’s family and friends offered more clues about her character. Her siblings, Ann and Alan, shared wonderful stories about the justice of the Supreme Court. Alan once spent 30 minutes describing the exact specifications for accurately reproducing the Lazy B brand so it could be stenciled on every dessert plate at the State Bar dinner.

Three people in Arizona served as her Supreme Court law clerks: Arizona Supreme Court Chief Justice Ruth McGregor, Arizona Supreme Court Justice Designee Scott Bales, and Phoenix attorney Chuck Blanchard. Each has unique memories of their experiences. McGregor, who served as one of O’Connor’s first law clerks, spoke of the huge amount of fan mail the justice received during her first year on the court. Bales remembered fondly that O’Connor and her husband John would host a Sunday morning brunch at their Washington, D.C. home on the weekend of an annual reunion of her former law clerks.

People would come with spouses and children (sometimes referred to as the “grand clerks”). Blanchard recalled the O’Connor’s annual holiday card was always remarkable.

Each of the 45 tables at the dinner was named after something meaningful to O’Connor. There was the “Rathbun” table, named for the Stanford professor who encouraged Sandra Day to apply to law school. There was a table named for Isabel Burgess, whose resignation from her seat in the Arizona State Senate allowed the Maricopa County Board of Supervisors to make O’Connor a senator. The event’s program listed all the unique table names and their relevance to the justice.

As the dinner approached, preparations were smoothly in place. Then, five days before the dinner brought the death of former President Ronald Reagan, the man who transformed Judge O’Connor into Justice O’Connor. Naturally, O’Connor would be at the memorial service. It was on Friday, June 11, in Washington, D.C.—the same day as the dinner.

The Supreme Court justice spoke about the man who changed not only her life, but countless others. Then, the indefatigable O’Connor boarded a plane and traveled across the country to Phoenix for the dinner. She never complained about her long day that had started in a completely different time zone on the other side of the country.

Many people hail O’Connor as a symbol of the women’s movement. The irony is her gender doesn’t seem to have factored into her thoughts about what her life should be. She made choices because of what she wanted, not because of what society wanted of her.

See O’Connor page 14

Letter to the Editor is No Fire in the Theatre
By Daniel P. Schaack
Maricopa Lawyer

A unanimous Supreme Court put a First Amendment kibosh on a lawsuit seeking compensation for a published suggestion that it is appropriate to attack Muslims. Conceding that the letter to the editor was reprehensible, outrageous, and likely caused considerable apprehension to the Islamic community, the court nonetheless held the speech constitutionally protected. Citizen Publishing Co. v. Miller (Elleetree), No. CV-04-0280-PR (Ariz. July 1, 2005).
**Increasing Awareness About the Paralegal Profession**

Although paralegals have been a part of Arizona’s legal community for decades, I am often asked what it is that we do. Most people know that paralegals assist attorneys. Beyond that, the average person uninvolved in legal work has no idea what specific tasks we perform as part of our everyday job functions.

So what is a paralegal? Unfortunately, even after fielding this question time and time again, I have found myself unable to provide a simple answer to satisfy those who ask. I have rattle off a definition accepted in Arizona and similar ones used by other states and various paralegal and bar associations. However, these definitions fall short of providing people with a good understanding of what our job responsibilities are.

Prompted by the general public’s lack of understanding about paralegals and their responsibilities and limitations, the Paralegal Division has set its sights on filling this void. We have decided to produce an electronic presentation and informational brochure designed to familiarize people with professional paralegals and their work. Our goal is to make this readily available to people who have questions about the types of legal assistance they can obtain; those who are in the process of choosing a career; and attorneys and clients working with paralegals for the first time.

Through the generosity of the Maricopa County Bar Foundation, the Paralegal Division has been awarded a grant to explore the paralegal’s role in Arizona and share this information with others. It is important that we take advantage of this wonderful opportunity. With each way we convey our enthusiasm and generate interest in paralegals, we are provided a chance to demonstrate just how valuable our profession is to Arizona’s community.

If you would like to help increase awareness about the paralegal profession, please e-mail me at president@maricopaparalegals.org to help contribute to the success of this project.

---

**The Bench Says Goodbye to Arizona**

Everyone’s writing their ode to Justice Sandra Day O’Connor lately. And so should you. The words “non-nonsense” and “pragmatic” and the numbers “5-4” are thickly frosting the articles after her retirement notice.

Is anyone else just plain sad?

No more Justice O’Connor on the bench means one less woman. Most of the names flying around to replace her are Alberts, Johns, and J. Something the IIs. But what really bugs me is that no more Arizona on the bench (Justice Rehnquist practiced law on the bench means no more Arizona as a part of insisting that it’s a dry heat.

What future Supreme Court justice will be the Arizona ages, surely one for the Arizona ages.

---

**Becoming an Adobe Acrobat**

It is monsoon season and Electronic Case Filing season here in the Valley of the Sun. Did we really need to experience both of these phenomena during the same month?

As litigators practicing in the United States District Court for Arizona know, as of August 1, 2005, all documents submitted for filing in this district must be electronically filed. And for those of us previously unfamiliar with the differences between Pacer and filing in this district must be electronically filed.

Lesson No. 1:

Posting your court filing electronically on eBay does not meet the district’s requirements. But eBay does give you the opportunity to obtain “feedback” on your pleadings.

Local Rule Ws6qrp6: The ability to file pleadings on a 24-hour basis means that (a) your work day just expanded and (b) your favorite opposing counsel will never file anything except between 11:55 p.m. and 11:59 p.m.

Lesson No. 2:

Computers are people, too. Smashing your fist into the keyboard or yelling at the screen when you receive an error message (and you will receive error messages) does not solve anything. Just gently push “enter” and thank the machine for what little it does.

Local Rule X06qr7p: Submit proper proposed orders to accompany motions in appropriate WordPerfect format, scanned into PDF, but do not sign those orders, electronically or otherwise, as the court has still reserved that function for the judiciary. Similarly, although you may insert hyperlinks in court filings, and perhaps even (unsigned) orders, the hyperlinks should have something to do with the case, and the hyperlink to your law firm’s website may only be included once in such pleadings.

Lesson No. 3:

ECF was earlier introduced and perfected in the district courts in the state of California. This is apparently the administrative equivalent of insisting that it’s a dry heat.

Local Rule Y07qrp8: Attorneys admitted to practice in the District of Arizona are prohibited from sending support staff or messengers to the clerk’s office to attempt to “paper file” documents on or after August 1, 2005. And attorneys presenting themselves to the clerk’s office with hard copy documents for filing after August 1, 2005, will be summarily laughed at and have their photograph posted electronically on the district court’s home page.

---

**Maricopa Lawyer**

Maricopa Lawyer is published monthly by the Maricopa County Bar Association (Jay Zweig, President; Leandra Lewis, Executive Director). Contributions of articles and letters to the editor are encouraged. All materials must be submitted by the 10th of the month to be considered for the next issue. All submissions may be edited for content, length and style.

©2005 Maricopa County Bar Association
Hispanic Bar Calls for Prosecution of Haab

By Julio Laboy

Los Abogados, the state Hispanic Bar Association, along with a collection of human rights activists, community groups, and law professors, called on County Attorney Andrew Thomas July 11 to reconsider his decision not to prosecute Patrick Haab.

Haab gained national news attention last April when he held seven suspected undocumented immigrants at gunpoint near Gila Bend.

Los Abogados submitted to the county a legal memo researched and written in part by Phoenix attorney Anthony Bustamante analyzing the law and Thomas’ legal reasonings for deciding not to pursue Haab. The legal memo was signed by the Arizona Civil Liberties Union, among other groups, and turned over to Thomas’ office moments before the press conference outside the County Administration building in downtown Phoenix. The memo stated that Thomas’ legal argument in support of his decision was wholly inaccurate.

“Sheriff Arpaio and the United States Attorney (for the District of Arizona) Paul K. Charlton both disagree with the Thomas decision,” Bustamante said. “Thomas was elected to enforce the law and not turn the other way for political reasons... He stands alone.”

Special Assistant County Attorney Barnett Lotstein spoke on behalf of the Maricopa County Attorney’s Office.

“There were a number of people who wanted us to prosecute because they were fearful that not prosecuting would send a wrong message,” Lotstein said. “But we as prosecutors can’t prosecute if no law has been broken. That would be inappropriate.”

Lotstein said that the authority and responsibility to prosecute falls squarely upon the county attorney’s office, and that the office was of the opinion that no crime had been committed.

“We respect Los Abogados and we read their memo... There are differences of opinion. Reasonable people disagree. Our decision is predicated on our opinion that the law was not broken. He had a right to make a citizen’s arrest under the circumstances.”

Lotstein added that since Haab turned out to be correct in his assumption that the men were illegal immigrants accompanied by a coyote, his citizen’s arrest was thereby valid.

See Hispanic Bar page 14

Annual Charity Golf Tournament Moves to Cooler Weather, New Course

By Josh Becker

This year’s Wells Fargo Maricopa County Bar Foundation and Volunteer Lawyers Program Charity Golf Tournament will take place on October 22, 2005, at the Silverado Golf Club in Scottsdale. Wells Fargo has agreed once again to act as title sponsor of the event.

The annual tournament supports the efforts of the Maricopa County Bar Foundation and the Volunteer Lawyers Program, and its proceeds will be used for those in need of legal assistance. In July, the foundation gave $40,000 in grants to a variety of organizations that provide legal services to the community’s neediest. The Volunteers Lawyers Program continuously provides legal services on housing, family and consumer law issues and other civil matters to individuals, families, and children in our community.

To increase participant enjoyment, the tournament has been moved from its historically held month of September to October, when the weather will be more favorable.

In addition, the location has changed. The new course, Silverado Golf Club, is a some-what shorter course that allows for everyone to enjoy a morning on the links. Finally, the price to participate has been reduced. This year’s price for a foursome is $600 ($150 per golfer). The entry fee covers greens fees, cart rental, continental breakfast and lunch. Each golfer will also receive a t-shirt and additional items.

Beginning in August, golfers and non-golfers alike can support the worthwhile efforts of the Maricopa County Bar Foundation and Volunteer Lawyers Program by purchasing raffle tickets.

There will be a number of raffle prizes available, including: PING golf clubs, a 12-person suite at a Suns game, rounds of golf and more. A hole-in-one contest will win someone a car.

To obtain a registration form, inquire about sponsorship opportunities, or purchase raffle tickets, please contact Josh Becker at jbecker@coldstonecreamery.com or Pat Gerrich at pgerrich@clsaz.org or 602-258-3434 ext. 2630. A registration or sponsorship form may also be downloaded at www.maricopabar.org.

MCBA Announcements

2006 MCBA Board Members Needed

All candidates interested in being nominated to the Maricopa County Bar Association’s Board of Directors should please make their intention known to the MCBA Nomination Committee before September 15, 2005.

Please submit a letter of candidacy to: Glenn Davis, Maricopa County Bar Association, 303 E. Palm Lane, Phoenix, AZ 85004.

Your Silver Bullet.

Don’t throw up your hands and lose an opportunity when you think you may have to turn away a personal injury or products liability case. We can be your no-overhead litigation department, and we will pay you a referral fee in compliance with E.R. 1.5.

With four Arizona Bar Certified Injury and Wrongful Death trial specialists, our app rated law firm has the ability to help you win.

For complete information, call Jim Harrison in Phoenix at 602-252-8888

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 families in cases.

For additional information call or write:
Martin J. Solomon, Solomon, Reilhan, & Blake, P.C.
1951 W. Camelback Road, Suite 110 Phoenix, Arizona 85015
(602) 242-2000

For more information, please visit www.maricopabar.org
Machiavelli was correct. In war it is more effective to be feared than loved and the end result would be a more equitable solution for both giving us a chance to build a better Iraq for the Iraqis.

Reaction was swift. The Citizen published 21 letters from readers criticizing Wright’s letter.

Aly W. Elleithie joined Wali Yudeen S. Abdul Rahim in suing the Citizen. The Citizen moved to dismiss, but the trial court rejected its First Amendment argument. The newspaper found a more sympathetic ear in the Supreme Court.

Special protection
Writing for the court, Justice Andrew D. Hurwitz decided that the letter undeniably was speech concerning a matter of public concern—the war in Iraq. “When speech is about a matter of public concern,” he wrote, “state tort law alone cannot place the speech outside the protection of the First Amendment.” The next step was to determine whether any established exception precluded constitutional protection.

The plaintiffs argued that Wright’s letter was unprotected because it could incite imminent lawless action. Hurwitz noted the constitution’s guarantee of free speech allows states to forbid persons from advocating force or lawlessness only when the “advocacy is directed to inciting or producing imminent lawless action. “[I]t could be read as referring to the United States armed forces or to the public at large.” “It is similarly unclear whether the letter advocates violence against Muslims in Iraq, against Muslims worldwide, or against Muslims in Tucson.”

“Given the letter’s conditional nature and ambiguity,” Hurwitz wrote, “we do not believe that a reasonable person could view that letter as a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.”

Hurwitz and the court held that the letter was protected speech. The Citizen therefore could not be held liable. They ordered the case to be dismissed.

Sticks and stones...
First, Wright’s suggestion was attenuated—“premised on the occurrence of some future ‘assassination or another atrocity.” Second, it was unlikely that the letter would cause imminent lawless action. “The statement was made in a letter to the editor,” Hurwitz explained, “not before an angry mob.” He pointed out that the plaintiffs had not alleged that the letter had led to any violence. “Rather, the only thing that appears to have resulted from the challenged speech was more speech, in the form of numerous critical letters to the editor.” This sort of “vigorous public discourse” was just what the First Amendment envisioned, Hurwitz noted, “even when the impetus for such discourse is an outrageous statement.”

Hurwitz next rejected the contention that the letter constituted “fighting words”—words that “by their very utterance inflict injury or tend to incite an immediate breach of the peace.” “The statements at issue were made in a letter to the editor, he noted, “not in a face-to-face confrontation with the target of the remarks.” And the letter had no personally abusive words or epithets, despite its controversial content.

Finally, Hurwitz rejected the argument that Wright’s letter was a true threat. In determining whether words constitute a true threat, the context in which they were uttered is critical: “there is a vast constitutional difference between falsely shouting fire in a crowded theater and making precisely the same statement in a letter to the editor.”

Blame it on the politics
Hurwitz noted that the letter’s message was plainly political and was thus “far less likely to be a true threat than statements directed purely at other individuals.” He also noted that the letters section of a newspaper is “hardly a traditional medium for making threats” but is rather “a public arena dedicated to political speech.”

Finally, Hurwitz pointed out that it was ambiguous who Wright believed should take action. “[I]t could be read as referring to the United States armed forces or to the public at large.”

Hurwitz agreed that it was reprehensible to have resulted from the challenged speech. He pointed out that the plaintiffs had argued that Wright’s letter was more effective to be feared than loved and the end result would be a more equitable solution for both giving us a chance to build a better Iraq for the Iraqis.

Suing formalities
Just how formal does a complaint have to be to initiate a lawsuit? Not very. That’s what Division Two of the Arizona Court of Appeals held in Rowland v. Kellogg Brown & Root, Inc., No. 2 CA-CV 2004-0209 (App. June 20, 2005).

James Dennis Rowland was injured by an employee of Kellogg Brown & Root. He obtained counsel to pursue an action, but the lawyer withdrew before a complaint was filed. Several days before the statute of limitations was to expire, Rowland—acting on his own—sent a letter to the Cochise County Superior Court clerk:

On September 28, 2001, James D. Rowland was injured by a forklift operator employed by Brown and Root. Accident took place at Fort Huachuca Arizona. Law [suit] would be for Liability damages, bodily injuries, down time, and medical expenses, in the amount of $5 million dollars. Please call me with any questions.

Rowland enclosed the $130 filing fee, but the clerk refused to file the letter.

Rowland then hired counsel, who quickly filed a more formal complaint. Kellogg successfully moved for summary judgment on grounds of the statute of limitations.
SnapScan Your Way to Effective Document Management

By now you have probably come to the realization that the Adobe Acrobat PDF file type is taking over the electronic document world. If you haven’t, pay attention; you will see a very high percentage of downloadable Internet documents now come to you in PDF form.

The ease of it all

The reason is, of course, that the PDF file is easy to share and easy to save. More importantly, 80 percent of Internet users have the free Adobe Acrobat software needed to read and use PDF documents. I convert all of my documents to PDF now.

I can fax PDF documents from my computer desktop using the fax software that is built into Windows XP. I also receive my faxes on the desktop. The same is true with material downloaded from the Internet, which is converted into a PDF document with the click of a little button in the top right corner of your screen. In short, any document that you have in almost any electronic format can be converted to PDF with a mouse click.

PDF conversion

I promised that I would share how I convert all of my documents to PDF.

First, I have the full Adobe Acrobat Professional software. I use version 6.0 but there is now a much faster version, 7.0. Any document that is created on my desktop is easily saved as a PDF document by simply printing to the PDF printer that Adobe Acrobat installs on the desktop. The same is true with material downloaded from the Internet, which is converted into a PDF document with the click of a little button in the top right corner of your screen. In short, any document that you have in almost any electronic format can be converted to PDF with a mouse click.

Last Call for Pro Tem Applications

There is still time to apply as a Pro Tem Judge for Trial Courts of Maricopa County, which includes Superior Court and the Justice Courts. But time is running short.

Applications for new and existing Judges Pro Tem are due Friday, August 19. The required forms are available on the Internet at: http://www.superiorcourt.maricopa.gov/protem/index.asp

Letters with application forms have gone to attorneys on the active Pro Tem list to facilitate the reapplication process. If you are renewing your application but have not yet sent in your completed form, please do so as soon as possible.

Attorneys willing to provide their expertise and time are invaluable to the courts and the community. Over the past year, more than 300 lawyers volunteered as Judges Pro Tem.

Additional questions about requirements and the appointment process can be answered by Pro Tem Coordinator, Kathryn Wallace, (620) 506-6826.

Cheating in the 21st Century

Anyone who has felt the heat of trial has wondered whether a witness was lying, whether documents had been concealed or destroyed, or whether cheating in some form was influencing the process. A trial day sometimes raises as many new questions as it resolves.

Some commentators naively hold fast to the belief that cross-examination, liberal discovery, respect for the rule of law, and the adversarial system as a whole ensure that cheaters never win. But these are feel-good overstatements. The regrettable reality, as many judges and experienced litigators can attest, is that cheating routinely affects the legal process, and cheaters usually do not get caught.

Cheating endures in litigation for one simple reason: it works. One sentence in a memo or even a cryptic handwritten note can make or break the largest case. If that memo or note suddenly disappears, so might your client’s chances for success. The same is true of witness testimony. In many cases, a single well-placed fib, exaggeration, memory lapse, or trip to the shredder can accomplish as much as a team of high-priced lawyers.

The increased attention to evidence destruction—or spoliation as it is known—is perfect. High-tech advances that now dominate our lives—computers, word processors, laptops, e-mail, Blackberries, Internet, digital scanners, and voicemail—present new means for cheating, and the sheer volume of data now collected and stored affords increased opportunities. Estimates are that 6.6 trillion e-mail messages were passed through computer networks in the United States between 1997 and the beginning of 2000, according to a study by S.C. Guyne and John E. Dickerson.

Assuming that what you really want is evidence and not a fight about spoliation, there are things that can and should be done to minimize cheating and protect your client. Here are some suggestions:

1. Educate yourself and your clients on both the basic technology and the evolving law in this area. Can you explain to your client how to search for e-mail that may have been deleted? Do you know the process and timetable by which your client’s e-mails are destroyed?

2. Corporate counsel who do not understand the functioning of their company’s e-mail, voice mail, and computer systems can look forward to testifying about how the company did not know it could have preserved the destroyed evidence. Also, clients need to be warned that destroying electronic documents before trial pursuant to a routine document destruction policy can be deemed spoliation if the policy was put in place to deprive potential claimants of helpful evidence. Given that backup tapes are not usually very expensive, does your client have a good reason for destroying stored e-mail on a routine basis?

3. Don’t wait to act until your discovery notices go out. Early on, perhaps even before litigation begins, send “preservation” notices to potential discovery sources, requesting that they take steps to preserve e-mail, voice mail, documents stored within computer hard drives, and the hard drives themselves. The notice should spell out, in detail, that your request contemplates that they will also take steps to retrieve such information before it’s destroyed. If the party does not know how to do this, it should say so immediately.

Take a fresh look at how you define “documents” in your standard discovery instructions. If your instructions contain a rambling, antiquated block paragraph that uses terms you do not understand, such as “aural communications” or “any other type of data compilation whatsoever,” rework it. People do not feel compelled to respond to boilerplate. Clearly explain that deleted e-mail and documents are not necessarily irretrievable and that you therefore request the responding party to search for evidence on hard drives, networks, backup tapes, or whatever else is appropriate. You might also consider accompanying the request with an interrogatory that specifically asks what the party has done to ensure
Computing
continued from page 5

Scanning solutions
The problem is paper—and lawyers get lots of it! One urban legend says that as a national average, each of us uses a ton of paper every year. The technology needed to turn paper into electronic form has become quite good and cheap. I use the Fujitsu ScanSnap scanner, which is available online for under $350. It is very fast and extremely easy to use. It installs through the USB port and comes with the Adobe Acrobat Professional software as a part of the package. ScanSnap can be run completely from the desktop and scans pages at a rate of around 20 pages per minute. It is also a duplex scanner, copying both sides of a document with one scan. Its software is smart enough to not copy blank pages so that the final product is a single, complete PDF file. Everything runs on the included software, which also allows you to completely control the scanner from your desktop.

All document feeders jam from time to time. One of SnapScans great features is its ability to identify a paper jam and its ease in clearing it. In short, the scanner and its software are incredibly easy to use. Since Acrobat has a good OCR program built into it, your document needs are pretty much covered.

ScanSnap's one drawback is that it scans only to PDF and creates only PDF images. But once you have a PDF image, you can easily convert it to a number of other formats useful in a given situation. For example, if your trial support software requires TIFF images, they are just a click away.

Fax of the day
Suppose you want to fax a paper document to a colleague. You can use a typical fax machine, but it is much easier to use ScanSnap to create a PDF image, which you can save in an appropriate file and fax directly from the desktop. The saved file can also be sent as an e-mail attachment.

ScanSnap has almost completely replaced my old scanner. Because ScanSnap is only a sheet-fed scanner, you cannot scan three-dimensional objects. While you can scan photographs, the quality is only marginal. The scanner accepts paper sizes ranging from 11 by 14 down to business card size. The card scanning software is fantastic and scans business card information directly to Outlook.

Those abilities cover an awful lot of ground in my office. The other day, however, I received a proposal on a construction project that was drawn on a piece of cardboard with a pencil. I could not run it through ScanSnap but I was able to run it through my old flatbed scanner and e-mail it as a PDF attachment.

The price factor
High quality flatbed scanners designed to copy photographs and such are now very cheap. You cannot totally replace the flatbeds with ScanSnap, so you may want to consider other, albeit more expensive, options. ScanSnap has just come out in a Version 2. The old version is still available and may be a bit cheaper. The only change in Version 2 ($1100EX2) is software. Put $1100EX2 into Google and look for deals under $350. At this writing, Newegg has the Version 2 scanner for $333 (after a $50 rebate).

If you need a more high volume scanner that has a flatbed as well as sheet-fed capability, you have to go up considerably in price to maintain the quality of ScanSnap, in particular its duplex capability. You can get a terrific high volume duplex scanner that has the flatbed option for around $2000 from Canon or Xerox. If you don't need to scan both sides of documents, there are lots of options. I have used the Fujitsu 15C scanner, which costs under $1000. It works very well and has both sheet-fed and flatbed capabilities. It does not install through the USB port; instead it requires the installation of an included PCI SCSI card in your computer. That said, it is a great scanner and is pretty easy to install.

Hewlett-Packard has several scanners that are both sheet-fed and flatbed that are generally very highly regarded. However, I have had such trouble with Hewlett-Packard customer support that I cannot recommend the company's products. The bottom line: if you stick with scanners from Fujitsu, you will not go wrong.

Is all-in-one worth it?
You may be tempted by the all-in-one of non or Xerox. If you don't need to scan both sides of documents, there are lots of options. I have used the Fujitsu 15C scanner, which costs under $1000. It works very well and has both sheet-fed and flatbed capabilities. It does not install through the USB port; instead it requires the installation of an included PCI SCSI card in your computer. That said, it is a great scanner and is pretty easy to install.

Hewlett-Packard has several scanners that are both sheet-fed and flatbed that are generally very highly regarded. However, I have had such trouble with Hewlett-Packard customer support that I cannot recommend the company's products. The bottom line: if you stick with scanners from Fujitsu, you will not go wrong.

Tell Us!
Have you won an award? Is your law firm involved in an interesting community project? Send information for our People in Law Column to Maricopa Lawyer, MCBA, 303 E. Palm Lane, Phoenix, AZ 85004; fax to 602-257-0522; or e-mail to: kbrieske@mcbabar.org

TELL US!
Have you won an award? Is your law firm involved in an interesting community project? Send information for our People in Law Column to Maricopa Lawyer, MCBA, 303 E. Palm Lane, Phoenix, AZ 85004; fax to 602-257-0522; or e-mail to: kbrieske@mcbabar.org
Home is Where This Solicitor General’s Heart is

Mary O’Grady grew up in Phoenix, with strong roots in other parts of Arizona as well. Her father was born and raised in Nogales, where his family had been since the 1800s, and her mother grew up on a farm in Mesa. A little known fact about O’Grady? Her father was an Episcopal priest.

“I was born while he attended seminary in Berkeley, California, and when he graduated, he was assigned to McNary, and later to Winslow, where he was also responsible for the church in Holbrook. We moved to Phoenix when he accepted a position at Trinity Cathedral.”

**Change of plans**

O’Grady received a bachelor’s degree from Arizona State University. After a post-college plan to live in Mexico City for a year to improve her Spanish fell through, she pursued a graduate degree in history at the University of California at Santa Barbara.

From the moment O’Grady changed her undergraduate major from accounting to history, she thought about attending law school. But those thoughts didn’t become reality until she was working for a non-profit organization while finishing her master’s thesis.

“I thought the lawyers who worked with our organization got to answer the most interesting and important questions that arose. I decided that I would like to become a lawyer so that I could be the person figuring out the answers to interesting legal questions.”

O’Grady began her legal career at Lewis and Roca. Rather than settle in at the firm, she decided to spend some time in public service, accepting a position as counsel for the Democratic caucus at the Arizona House of Representatives.

“I did not view this as a permanent career change; I thought it was something I would do for a few years and then return to private practice.”

**Duty calls**

But it didn’t turn out that way. O’Grady found excitement in the work as a caucus attorney at the Legislature.

“You advise your caucus on potential constitutional problems with legislation and help them understand the legal implications of the legislation they are considering. You get to be part of a chapter in Arizona history.”

**Ms. Solicitor General**

In 1999, O’Grady accepted a position at the attorney general’s office, working in the solicitor general’s office coordinating the preparation of attorney general opinions.

This gave her the opportunity to work with influential people, notably Scott Bales, who was then solicitor general.

After Bales returned to private practice and the next solicitor general, Patrick Irvine, was appointed to the Court of Appeals, O’Grady was named acting solicitor general in 2002 and solicitor general in 2003.

In her role, O’Grady finds the legal issues fascinating.

“Part of our job is to defend the constitutionality of laws that our legislature or the people through initiatives approve. In the past year, we have handled lawsuits concerning the constitutionality of the Citizens Clean Elections Act, Proposition 200, and the tuition tax credit for private schools, to mention a few.”

**Comfort zone**

Because of O’Grady’s diverse legal experience, she is comfortable dealing with the wide variety of legal issues that cross her desk.

“I deal with difficult legal issues that often involve important public policy issues, so it’s helpful to have a solid understanding of state government and the state constitution.” She also understands the importance of an outstanding appellate practice.

“We have more cases before the Arizona Court of Appeals and Arizona Supreme Court than any other law office in the state, and it is important that we maintain institutional credibility with the appellate courts by doing consistent, quality work.”

O’Grady’s office strives to have the same respect at a state level that the United States solicitor general’s office has nationally. The challenge? “Use resources effectively so that we can keep up with the tremendous workload and do first-rate legal work.”

**All in a day’s work**

A typical work day for O’Grady varies.

She meets at least once a day with some group of people in the office, whether it is the attorney general and chief deputy or her own lawyers or those in another division within the office.

She reviews and edits memos or briefs, does legal research, answers legal questions, participates in moot courts, and attends oral arguments.

**Life goes on**

O’Grady has an even busier life outside of work—a husband and three children: a 12-year-old son and twin 10-year-old daughters. To maintain balance in her life, she tries to stop working in time to spend every evening with her family.

“I try to be there for dinner, homework and conversation until it’s time for the kids to go to bed.”

O’Grady and her family go hiking and biking in Crested Butte, Colorado every summer to escape the heat.

She and her children have also taken up a new hobby: gardening. “We really don’t know what we’re doing, but we have a nice backyard vegetable and herb garden that has become a family and neighborhood project.”

**A matter of time**

To maintain her close family circle, most of O’Grady’s community service involves activities her children are involved with: sports teams, girl scouts, and school functions.

For the past seven years, she has also taught fourth or fifth grade Sunday school at her church.

O’Grady is careful about how she chooses to spend her time.

“My goals and priorities are very personal. I do not make life decisions that are designed to please or impress other people. I try to make choices that will provide me with the most fulfilling, satisfying life I can have.”

For this powerful woman, it’s obvious where her heart is. And her success, both in her career and in her family, colors her life immensely.
Tim Berg has been appointed chairman of Fennemore Craig P.C.’s management committee.

Berg (J.D., 1975, UA), an appellate litigator, has served on the Fennemore Craig management committee for 10 years and chaired the firm’s utilities and telecommunications practice, as well as its appellate practice.

William Hardin, an attorney at Osborn Maledon, P.A., was presented the “Governor's Award for Excellence in Human Rights” by Governor Janet Napolitano at the Arizona Human Rights Fund dinner.

The new award was created to celebrate an individual’s dedication to improving communities and the state of Arizona. Hardin was recognized as a leader in economic development, using creative ways to drive Arizona’s economy and high tech sectors.

David P. Kimball III, a shareholding attorney at Gallagher & Kennedy, PA, has been named the 2005 Arizona Chamber of Commerce Volunteer of the Year and the Arizona Rock Products Association’s 2005 Associate of the Year.

Alex Navidad has been appointed to the Phoenix International School of Law Board of Trustees. The Phoenix International School of Law is part of the Infilaw Consortium of Independent Schools. Its Board of Trustees has general authority over the institution’s development in a manner that ensures a sound academic program, timely accreditation and appropriate use of resources.

Navidad (J.D., 1996, ASU) is a criminal defense attorney and partner at Navidad & Leal, P.L.C., and also serves as president of Los Abogados.

David P. Kimball III, a shareholding attorney at Gallagher & Kennedy, PA, has been named the 2005 Arizona Chamber of Commerce Volunteer of the Year and the Arizona Rock Products Association’s 2005 Associate of the Year.

Corey Babington, an associate at Quarles & Brady Streich Lang LLP, has been selected for the Valley Leadership Institute program. The Valley Leadership Program was formed in the late 1970s by a group of community members to ensure that as the Valley continued its rapid growth, a new generation of committed, well-informed leaders would continue to strengthen the community.

Babington (J.D., 2001, University of Kansas) focuses on regulatory and litigation matters within the firm’s health care practice group and spans a variety of health care providers and entities.

Brad Vynalek, also an associate at Quarles & Brady Streich Lang LLP, has been appointed to serve a two-year term as a member of the American Bar Association House of Delegates as a Young Lawyers Representative for the State Bar of Arizona.

In his role, Vynalek will join a number of delegates from the United States, Virgin Islands and the Commonwealth of the Northern Mariana Islands at bi-yearly meetings to discuss, review and vote on policy issues. As the policy making body of the association, any action taken by the House of Delegates on specific issues becomes official ABA policy.

Vynalek (J.D., 1999, UA) focuses on commercial litigation, creditor’s rights, construction litigation and advertising.

LaShawn Jenkins, an associate in Quarles & Brady Streich Lang, has been appointed to the City of Mesa Citizens Bond Committee.

This newly created committee consists of 14 residents tasked to review the City of Mesa’s capital improvement needs from 2006 to 2010, and to make recommendations to its council regarding a bond-funding program to propose to Mesa voters in 2006.

Jenkins (J.D., 2002, Howard University) practices in the area of bankruptcy and creditor’s rights.

The Arizona Chamber of Commerce serves the general business community by lobbying pro-business measures through legislative and regulatory processes. The chamber’s Volunteer of the Year award recognizes an individual who is dedicated to handling tough issues and who advances the organization’s efforts through volunteer work.

The Arizona Rock Products Association enhances, protects and preserves the long-term interests of the rock products industry through technical expertise, safety, environmental awareness, and an active involvement in the legislative, regulatory, and political process. The association honors one of its members each year with the Associate of the Year award.

Kimball (J.D., 1976, Brigham Young University) practices environmental and natural resources law and has extensive experience in federal, state and local environmental and natural resources permitting, compliance and enforcement.

Corey Babington, an associate at Quarles & Brady Streich Lang LLP, has been selected for the Valley Leadership Institute program. The Valley Leadership Program was formed in the late 1970s by a group of community members to ensure that as the Valley continued its rapid growth, a new generation of committed, well-informed leaders would continue to strengthen the community.

Babington (J.D., 2001, University of Kansas) focuses on regulatory and litigation matters within the firm’s health care practice group and spans a variety of health care providers and entities.

Brad Vynalek, also an associate at Quarles & Brady Streich Lang LLP, has been appointed to serve a two-year term as a member of the American Bar Association House of Delegates as a Young Lawyers Representative for the State Bar of Arizona.

In his role, Vynalek will join a number of delegates from the United States, Virgin Islands and the Commonwealth of the Northern Mariana Islands at bi-yearly meetings to discuss, review and vote on policy issues. As the policy making body of the association, any action taken by the House of Delegates on specific issues becomes official ABA policy.

Vynalek (J.D., 1999, UA) focuses on commercial litigation, creditor’s rights, construction litigation and advertising.

LaShawn Jenkins, an associate in Quarles & Brady Streich Lang, has been appointed to the City of Mesa Citizens Bond Committee.

This newly created committee consists of 14 residents tasked to review the City of Mesa’s capital improvement needs from 2006 to 2010, and to make recommendations to its council regarding a bond-funding program to propose to Mesa voters in 2006.

Jenkins (J.D., 2002, Howard University) practices in the area of bankruptcy and creditor’s rights.
Sensenbrenner Says Real ID Act Provisions Restore Asylum Law

By Joan Dalton

On May 9, United States House Judiciary Chair F. James Sensenbrenner spoke to students and faculty in Stanford University’s Public Policy program about the state of the federal judiciary, and, in particular, the tension between the legislative and judicial branches of government. Sensenbrenner told his audience that, at times, discussions pertaining to “the nature of what the courts do and their relationship to the national legislature…inspire commentary from policy makers and judges that is borne of visceral emotion.”

“[W]hile a commitment to civility is its own reward,” remarked Sensenbrenner, “the Constitution guarantees our right not just to disagree with a classmate or professor, but also a jurist, a president or a congressman.”

For his own part, Sensenbrenner has hardly been shy about expressing his disagreement with 9th Circuit judges’ review of orders of removal in asylum cases, as reflected in his avid support of the Real ID Act of 2005 (H.R. 418), which limits federal judicial review in such cases. In a letter to colleagues, Sensenbrenner wrote that changes emanating from the act would “return asylum law to the way it was before activist judges in the 9th Circuit had their way with it.” According to Sensenbrenner, the damage imposed by the 9th Circuit resulted from “[i]rresponsible judges [who] have made asylum laws vulnerable to fraud and abuse…[by] imposing presumptions that benefit suspected terrorists.”

On the floor of the House, Sensenbrenner remarked that “[l]iberal activist judges in the 9th Circuit have found that a lesbian was given electroshock treatment in Russia to cure her, not to persecute her, and that African women were subjected to genital mutilation for cultural reasons.” Similarly, the Hebrew Immigrant Aid Society predicts disastrous consequences when victims of religious persecution must “prove with unrealistic precision what is going on in their persecutors’ minds.”

The limitations on judicial review that are contained in the Real ID Act were incorporated into H.R. 1268, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005. On May 11, 2005, the Emergency Supplemental Appropriations Act was signed into law by President Bush as Pub. L. No. 109-13, 119 Stat. 231.

The Real ID Act, signed into law by President Bush on May 11, 2005, curtails judicial review in the area of immigration by (i) narrowing the federal courts’ authority to overrule an immigration judge’s order of removal; (ii) allowing an immigration judge to require an applicant to produce evidence documenting a claim of persecution; and (iii) requiring asylum applicants to prove that race, religion, nationality, political opinion or membership in a particular social group was at least one central reason for their persecution.

The limitations on judicial review that are contained in the Real ID Act were incorporated into H.R. 1268, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005. On May 11, 2005, the Emergency Supplemental Appropriations Act was signed into law by President Bush as Pub. L. No. 109-13, 119 Stat. 231.

■

Looking for more exposure for your business? Have space to lease or need to fill a position at your firm? To place a display or classified ad, call the MCBA 602-257-4200

Pro Consul
12,000 Medical & Technical Professionals
Reach your clients with Real Estate Consultants
Property Manager Expert Witness

Richard K. Olsen
Designated Broker
602-216-6600
Blue Chip Asset Management, Inc
www.bluechip-az.com

Court-Appointed Receiver
Real Estate Consultant
Property Manager Expert Witness

Richard K. Olsen
Designated Broker
602-216-6600
Blue Chip Asset Management, Inc.
www.bluechip-az.com

Xact
It’s good to belong.
This offer is exclusive to Maricopa County Bar Association Members.
The featured expert this month is Brian Ventre, owner of Ventre Insurance and Financial Services, a division of Nationwide Insurance Company. Nationwide Insurance Company is a Fortune 100 company, specializing in providing its customers with a full range of insurance and financial products.

Ventre addresses some questions regarding homeowner’s insurance as well as how to keep insurance premiums low while still having ample coverage.

Q What do market value and reconstruction cost mean in relation to homeowner’s insurance?

A The market value of your home reflects the price of your home in today’s market. It is the price of your home including the actual dwelling, other structures (i.e. swimming pools, fences barns), the land surrounding the home, and the desirability or quality of the neighborhood. The reconstruction costs of the home are the costs it would take the insurer to rebuild your home in the event of a total loss. This does not include the land your home is located on or the quality of your neighborhood.

Q Why would I want to pay more for a homeowner’s policy that has replacement costs on the dwelling and contents?

A By having replacement costs on your homeowner’s policy, you can be guaranteed that your home and belongings will be repaired and or replaced with products of like kind and quality in today’s market.

Q What are a few tips that you could give to keep my insurance premium as low as possible while still having adequate coverage?

A Here are a few tips to keep your premium low:

- **Schedule annual reviews with your agent.** An annual review of your insurance portfolio is as important as your annual checkup with your physician. By having an annual review done, you can be sure that you are carrying the correct coverage(s) for your situation. As your life changes, so do your insurance needs.

- **Don’t file a claim for a minimal loss.** An insurance policy is intended to be used for large losses, not everyday occurrences. Filing a claim for a small loss, such as a minor dent in your door or a small water leak in your bathroom may cause your insurance premium to go up dramatically. Each insurance company looks at these losses differently and the rate adjustment depends on a number of factors, such as how long you have been insured with that company, how many other claims you have had, how much the claim paid out, etc. Every company has their own method for adjusting rates. I recommend contacting your agent prior to making a claim and ask what type of impact the claim may have.

Brian Ventre can be reached at 480-396-4600 or via email at ventreb@nationwide.com. Ventre Insurance & Financial Services website is http://www.nwagent.com/brian_ventre.html. MCBA members receive a discount on automobile insurance with Nationwide.

Have something newsworthy to share?

Have you changed employment? Has your law firm named new partners? Send information for our Legal Moves column to: Maricopa Lawyer, MCBA, 303 E. Palm Lane, Phoenix, AZ 85004; fax to 602-257-0522; or e-mail to: khrieske@mcbabar.org
Cheating
continued from page 5

that all relevant documents and e-mail have been produced. In a federal court proceeding, remind your opponent of Rule 34’s definition of documents that includes “other data compilations from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonably usable form.” By taking these steps, the other side will get the picture that it had better educate itself.

Help your adversary. Given the explosion in the use of computers, e-mails, and various software, it may be burdensome to ask your adversary to produce all relevant electronic data. Your opponent may honestly have no idea about the various ways to access seemingly deleted electronic evidence. Consider offering to have your computer consultant assist your opponent in searching for electronic evidence. Undoubtedly, your adversary will object to having someone you have hired hacking around in his client’s computer system, but your consultant can provide unobjectionable methodologies for the other side to use in searching networks and databases. Follow-up depositions or interrogatories can confirm whether those methodologies were followed.

Probe your adversary about how adequately it searched its electronic files. In the old days, we would ask witnesses to tell us which paper files were searched and produced. Now, we must ask about electronic files as well. Make sure your depositions and paper discovery exhaust the witnesses’ knowledge of where, when, and how they searched for documents, both paper and electronic.

If you suspect foul play, get help. There is a cottage industry of electronic data recovery specialists. Find a good one. Lay the foundation for the existence of the electronic data, and its deletion, in interrogatories and depositions. Consider whether your specialist can find a way to retrieve the deleted information. Are there backup tapes? Is there a network server in which a copy of the document may reside? Is the hard drive available for examination? Are there computers other than the network server onto which an e-mail or document was saved? What information is available from your opponent’s fax machine?

With education and time, many of these issues will be sorted out. There is a committee studying the issue in order to recommend changes to the federal rules of civil procedure. In the meantime, much evidence will be lost, many litigation sidebars will occur, and judges will set a few examples so that the word gets out, but the system will suffer if better procedures are not implemented to discourage spoliation of electronic evidence.

Randy Papetti is a partner with Lewis and Roca, LLP, in the firm’s commercial litigation group and is the chair of the firm’s antitrust and trade regulation practice group.

Arizona Chapter of the National Academy of Elder Law Attorneys

Proudly Presents
AN ARIZONA SYMPOSIUM

Featured Tracks:

1. Basic Track for those new to the practice of Elder Law. Topics include: What is an Elder Law Attorney?; Public Benefits Overview for Seniors and Disabled Individuals; Long Term Care Planning; An Introduction to Special Needs Trusts; Guardianships and for Seniors and Disabled Individuals; Long Term Care Planning; and Annuities; Advanced ALTCS Planning; Creditor Issues Faced by

2. Advanced Track for the experienced Elder Law practitioner. Topics include: What’s New in AZ for Elder Law Attorneys?; TEFRA Liens and Annuities; Advanced ALTCS Planning; Creditor Issues Faced by Elder Law Attorneys

Friday, September 16, 2005
8:30 a.m. – 5:00 p.m.
at the
Embassy Suites Hotel Phoenix-Biltmore
2630 East Camelback Road
Phoenix, Arizona

Contact Donna Rainville, NAELA, to register!
(520) 881-4005, ext. 122
DRainville@naela.com

Space is limited so make your reservation NOW!

TELL US!
Have you won an award? Is your law firm involved in an interesting community project? Send information for our People in Law Column to Maricopa Lawyer, MCBA, 303 E. Palm Lane, Phoenix, AZ 85004; fax to 602-257-0522; or e-mail to: kbrieske@mcbar.org

Arizona Chapter of the National Academy of Elder Law Attorneys

Proudly Presents
AN ARIZONA SYMPOSIUM

Featured Tracks:

1. Basic Track for those new to the practice of Elder Law. Topics include: What is an Elder Law Attorney?; Public Benefits Overview for Seniors and Disabled Individuals; Long Term Care Planning; An Introduction to Special Needs Trusts; Guardianships and Conservatorships; and Estate Planning for Modest Estates

2. Advanced Track for the experienced Elder Law practitioner. Topics include: What’s New in AZ for Elder Law Attorneys?; TEFRA Liens and Annuities; Advanced ALTCS Planning; Creditor Issues Faced by Elder Law Attorneys

Friday, September 16, 2005
8:30 a.m. – 5:00 p.m.
at the
Embassy Suites Hotel Phoenix-Biltmore
2630 East Camelback Road
Phoenix, Arizona

Contact Donna Rainville, NAELA, to register!
(520) 881-4005, ext. 122
DRainville@naela.com

Space is limited so make your reservation NOW!

TELL US!
Have you won an award? Is your law firm involved in an interesting community project? Send information for our People in Law Column to Maricopa Lawyer, MCBA, 303 E. Palm Lane, Phoenix, AZ 85004; fax to 602-257-0522; or e-mail to: kbrieske@mcbar.org

Jason Venditti has joined Stinson Morrison Hecker LLP as an associate in its business litigation division.

Venditti (J.D., 2000, Quinipiac University of Law) focuses primarily on commercial litigation matters, as well as on labor and employment law. He has more than five years experience representing businesses litigation clients in a variety of matters.

Booker T. Evans Jr. has joined Greenberg Traurig as a shareholder.

Evans (J.D., 1978, St. Louis University) focuses his practice in the areas of white collar crime and commercial litigation and will be establishing a white collar criminal defense practice. He is experienced in the areas of criminal defense, commercial litigation, products liability, insurance matters, criminal and civil RICO cases and healthcare matters.

Greenberg Traurig has also added Daphne Barry, Jessica Hatley, and Robert Lamb as associates.

Barry (J.D., 1999, Gonzaga University School of Law) concentrates on construction law in the litigation department. Prior to entering the field of law, Barry was a design engineer.

Hatley (J.D., 2002, University of California at Los Angeles School of Law) focuses on business and finance in the corporate and securities area.

Lamb (J.D., 2000, Creighton University School of Law), also focuses on litigation, and was formerly legal counsel for United States Senator Robert Bennett’s Campaign Finance Committee.

Heather Fazio and Christina Retts have joined Jones, Skelton & Hochuli, P.L.C.

Fazio (J.D., 1997, ASU) concentrates her practice on insurance defense and construction defect litigation. She is admitted to practice in both state and federal courts in Arizona and Nevada as well as before the Ninth Circuit Court of Appeals.

Retts (J.D., 2004, ASU) concentrates her practice on municipal liability. Prior to joining the firm, she was a summer law clerk for Jones, Skelton & Hochuli and an extern for the Attorney General’s Office, Licensing and Enforcement Division as well as for the Hon. John Gammill of the Arizona Court of Appeals, Division 1.

Jennings, Haug & Cunningham, LLP welcomed Gina Lubbers and James Ugalde as associates.

Lubbers (J.D., 2002, DePaul University) and Ugalde (J.D., 2003, Arizona State University) both practice in the area of commercial litigation.

Rodney John Fuller has joined Fennermore Craig, P.C., as an associate in the intellectual property practice group.

Fuller (J.D., 2000, Brigham Young University) focuses on patent and related matters in the fields of biotechnology, pharmaceuticals and agriculture, and is registered to practice before the U.S. Patent and Trademark Office.

Marilyn R. Seymann has been appointed associate dean for external affairs at the Arizona State University College of Law.

Seymann (Ph.D., 1976, California Western University) previously was president and chief executive officer of M One, Inc., a business consulting firm, and served previously as associate dean of Arizona State University’s business school. Her background also includes leadership roles in government and charitable enterprises in Arizona and nationally, along with executive positions in major businesses and service on corporate boards of directors.

Brandon J. Kavanagh and Emily Auckland have both joined Gust Rosenfeld PLC in the firm’s real estate practice.

Kavanagh (J.D., 1997, George Washington University) concentrates his practice on commercial real estate, including purchasing, sales, leasing and management agreements. He is admitted to practice in Arizona and Maryland.

Auckland (J.D., 1993, University of Michigan) focuses her practice on commercial real estate and environmental law.
It is possible that the commission could send enough nominees to the governor for her to make at least three or four judicial appointments. Then on August 29, the remaining applicants would go through another round of review by the commission, with another list of nominees being sent to the governor to fill the final vacancies. It is possible that all seven appointments will be done before Labor Day weekend.

On May 24, the governor approved a request from the Maricopa County Board of Supervisors for two additional superior courtjudgeships. The increase went into effect on July 1.

Paired with the recent retirements of Judges Jeffrey Cates, John Foreman, Stephen Gerst, Michael O’Melia and Penny Willrich, the number of simultaneous vacancies swelled to a record level.

Collectively, the five retired judges accounted for 117 years of experience on the bench. Judge Cates for years held the designation of “Division 1” as the judge with the most seniority on the bench.

At the opposite end of the seniority lineup—the courts three newest judges being sworn-in this month—hops-chopped to Divisions 84, 85 and 86 before they even took the bench or having to work their way up the ladder from 93 (the division number with the lowest seniority). In the past it may have taken a judge a couple of years or more to move up one division number because of the low instances of retirements and resignations. Now it can be mere days or months that separate judges’ seniority instead of years.

While the 21 judicial hopefuls await the fate before the commission, the three new judges are celebrating their appointments to the bench with the pomp and circumstance of investiture ceremonies.

Abrams’ investiture is set for 12:30 p.m., Mon., Aug. 8; Cohen’s investiture is 12:30 p.m., Fri., Aug. 12; and Kemp’s ceremony is being held at 12:30 p.m., Fri., Aug. 19. The ceremonies are held in the Board of Supervisors Auditorium, in downtown Phoenix (in front of the Central Court Building).

A BEAUTIFUL AND LASTING WAY TO DONATE

Help to continue with the renovation of the Historic Old County Courthouse through a donation with a hint of posterity: buy an engraved brick to be installed at the restored 1931 fountain at the Old County Courthouse at 125 West Washington, Phoenix.

All bricks will be installed in four sections of the path surrounding the fountain on the north side of the Old County Courthouse. Proceeds will be used to help fund the Old Courthouse Justice Museum Project within the Historic Old Courthouse.

Cost per brick:

Two lines $65.00
(add third line $7.50)
Logo or artwork $150.00/brick
(for logo or artwork please provide reproduction-grade line art)
Tree Plaque $6,500.00
(on polished marble base)
Bench Plaque $2,500.00
(for bench or tree plaque engraving information, please call Mona Fontes at 602-257-4200 x131)

Brick engraving: 20 characters/line (letters, numbers, upper/lower case including spaces & punctuation). If all capitals = only 17 characters per line. (please print below)

Line 1 ____________________________________________
Line 2 ____________________________________________
Line 3 ____________________________________________
(third line optional: add $7.50)

One order form per brick - For additional bricks please copy form

Donor Information
Name ________________________
Firm ________________________
Phone _______ fax __________
Check enclosed ☐ Visa/Mastercard ☐
Card number ________________
Exp. ____________ Signature __________

Make check payable to:
Maricopa County Bar Foundation
Send form with payment to:
Maricopa County Bar Foundation
Attn: Mona Fontes
Fountain Restoration
303 East Palm Lane
Phoenix, AZ 85004
Or fax with payment information to 602-257-0522
AV-RATED SOLE PRACTITIONER in Mesa seeks an attorney with 2-5 years experience in commercial litigation and strong academic credentials. Send resume and writing sample to lcwright@qwest.net or fax to (480) 969-9084.

ASSOCIATE ATTORNEY – AV Phoenix law firm seeks associate attorney with 1-5 years of experience in civil litigation, excellent organizational, writing skills. Practice with emphasis on condemnation and litigation defense for municipal clients. Immediate case responsibility. Salary competitive. DOE. All inquiries are confidential. Send cover letter, resume to: Firm Administrator, The Pennartz Law Firm, P.L.C., 1601 N. 7th St., Suite 260, Phoenix, AZ 85006, or fax 602.712.9949. Phone 602.712.9939.

AV RATED COMMERCIAL/REAL ESTATE LITIGATION FIRM: seeks litigation attorneys (0-5 years experience). Superior academic credentials and highly motivated individuals sought for growing practice of 10(+) attorneys. Full benefits and salary negotiable. Please fax resume to 480-838-8400. Phone 480-998-1616 or fax 480-998-4091. No collections. zukerman@cox.net or phone Ph. D., P.E. (480) 832-7744.

EXECUTIVE DIRECTOR, ARIZONA CENTER FOR DISABILITY LAW. Non-profit public interest law firm, J.D. with 8 years legal/5 years management experience or relevant advanced degree with equivalent experience in similar organization. Resume and letter of interest to Search Committee, ACCLI, 3839 N. 3rd Street, #209, Phoenix, AZ 85012. 520-602-3307.

DECONCINI MCDONALD YETWIN & LACY, P.C. (Phoenix office) seeks a commercial litigation associate with 3-5 years’ experience. Good academic background, Arizona admission, and residency in Phoenix Metro area are required; previous medium or large firm experience preferred. Portable business a plus, but not necessary. Sophisticated practice in casual, collegial environment. Opportunity for early responsibility and advancement. Direct resumes or inquiries to dsanderson@dmlphx.com or 602-282-0520 (fax).

GALLAGHER & KENNEDY has an immediate opening for attorneys with one to four years experience in real estate transactions and two to three years experience in environmental regulatory and administrative issues. Excellent academic credentials are required. For further information on the positions, visit our website at www.gknet.com. Send resume to: Amanda Powell, Attorney Recruitment Coordinator, Gallagher & Kennedy, 2575 E. Camelback Road, Phoenix, Arizona 85016; E-mail: arp@gknet.com; Fax: (602) 530-8500.

GREENBERG TRAURIG – PHOENIX office seeks attorneys for its expanding office. Greenberg Traurig is an international, full service law firm with 1,350 attorneys and governmental professionals in 27 locations in the U.S., Europe and Asia. GT is the largest national/international law firm with offices in Arizona. Please visit our web site at www.gtwlaw.com, for information about our current openings.

LITIGATION ATTORNEY: SANDERS & PARKS, P.C. has an opening for a litigation attorney with 2 – 4 years experience, with an emphasis on commercial litigation and construction defect litigation. Applicants must be admitted to the Arizona Bar, have excellent academic credentials and significant practical experience. All inquiries will be handled in strict confidence. Mail resumes to: Angie Lara Sanders & Parks, P.C. 3030 N. 3rd Street, #1300 Phoenix, AZ 85012-3099.

LUBIN & ENOCH, P.C., approaching its 20th anniversary as a leading Arizona law firm focused on representing labor unions in all sectors of the national economy, seeks an associate attorney for its downtown Phoenix office. Full and part-time applicants will be considered. Our attorneys routinely appear before arbitrators as well as all courts and administrative agencies in matters arising under traditional (e.g., National Labor Relations Act and Railway Labor Act) and non-traditional labor and employment law representation. Our progressive “AV”-rated firm is a member of the AFL-CIO Lawyers Coordinating Committee and is listed in Martindale-Hubbell’s Bar Register of Preeminent Lawyers. Applicants must possess excellent research and writing skills and, of equal importance, a strong commitment to representing the interests of working people. A willingness to seek admission to the State Bar of Texas within the first year of employment and undertake occasional travel to our new satellite office in Dallas is also required. Please mail cover letter and resume to: Nicholas J. Enoch, Lubin & Enoch, P.C., 349 North Fourth Avenue, Phoenix, Arizona, 85003-1505.

MARTIN HART & FULLERTON P.C. is seeking an associate with 2-4 years experience to handle an insurance defense case load. Please fax resumes to 480 838 9302 or email to fullerton@mfhcc.

WANTED: Attorney to accept a case on a contingency fee basis please call (602) 253-4770.

OFFICE SPACE

HOURLY OFFICE SPACE. $10.00 per hour for beautiful furnished office and Conference room at the Mirage Executive Suites. Water features and soothing Tuscan décor. Business identity packages available starting at $50.00 per month. See us at 10575 N. 114th Street, Suite 114. Scottsdale AZ 85259 (480) 344-7700 or at www.miragesuites.com.

OFFICE SPACE TO SHARE...POSSIBLE “OF COUNSEL” RELATIONSHIP. Sole practitioner practicing in primarily real estate, creditor’s rights and bankruptcy law has office in up-town high-rise to share with attorney having a compatible and complementary practice. Potential exists for some referrals. Includes use of conference room, copier, fax and telephone system. Secretarial station available. Call (602) 241-0019.

ONE OFFICE AVAILABLE, LAW OFFICE 44TH STREET & THOMAS. Park-like setting. Use of Conference room, receptionist, copier and fax. Secretarial station available. Includes racquetball courts/exercise facilities. Call Terry (602) 952-8500.

PROFESSIONAL LEGAL OFFICE SPACE. Several very nice suites available in one of downtown’s more popular small office buildings. Close to all courts. Amenities include a receptionist, phone system, two conference rooms, gym with Jacuzzi, and lots of free parking. Perfect for solo practitioner or two person firm, private detective or court reporter. This is a highly desirable location and space usually does not last long. Call Dave Rose at (602) 340-8400. 1440 E. Washington Street, Phoenix, AZ. Available immediately.

SCOTTSDALE/BIRD LAW OFFICE AVAILABLE. Phone system, computer network, conference room/library, process service available, copy machine, fax machine, high speed internet, etc. Kitchen w/refrigerator, microwave, dishwasher. Call Phil: 480-941-4359 or www.jrglaw.com.

SHARED OFFICE SPACE... POTENTIAL “OF COUNSEL” RELATIONSHIP with international law firm. Beautiful law suite. Small firm practicing primarily in the areas of international transactions throughout the globe, with an emphasis upon international real estate investments, resort properties and time-sharing condominiums. Offices in Mexico and other countries for 29 years and Bali, Indonesia office opened in 1996. Seeking “Of Counsel” in various areas of support to our international law practice. Also separate suite sublease for 2 attorneys. Call (602) 263-9111.

SUBLEASE from AV attorney in beautiful Tempe Suite: window offices and secretarial stations for 1-2 attorneys. Turnkey setup ideal for solo or includes covered parking, conference room, high speed copier, fax, telephones w/ voice mail, kitchen, Westlaw, etc. Baseline & McClintock conveniently located near US60 and Loop 101. 480-730-1777 or 480-820-4505.


SERVICES


JUDGMENTS COLLECTED. $0.00 up-front cost to you. $0.00 maintenance costs (we pay all costs). Split $ only on actual collections. zukerman@cox.net or phone 480-998-1616 or fax 480-998-4091. No costs taken from your share, we pay it all. Call us for information. Ask for Gerald.

MICHAEL L. KEITH - CONSTRUCTION SERVICES, INC. Construction Investigation Expert services, inspections, cost of repair. When a home inspector just isn’t enough! Has someone been taken advantage of? Construction defects? – Work incomplete? Do you have water or mold problems? If answer is yes, then you need our services “Special program for qualified seniors” Licensed ROC 106235 • Bonded • Insured WWW.EXPERTSAZ.COM O-602-843-8888, M-602-541-6945, F-602-547-2397.

OTHER

**Legal Briefs**

**Federal Judicial Conference may voice opinion on Possible 9th Circuit split**

Two new Senate bills and one House bill introduced to Congress at the end of June seek to reorganize the 9th Circuit into multiple circuits. Senate Bill 1301, sponsored by Senator John Ensign, [R-Nev.], would split the 9th Circuit into three circuits, while Senate Bill 1296, sponsored by Senator Lisa Murkowski [R-Ark.] would split the 9th Circuit into 2 circuits. On June 23, 2005, both Senate bills were read twice and referred to the Committee on the Judiciary.

A House bill sponsored by Rep. Michael Simpson [R-Idaho], H.R. 3125, would also split the 9th Circuit into two circuits. Simpson earlier introduced bills advancing 9th Circuit reorganization in January 2005 (H.R. 211 and H.R. 212); however, these bills have not been acted on since referral to the House Subcommittee on Courts, the Internet, and Intellectual Property.

Two Judicial Conference Committees—the Court Administration and Case Management Committee and the Judicial Resources Committee—will make recommendations to the September 2005 Judicial Conference on whether the conference should take a position on the issue of splitting the circuit.

**Souter's Swing Vote in Kelo v. City of New London to Haunt Him?**

Justice David Souter's vote in a controversial 5-4 decision issued by the United States Supreme Court on the subject of eminent domain may come back to bite him. A British website (www.telegraph.co.uk) is reporting that angry protestors are organizing a counter-attack, by plotting to seize Souter's nineteenth century home outside the town of Weare, New Hampshire, and turn it into a hotel.

Souter cast the swing vote in Kelo v. City of New London, in which the Supreme Court ruled that for purposes of eminent domain, the definition of "public use" could include private development projects if officials see a direct benefit to the general public. "By his own ruling, Weare [has] the jurisdiction for such an action because the hotel project... will benefit the town by creating new jobs and a higher tax revenue," says Logan Darrow Clements, the counter-attack's organizer. Clements adds that since announcing the plan he has already received "5,000 offers of help [ranging] from venture capitalists wanting to put in money, to architects wanting to draw the plans."

Opinion polls report that a vast majority of Americans disapprove of the ruling.

**Citing Unpublished Federal Court Opinions Receives Initial Nod**

On April 18, 2005, the Advisory Committee on Appellate Rules of the United States Courts voted 7-2 in favor of Proposed Federal Rule of Appellate Procedure 32.1, which would allow federal court decisions designated as unpublished or non-precedential to be cited in the United States Courts of Appeal.

At a meeting held on June 15 and 16, 2005, the Standing Committee on Rules of Practice and Procedure approved the Advisory Committee's recommendation. The proposed rule will next be considered by the Judicial Conference, which is chaired by the chief justice of the United States Supreme Court. Traditionally, the chief justice calls the full conference together for an annual meeting in September.

If approved by the Judicial Conference, the proposed rule is transmitted to the Supreme Court for consideration. Although the Supreme Court may prescribe that the new rule be implemented, the last say rests with the United States Congress, which has a statutory period of at least seven months to act on the Supreme Court's order. If Congress does not enact new legislation to reject or defer the rule, they typically take effect on December 1.

**Hispanic Bar continued from page 3**

"He guessed right." If you guess wrong, he said, then and only then are you exposed to criminal liability.

The April incident sparked a firestorm of controversy with Latino groups arguing that Haab violated the law. Indeed, Haab was arrested at the scene after he called 911 to report holding the seven men at gunpoint. "That's aggravated assault. You can't point a gun at people because of the color of their skin," Bustamante said. But others argued that what Haab did was simply make a citizen's arrest of a group of men breaking immigration laws. In the days that followed the incident, many supporters flocked to Haab's side arguing that illegal immigration continues to damage the country and the state. Haab said he believed the men to be in the country illegally and that they frightened him while he walked his dog at a rest stop.

Also present at the press conference was Prof. Charles Gallegos of Arizona State University Law School who spoke on behalf of the Arizona ACLU. Thomas' legal analysis was faulty and inaccurate, Mr. Gallegos said. Representatives with the Mexican American Legal Defense and Educational Fund as well as the League of United Latin American Citizens were present voicing their frustrations saying Thomas was choosing politics over sound legal analysis.

"As a matter of law Patrick Haab had no authority to make a citizen's arrest for an immigration violation," said Orde Kittrie, a professor at ASU Law School, in explaining the coalition's legal analysis of the arrest, release, and ultimately non-prosecution of Haab. Only a federal agent or an officer can enforce such violations, he added.

Kittrie most recently served as the U.S. State Department's Director of International Anti-Crime Programs, overseeing United States policy and working on such issues as transnational crime, including corruption, money laundering, intellectual property piracy, cybercrime, and alien smuggling. "You can't just point guns at people," he said.

**Letter to the Editor**

Dear Editor:

The State Bar applauds Scott Bales' appointment to the Arizona Supreme Court [in June] because Bales has an exceptional legal mind; deep, well-rounded experience; and just the right temperament to be a judge on our state's most important court.

But we're also deeply concerned. Concerned because at least one high-profile special interest group attacked Bales' nomination calling him "a political crony" and "left-wing political activist." The group uses phrases like "judicial activism" to scare people into thinking we have judges running amok making whimsical decisions based on their personal beliefs. That's just not true.

Those attacking Bales have not been critical of his legal abilities or qualifications but that's the only yardstick by which our judges should be measured. Bales is simply brilliant. He earned both a masters degree in economics and a law degree from Harvard. He was Solicitor General in the Attorney General's Office, served as Deputy Assistant Attorney General for the U.S. Department of Justice, as Special Investigative Counsel for the Justice Department's Inspector General, and as a federal prosecutor in the U.S. Attorney's Office in Phoenix. He has served as a judge pro tem for the Superior Court, Court of Appeals and worked as a lawyer in private practice.

And he even clerked for U.S. Supreme Court Justice Sandra Day O'Connor.

The bottom line is that, no matter which political party he belongs to, Scott Bales will be an exceptional justice.

So why should you care? Because we are witnessing a growing attack on our judges like we've never seen before. When you walk into a courtroom you want a judge to decide your case based on the facts and the law, not based on their personal political beliefs or on whether the judge is beholden to a group with particular ideals.

Our country is based on a checks and balances system that makes sure judges are separate from the politicians and from political pressures. Judges must maintain their independence. Our democracy depends on it.

Our independent judiciary is a critical guardian of our most precious liberties. Tampering with that independence is a frightening break from everything on which our American system is founded.

We're warning you now that the drumbeat attacking the judiciary will only grow louder over the next 12 months. Don't be fooled. You deserve the best judges who can administer the law fairly without regard to public reaction or political persuasion.

Sincerely,

Helen Perry Grimwood
State Bar of Arizona President

This letter to the editor was originally published in the Arizona Republican on June 18, 2005.

**O'Connor continued from page 3**

went to law school because she wanted to go.
She found a way to practice law (as a deputy county attorney in California) although law firms only wanted her services as a paralegal. She left the active practice of law for five years while her three sons were young. But not because she felt that society demanded this of her; she demanded it of herself.

O'Connor's appointment and confirmation sent an unmistakable message to little girls everywhere: you can do what the boys do - if you work hard. Just weeks before O'Connor announced her resignation from the court, McGregor remarked that, "the only limitations we have are those that we make. And since we make them, we can move them."

O'Connor has made a lifetime out of moving beyond the expectations of others. Millions of us thank her for showing that we can do the same.
Foundation Awards Annual Grants

The Maricopa County Bar Foundation held its annual awards breakfast on July 11, at the University Club. The foundation raises and distributes funds to numerous organizations in an effort to enhance the rule of law and the system of justice in Arizona.

Each year, the Board of Trustees awards grants to organizations and projects which support the mission of the Foundation. Selected recipients focus on programs that relate to the administration of justice, ethics in the legal profession, legal assistance for the needy, encouragement of legal research, publications and forums, and the education of the public.

Maricopa County Bar Foundation Chair Donald Alvarez acted as the event’s key speaker, while Pat Nolan, immediate past chair and the 2005 grant coordinator, presented the awards. Chosen recipients spoke about what their organization does, how the grant money would be applied and what it meant to have the support of the foundation.

This year’s recipients included: Justice Project, Inc., Azarion for Children, Inc., Civil Justice Clinic at ASU College Of Law, Advocates for the Disabled, Inc., Community Initiatives YMCA Arizona, Senior Citizens Law Project; The Never Again Foundation; MCBA Paralegal Division; Volunteer Lawyers Program; Save the Family Foundation of Arizona; and Indian Legal Clinic at ASU College of Law.

Founded in 1983, the Maricopa County Bar Foundation is the charitable arm of the Maricopa County Bar Association.

E-Filing No Longer a Thing of the Future

Beginning this month, the United States federal court system is requiring attorneys to file cases electronically as PDF documents. The Arizona state courts recently announced they will also begin their transition into electronic filing over the course of the coming year.

Are you prepared to make the transition into the e-filing world?

The Maricopa County Bar Association continues to team up with ICM, Inc. to offer attorneys and other legal professionals an opportunity to learn the ins and outs of e-filing and Adobe Acrobat Training.

The four-hour class, a combination of lecture, demonstrations and hands-on sessions, teaches attendees how to use Adobe Acrobat to more effectively and efficiently manage the workflow of e-filing and electronic trial preparation, as well as how to use Acrobat 6.0 Professional for e-filing.

Maricopa County Bar Association Board Member Kevin Quigley presents the e-filing office management portion of the class. Quigley, an attorney at Quarles & Brady Streech Lang LLP explains how e-filing works and what the technical minimum requirements are; benefits of e-filing and provides e-filing tips such as creating electronic signatures and witness affidavits.

The Phoenix Attraction: Why Legal Careers are Started Here

By Rachel Bacalzo

Special to Maricopa Lawyer

How might a law student view the practice of law in Maricopa County? Is Maricopa County appealing or unappealing? What does the Maricopa County Bar Association have to offer and what is missing? The Maricopa County Bar Association’s Task Force on the Recruitment and Retention of Minority and Women Lawyers sought the answers to those questions from two law students working in Phoenix this summer.

Lindsay Richardson is a native Phoenician. She attends Arizona State University College of Law School and is a summer associate at the Denver-based law firm, Sherman & Howard L.L.C. Emily Guerin, a native New Yorker, attends law school at the University of Miami, L.L.C. Emily Guerin, a native New Yorker, is working as a summer associate at Lewis and Roca LLP.

Upon graduation in 2006, both Richardson and Guerin hope to begin their law careers in Phoenix.

Richardson: Phoenix is my home. I was born, raised and educated here. I have not thought of practicing anywhere other than Phoenix. Since I started law school, I have worked for The Honorable Stephen M. McNamee and other law firms in town. Based on that experience, I have observed the benefits of knowing others in the legal community. The business contacts and friendships I have made over the years will ease my transition from law school to the practice of law. For being such a large city, I have found it relatively easy to become acquainted with other attorneys and summer associates in Phoenix.

Guerin: I have personal ties to Phoenix. In addition, I worked for The Honorable Susan R. Bolton last summer. Phoenix is beautiful and is rife with opportunities for someone right out of law school. For example, community involvement is important to me. Many of the attorneys with whom I work are involved in community activities. I believe it will be possible for me to get involved early in my career as there are many organizations who are seeking the assistance of professionals. Even though I attend law school in Florida, I do not in any way feel like an outsider. I am looking forward to living and working here.

B: Describe your experience in finding a summer associate experience in Phoenix

Richardson: I relied on the advice of my mentors. The best advice I received and followed was to find a work environment in which I would thrive personally and professionally. I found the process to be time consuming and somewhat stressful because it involved time away from class and homework but well worthwhile.

G: No Phoenix firms recruited at my law school. I researched several firms and contacted the firms in which I was interested. I found the law firms with whom I corresponded and interviewed to be very receptive to me even though I attend an out-of-state law school. The process was time consuming but I am pleased with my selection.

B: Some firms allow their summer associates to split the summer by working for different firms. Are you participating in such an arrangement?

R: I spent the first half of this summer working in Sherman & Howard’s Denver office. I will spend the second half of the summer in the firm’s Phoenix office. I enjoyed living in Denver and the camaraderie of my fellow summer associates.

G: I am spending my entire summer in Lewis and Roca’s Phoenix office. I work with seven other summer associates. Our diversity is demonstrated by the fact that most of us are from different states.

See Phoenix page 16
The Maricopa County Bar Association and its Task Force on the Recruitment and Retention of Minority and Women Lawyers thank the following law firms and organizations for making the MCBA Summer Associate Social 2005 possible:

- Arizona Women Lawyers Association
- Bryan Cave LLP
- Fennemore Craig
- Gallagher & Kennedy P.A.
- Greenberg Traurig
- Gust Rosenfeld
- Jennings Strouss & Salmon, PLC
- Lewis & Roca LLP
- Osborn Maledon
- Quarles & Brady Streich Lang LLP
- Snell & Wilmer, L.L.P.
- The Cavanagh Law Firm

Your support of this community-building event is greatly appreciated.

Thank you

---

**Phoenix**

_continued from page 15_

my summer associate class speaks a foreign language. We get along very well and support one another. The firm has offices in Tucson, Las Vegas and Albuquerque, and I will be spending a day in Tucson with the other summer associates.

B: Does anything stand out to you about your summer experience?

R: I am grateful for the practical experience I have gained. I met with a client and was given the opportunity to interview witnesses. In addition, I participated in a deposition and an employee training session. For recreation, a favorite activity was going to a Dude Ranch with my fellow summer associates, where we went skeet shooting, horseback riding and had a cookout.

G: A highlight of my summer was meeting Governor Janet Napolitano and Mayor Phil Gordon. Also, my summer associate class went rafting down the San Juan River.

B: Are there any memories you care to share?

R: I enjoy teaching my out-of-state colleagues about Arizona. I had to convince a friend that it is unnecessary to soak a locust shell with insecticide because the locust is no longer living in the shell.

G: On a humorous note, I saw my first roadrunner. I was amused to discover that roadrunners are not tall like the Looney Tunes character. Typically, they are only a few inches tall.

Rachel M. Bacalso is an attorney with Sherman & Howard L.L.C., where she defends the interests of employers in a wide variety of labor and employment disputes before state and federal courts and administrative agencies. She is a member of the MCBA Task Force on the Recruitment and Retention of Minority and Women Lawyers.

---

**Celebrating three years in private practice!**

**Leah Pallin-Hill**

Mediation & Arbitration Services, PLLC

Former Superior Court Commissioner/Judge Pro tem

Focused ~ Experienced ~ Effective ~ 98% + settlement rate

For out of court resolution of civil disputes:
- Personal Injury
- Professional Malpractice
- Commercial
- Construction
- Family Matters
- Employment
- Real Estate
- Nursing Homes

2375 E. Camelback Rd. Ste 500
Phoenix, AZ 85016
602-387-5323
leahpallinhill@aol.com

---

**A wider perspective:**

What the legal community expects from a law school devoted to the big picture.

Creative, versatile graduates with panoramic vision for today's complex legal challenges.

www.CaliforniaWestern.edu

**CALIFORNIA WESTERN**

School of Law | San Diego

What law school ought to be."