The Arizona Supreme Court has overturned the Court of Appeals’ order in Arizona Citizens Clean Elections Commission v. Brain, 233 Ariz. 280, 311 P.3d 1093 (App. 2013), which had temporarily stayed the effect of a recent legislative amendment to campaign-contribution limits. The parties await the court’s promised opinion explaining its ruling.

In its most recent session, the legislature adopted HB 2593, which in part increased campaign-contribution limits for candidates for statewide and legislative offices by amending A.R.S. § 16-905. A group led by the Arizona Citizens Clean Elections Commission challenged HB 2953 in a suit against the Secretary of State, arguing that the amendment violated the Voter Protection Act — a set of constitutional provisions that generally preclude the legislature from repealing or changing voter-approved laws.

The superior court turned down the commission’s request for a preliminary injunction, tentatively concluding that the VPA did not apply to § 16-905, which the voters approved 12 years before it approved the VPA. The commission challenged that ruling with a special action.

In the special action, the court of appeals did not address the VPA argument. Instead, it ruled that HB 2953 had actually failed in its attempt to change the limits applicable to clean elections. While HB 2593 amended § 16-905, the clean-elections limits were actually established in a different statute, A.R.S. § 16-941, which cross-referenced § 16-905. The court ruled that despite the cross-reference, § 16-941 had actually fixed the campaign-contribution limits rather than merely establishing a formula that relied on § 16-905’s numbers. Thus, the legislative amendment of § 16-905 had not accomplished the legislature’s goal of amending the clean-elections limits; § 16-941’s limits remained in effect.

The court noted that its ruling did not answer another question that had been raised: whether the limits were unconstitutionally low. It therefore remanded the case to the superior court for further proceedings. In addition, it issued a preliminary injunction enjoining the Secretary of State from enforcing and implementing the provisions of HB 2593 that increased the campaign-contribution limits. As the court noted, “[t]his preliminary injunction reinstates the status quo in existence before September 13, 2013,” HB 2593’s effective date.

President of the Senate Andy Biggs and Speaker of the House Andrew Tobin, who had intervened in the matter to defend HB 2593, petitioned the supreme court for review, asking it to address pretty much all the issues that had been raised in the case. The supreme court agreed to take the case, but it limited itself to a single issue: whether the court of appeals had correctly concluded that “when the voters enacted the Clean Elections Act in 1998, they fixed campaign contribution limits as they existed in 1998.”
The only thing greater than the feeling of annoyance I endured when I received a jury duty summons in the mail was the feeling of pride and satisfaction I felt after I served.

I remember learning in middle school that one of the many reasons cited by our founding fathers for declaring independence from Great Britain was because U.S. colonists were deprived, in many cases, of the benefits of a trial by jury. Even armed with that little nugget of information, or certain, I had more pressing matters to attend to — client deadlines, fine-tuning a research memo, keeping up with new legislation, business development, folding laundry, etc.

There was always something interesting. As stated on the city of Phoenix's website, “[a]s citizens of this country, if we are accused of certain criminal acts, we have the right to trial by jury. By the same token, we have the responsibility to act when called upon to serve as a juror.” Like the privilege of voting, jury duty is one significant way we can take part in the democratic process. The people of America rely upon the rule of law to protect life, liberty, and the pursuit of happiness. As true as those sentiments may be, that was not the first time that came to mind upon receiving my invitation to jury duty.

The day started out as expected. I got herded into a waiting room like cattle. Donuts and coffee were offered, how nice.

Is it me or does everyone in this room want to be somewhere else? Then there was the waiting. I responded to some emails, made some calls and read the news online. My impatience began to grow. I reminded myself that I'm a transactional attorney. My impatience was growing.

The last time I was in court as an active participant was when I swore an oath upon being admitted to the bar. And trial attorneys should be mandatory before being admitted to the bar. And trial attorneys should be mandatory before being admitted to the bar.

As stated on the city of Phoenix’s website, “Jurors have a relatively extraordinary responsibility.” Those chosen from the masses to serve as juries are extraordinary. Some provided insight into people's backgrounds, education, experience and pre-dispositions. Some people were tolerant, others, less so.

Could the defendant have killed someone if he got to the road? Could he have killed someone I know? And then some legal questions started to peek out. Can I even consider the last two questions in determining the defendant’s innocence or guilt in this case?

Slowly, some consequence-related questions emerged. Is that kind of evidence presented at trial, my fellow jurors and I reached a guilty verdict, will my decision deprive the defendant of the ability to earn a living? To see his children? And then back to legal. Can I consider the last two questions in determining innocence or guilt?

And this was a relatively straightforward DUI case in which no one got hurt. One could easily imagine the questions that would arise in cases with more tragic facts.

Jury duty should count as CLE for all attorneys. Serving on jury duty should be mandatory before being admitted to the bar. And trial attorneys should be able, and encouraged by their mentors, to volunteer for jury duty so that they can perform their craft.

From a less tangible perspective, are you familiar with that sense of pride you get right after you vote in a public election? You know, the feeling that you participated in something more important than yourself, in a process that makes this country the best in the world? I felt a similar feeling after jury duty, except instead of being one of millions of votes, I was one of a handful.

Jurors have a relatively extraordinary responsibility of deciding guilt or innocence, life or death, victim or perpetrator. It may not be more important than voting for a public official, but it’s not less important, either.

Those chosen from the masses to serve with me took their duties seriously. Everyone listened, spoke and asked questions. Some of the questions were insightful. Some provided insight into people's backgrounds, education, experience and pre-dispositions. Some people were tolerant and patient; others, less so.

Deliberations began. We all heard the same story, but it quickly became obvious that we each took different pieces with us back to the deliberating room. As we sat around the table discussing the case, it occurred to me that these deliberations happen every day in courthouses throughout the land. Although I'm a little embarrassed to admit it, at one point my ego got the best of me and I quickly wondered what happens in other cases when I’m not present to insert my background, education, experience and pre-disposition into the jury’s deliberation? And then, rather quickly, the reality check from within asked, more importantly, wouldn’t I benefit from the presence of someone who wasn't serving on this jury? Someone with a “better” background, a higher level of education, more experience, and a fairer pre-disposition? What questions weren’t we asking? Are we missing anything? Are we going to reach the right decision?

At one point during the discussion, a fairly reasonable truth occurred to me — as a collective, the jury members are equality in action. No individual in the jury room, regardless of education, background, experience, or pre-disposition, is more important than the other. It is difficult for me to recall if I’ve interacted with people in a similar manner, ever. Even as early as nursery school, the teacher had more input and control than the students. In business, there’s almost always a supervisor. At home, I almost always defer to my wife. But in that jury room, there was no single person of authority. Instead, we were all persons of equal authority. And, some of us realized that the only thing in the deliberating room ensuring that the justice system was operating as it was intended, was each other.

I may not have gotten CLE, but I most definitely got an education.

I'm an American citizen. Like most of you, I've read the U.S. Constitution and the Declaration of Independence. I vote. I've seen presidents take the oath of office. I've witnessed loved ones take the oath of citizenship. After taking all that into consideration, I’ve never felt closer to our country's constitutional principles and our legal system than I did when I served on jury duty.
Lights, camera … fashion!

On March 8, 2014, the scene at the Barristers Ball will be bustling with hundreds of legal professionals dressed in stunning ball gowns and fancy tuxedos and suits. For at least one night out of the year, we will be true fashion icons, just waiting to be discovered.

As many of you know, the ball is one of the MCBA’s largest events of the year. This year, the event will be held on Saturday, March 8 at the picturesque Camelback Inn Resort & Spa, located at 5402 E. Lincoln Drive in Scottsdale. Cocktails and silent auction will begin at 6:30 p.m., and dinner and dancing will begin at 7:30 p.m. As a continuation of last year, there will also be a casino night.

The beneficiary of the silent auction is the Maricopa County Bar Foundation, which is the charitable arm of the MCBA. Over the past 25 years, the foundation has awarded $515,000 in grants to worthy organizations and programs which help meet the legal needs of the community. Access to justice for disadvantaged citizens has been the foundation’s highest priority, followed by legal education for a wide range of audiences. By attending the ball, you will allow the foundation to give more grants to legal charitable organizations. You can register for the Barristers Ball online at www.maricopabar.org or contact Laurie Williams at (602) 682-8585.

The ball is the legal gala of the year. Please join us for a night of fun, fashion and philanthropy.

Practice pointer: Dress for success

You don’t need to dress like Harvey Specter from “Suits” or Julianna Margulies from “The Good Wife” to make a good impression. After all, those TV characters have unlimited wardrobe options and personal stylists, and many of us do not. That being said, all attorneys should build a functional wardrobe for their practice.

Writing this column has made me keenly aware that I am NOT the right person to be giving fashion advice. I will often hold onto old clothes for several years after a particular trend has expired (like the camoouflage cargo shorts that are still in my closet). While I am not qualified to give fashion pointers, we can rely on the experts.

Fashion experts say men should choose a tailored suit and avoid colors that look like something you would wear to a funeral or a wedding. Stick with gray, pin stripes and tasteful brown colors. Ties should complement your suit and shirt selection. Footwear should be clean and well polished. You may even consider keeping a shoe shine kit in your office, like my colleague Bryan Murphy, whose shoes are notoriously well polished. Clothing for attorneys can be found at a variety of department stores and specialty shops. In fact, did you know that by being an MCBA member, you get a discount at Brooks Brothers? By enrolling for a Brooks Brothers corporate membership card, you can save 15 percent on regular and everyday value-priced merchandise at their stores or online. For those on a smaller budget, consider shopping at Last Chance or resale stores like Well Suited.

For women, the gamut of fashion is constantly changing. However, experts say you should start off with at least three tailored suits. Your remaining wardrobe will likely be a combination of knee-length dresses, skirts, stylish blouses and straight-leg or skinny pants. For colors, avoid bright shades. Stick to blacks, whites, grays and pastels. Try to avoid heels that are too high. Also, select a single-color purse that complements your outfit. Pinterest may provide some trending fashion ideas for women lawyers. You can search for pins and boards called “lawyer looks” for some inspiration.

For new attorneys, select a wardrobe that is both comfortable and appropriate for the setting. Dress codes vary from firm to firm, so try to get a sense during the interview process or shortly after you are hired. Many firms and companies also allow for casual Fridays. Always remember, though, if in doubt, dress formal.

Vulnerable and incapacitated adults are being neglected and abused in Arizona Nursing Homes, Assisted Living Facilities, and Group Homes with impunity.

State agencies charged with the protection of the elderly and the disabled have failed to honor their responsibility.

Only the plaintiff’s bar and the jury system can help families redress their grievances.

Solomon & Relihan pioneered vulnerable abuse litigation in Arizona in 2001 and continues to represent the interests of the elderly and disabled.

To discuss your client’s potential claim call Martin Solomon at 602-285-7777.

We share fees with referring counsel pursuant to ER 1.5.
Finding passion in what you do

It’s February and I just got married so I am feeling lovey dovey. Let’s talk about love or, should I say, passion, for the work we do. Sometimes as paralegals/legal assistants, we lose the passion for the job. There are days when we just don’t want to deal with “that client,” “this boss” or even “that co-worker” for one more minute. Well, I say let’s get that passion back! I found a great little article that spoke about some exercises that we can do to find the passion for our careers.

We all have the inherent power to transform ourselves and our life situations for the better. Most of the time, it is as simple as a shift in our perspective. The following is an exercise to help get out of a negativity space and mentality. This exercise is tailored to find passion in your job, but it really applies to every area of life.

1. Take a notebook with you at all times.
2. Systematically note the things that are pretty darn good about your job. Things you enjoy. Things you are grateful for. Co-workers you like.
3. Take one thing from this list that is important to you and significant to the company. Come up with a simple one-month project where you will be increasing that component in your daily life. For example, if you work with a few pleasant customers, then the project could be, how do I get more clients like that? Or, how do I get our current clients to be like that? Or, how do I get more work with those pleasant clients?
4. Do something every day to help you accomplish your project’s goal. It’s best to do this in the morning as a priority item. But, anything during the day will give you a boost.
5. Evaluate your progress at the end of the month. Give yourself more time if you need.

By actively practicing the exercise above, you will discover that there are many things that are great about your job and your present situation. The act of noting the things you like will take you to a different space. If you continue with points three through five consistently, by the end of the year, you will have completed as many as six projects that are important to you and are significant to the company.

This exercise forces you to change what you focus on, which changes your perspective and outlook. You will find that you are no longer in the job you dreaded, your entire professional life has changed and your ideal job has grown around you. Recognize that you were the creator of that ideal job and the creator for this positive space you are currently living in.

I hope you find this information valuable and you are able to apply some of these techniques, not only in your career but in your personal life as well. I would also like to emphasize that taking the time to volunteer, possibly with the copious opportunities we have at the MCBA, will help you to find some passion and maybe warm your heart a little. (Insert shameless plug here.)

Just a reminder, the Paralegal Division meets on the second Monday of every month at 5:30 p.m. at the MCBA office. The meetings are open to all members and non-members, and they are a perfect chance to offer new ideas, connect with other paralegals, get an insight as to what we provide as a division and learn about what we do in the community.

To obtain more information about the Paralegal Division, please visit www.maricopabar.org and click on the Maricopa County Bar Foundation link located on the homepage sidebar.

A Small Donation Makes a Big Difference

Arbitration Fee Donations Help
Partnering with the Maricopa County Superior Court, the Maricopa County Bar Foundation (MCBF) is once again encouraging attorneys assigned to arbitration to donate the $75 fee to the Foundation’s fundraising efforts.

It’s Easy to Contribute
The court has made it easy to contribute with a convenient “pro bono” check-off box located at the bottom of the Invoice in Support of Request for Warranty, a form provided in your arbitration packet. For more information, go to www.maricopabar.org and click on the Maricopa County Bar Foundation link located on the homepage sidebar.

Thank you for making a difference!
A survey conducted by the MCBA and Charles W. Pine, a public-relations consultant hired by the association, and released to the public disclosed that members annually donated more than $18 million in time to community-service projects.

In spite of the Watergate scandal, ABA president Chesterfield Smith noted that a national survey disclosed that, for the first time, the public ranked lawyers as the most respected profession.

The MCBA had been working closely with state legislature on many bills involving the judicial system, salary of judges and legislation involving lawyers — such as no-fault divorce, no-fault insurance and the Uniform Probate Code.

There were approximately 578 MCBA lawyers participating in the Lawyer Referral Service. In the prior year, close to 4,000 referrals were made.
It’s not all filing and finances at the clerk’s office

The clerk’s office anticipates serving more than 100 couples on Valentine’s Day. Wedding plans vary, with some getting married the same day their license is issued. With marriage licenses valid for one year in Arizona, other couples plan far in advance. It is common for couples to marry or have their license issued on particularly memorable days. In 2011, couples took advantage of January 1, September 10 and November 11 (1/11/11, 9/10/11 and 11/11/11, respectively). Similarly, 2012 and 2013 had popular dates: 10/11/12, 12/12/12 and 11/12/13. Occurrences of these easy-to-remember dates are dwindling in our calendar system. Some of the clerk’s customers receiving a marriage license on this year’s Valentine’s Day are already planning a Saturday wedding for the end of the year. 12/13/14.

Not all couples are so deliberate about specific dates. Some lean toward the practical, with an eye on the federal tax code. The clerk’s office receives an annual rush for licenses in the closing weeks of each year. The office issues approximately 19,000 marriage licenses per year, averaging 75 licenses issued each business day. Over the last five years, the clerk’s office has issued more than 100,000 marriage licenses, with an average of over 120 licenses on Valentine’s Day or the business day before.

The clerk’s office issues marriage licenses during regular business hours at its locations across the Valley. Some Justice Courts and the Youngtown City Court are deputized to issue licenses on behalf of the clerk. After the marriage ceremony, all licenses are returned to the clerk’s Customer Service Center in downtown Phoenix for recording as public records. The fee for a marriage license is $76.

Strategic plan

The clerk’s office is implementing its strategic plan for 2014-2015. Although a strategic plan is not mandated, it has proved to be a valuable tool for the clerk’s office. Like the business sector, the clerk’s strategic plan identifies trends and applies resources to a list of priorities. In the past, the office has focused on eFiling, the electronic court repository, improving service to customers, and retaining a professional workforce. By following its strategic plan and making adjustments, the office has consistently focused on customer service while performing under budget through innovation and automation.

The clerk’s mission is to provide progressive and efficient court-related records management and financial services for the justice system, legal community and public so that they have fair and timely access to accurate court records and services. The office’s vision is to anticipate, meet and exceed the expectations of our customers. For more information about the office, or to provide feedback and suggestions for the strategic plan or other clerk’s office functions, visit www.clerkofcourt.maricopa.gov.

In addition to court records and exhibits management, financial accounting and victim restitution, issuing marriage licenses is among the clerk’s responsibilities. Valentine’s Day is the office’s busiest day for issuing these licenses. In 2014, Valentine’s Day is on a Friday, which will drive many customers to obtain their license from the clerk before the weekend. Many of these customers will stay on the courthouse campus to have a Justice of the Peace perform their ceremony immediately after business hours.

From the judges’ perspective:
A CLE offering tips for bankruptcy practitioners

By Amber Pershon

The MCBA Bankruptcy Law Section recently hosted a CLE titled “Practitioners Do’s and Don’ts from the Judges’ Perspective.” Judge Edward P. Ballinger, Jr., Judge Daniel P. Collins and Judge Brenna Moody Whinery shared tips and answered questions regarding practitioner etiquette. The presentation included the judges’ advice on local rules, practices inside and outside the courtroom, and reminders on professionalism.

Practitioners should always review and be well-versed in both the local rules and the individual procedures required by each judge. The Local Rules Committee is currently reviewing and updating the Local Rules and Judges’ Procedures. The committee welcomes practitioner input and may contact committee member Linda Weber at lindsi.weber@gknet.com. Practitioners can also obtain local rules updates by subscribing to the bankruptcy court clerk updates at http://www.wabomc.uscourts.gov/default.aspx?PID=16. In addition to the local rules, practitioners should follow the U.S. Trustee’s fee guidelines when filing a fee application available at http://www.justice.gov/ust/eeo/rules_regulations/guidelines/index.htm. The judges offered several practice tips on oral presentations to the court. The first suggestion is that if you are in the same county as the court, you should be present in the courtroom.

Today there are a lot of electronic alternatives to in-person courtroom appearances. While these methods are helpful when it is not possible to appear in-person, the best practice is to be physically present in the courtroom. When present, practitioners and witnesses should focus on the judge and make eye contact to assist the judge in credibility determinations.

The judge in credibility determinations.

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Today there are a lot of electronic alternatives to in-person courtroom appearances. While these methods are helpful when it is not possible to appear in-person, the best practice is to be physically present in the courtroom. When present, practitioners and witnesses should focus on the judge and make eye contact to assist the judge in credibility determinations.

The judges also recommended that practitioners keep them informed and address their questions promptly. When a practitioner is asked a question during oral argument, he or she should address that question and provide a concise answer before making other points or renewing other arguments. Likewise, to save the court’s time and unnecessary preparatory work, practitioners should notify the judge as soon as the parties reach a settlement. The judges also provided practice tips on written requests to the court and professionalism. The judges reminded attendees that parties should make an earnest effort to resolve any discovery disputes and a declaration filed under Local Rule 901.3(c) should note such earnest efforts. The declaration should be more than a simple email to opposing counsel insisting on materials. The same spirit of cooperation should be extended to joint pretrial statements, in which it is important that counsel work things out and jointly — rather than unilaterally — file their pretrial statements.

Additionally, counsel should always be civil in both the courtroom and written practice. Particularly, practitioners should be mindful of their gestures and body language while an opposing party is presenting in court. The last — and most important — tip the judges provided is that practitioners should always dress professionally in the courtroom. In particular, practitioners should never wear native and blue (University of Michigan colors) in Judge Ballinger’s court or maroon and gold (Arizona State University colors) in Judge Whinery or Judge Collins’ court. (Obviously, they said this as a joke.)

In sum, the judges welcome and encourage practitioners to get involved with the court and provide that following these simple tips will contribute to a more efficient and professional bankruptcy bar.

Amber Pershon is a member of the Maricopa Lawyer Editorial Board and a law clerk for Judge Samuel A. Thomma in the Arizona Court of Appeals.

MCBA Office closed for Presidents Day

All events at MCBA Office, unless otherwise specified.

FEBRUARY 2014 CALENDAR

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<th>Event</th>
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<td>3</td>
<td>Litigation Law Section Board Meeting 12 p.m.</td>
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<td>4</td>
<td>Criminal Law Section Board Meeting 12 p.m.</td>
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<td>5</td>
<td>CLE: Estate Tax Boot Camp Breakfast Series – Session I: Fundamentals of Gifts and Estate Tax 7:30 a.m.</td>
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<tr>
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<td>Bankruptcy Law Section Board Meeting 7:30 a.m.</td>
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<td></td>
<td>CLE: Bankruptcy Law Fundamentals Luncheon Series – Session I: Comparing State Court to Bankruptcy Court 11:30 a.m.</td>
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<td>Young Lawyers Division Board Meeting 12 p.m.</td>
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<td>Litigation Section Happy Hour at Kitchen 56 5:30 p.m.</td>
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<td>6</td>
<td>Construction Law Section Board Meeting 12 p.m.</td>
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<tr>
<td>7</td>
<td>Estate Planning Probate &amp; Trust Section Board Meeting 7:30 a.m.</td>
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<td>CLE: Bring Your Own Device “BYOD” – An Emerging (and Nightmare-Inducing) Trend 12 p.m.</td>
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<tr>
<td>10</td>
<td>Paralegal Division Board Meeting 5:30 p.m.</td>
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<td>11</td>
<td>CLE: Estate Tax Boot Camp Breakfast Series – Session II: Gift/Estate Tax Planning – How to Choose Assets 7:30 a.m.</td>
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<tr>
<td>12</td>
<td>CLE: Bankruptcy Law Fundamentals Luncheon Series – Session II Case Law Update 11:30 a.m.</td>
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<tr>
<td>13</td>
<td>MCBA Executive Committee Meeting 7:30 a.m.</td>
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<tr>
<td>14</td>
<td>MCBA Office closes at 12 p.m.</td>
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<tr>
<td>17</td>
<td>MCBA Office closed for Presidents Day</td>
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<tr>
<td>18</td>
<td>CLE: Estate Tax Boot Camp Breakfast Series – Session III: GST Tax &amp; Arizona Legacy Trusts &amp; Rule Against Perpetuities 7:30 a.m.</td>
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<tr>
<td>19</td>
<td>CLE: Bankruptcy Law Fundamentals Luncheon Series – Session III: Parling Remarks on the Arizona Bankruptcy Court 11:30 a.m.</td>
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<tr>
<td>20</td>
<td>Employment Law Section Board Meeting 12 p.m.</td>
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<td></td>
<td>Board of Directors Meeting 4:30 p.m.</td>
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<tr>
<td>25</td>
<td>CLE: Estate Tax Boot Camp Breakfast Series – Session IV: Taxation of Trusts and Estates 7:30 a.m.</td>
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<tr>
<td>26</td>
<td>Maricopa County Bar Foundation Board of Directors Meeting 7:30 a.m.</td>
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<tr>
<td></td>
<td>CLE: Bankruptcy Law Fundamentals Luncheon Series – Session IV: Evidentiary Hearings 11:30 a.m.</td>
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Please watch your MCBA E-News for updated information about meetings and events.
Arizona Family Support Council honors awardees at annual conference

By Commissioner Myra Harris

The Arizona Family Support Council is a statewide organization dedicated to the dissemination of information about child support. Each year, the AFSC holds a conference for those interested in child support issues. The conference serves as a forum where clerks, attorneys, judicial officers, DES workers, paralegals and those interested in child support hear speakers and meet to discuss child support topics. The AFSC also honors individuals who have distinguished themselves by their commitment to improving child support in Arizona.

This year, the AFSC selected the Honorable Carey Hyatt as the recipient of the Judicial Officer of the Year award. She was unanimously selected by the AFSC board for making a significant impact on child support cases by using innovative or unique methods to efficiently and fairly adjudicate child support cases. For those who are not familiar with Judge Hyatt’s work, she was the presiding judge of the Maricopa County Family Court Department and served on the family court bench for more than five years. As presiding family court judge, Judge Hyatt was responsible for the success of the accountability court program. Accountability court assists with the enforcement of child support and spousal maintenance orders. It is a problem-solving court geared to help families where the obligor has failed to meet payment requirements multiple times. The court helps the parties work out payment arrangements for past arrears but includes the possibility of severe sanctions should an obligor continue to ignore court orders. Accountability court requires parents and spouses who have a history of ignoring court orders to show up for periodic proceedings until the entire amount owed is paid.

The AFSC also honored Owen Gardner for his contributions with the 2013 Clerk of the Year award. Gardner works at the Southeast Courthouse as both the IV-D and customer service supervisor. He is known for his attention to detail as well as his ability to assist in interagency problem solving. In recommending Gardner for the award, the Arizona Attorney General’s Office wrote about his work as a liaison between the Attorney General’s Office and the court in the Come to Court events held at the Northeast, Northwest and Southeast facilities. Gardner coordinated the event with the Jury Commission office, secured the use of the jury assembly room for the event, and handled communications with court security and the Clerk of Court so there would be sufficient staff to handle the many parents who came to court to discuss their arrears and payment options.

In addition to honoring Judge Hyatt and Gardner, the AFSC selected Janet Sell, Esq., for the President’s Award; Paula Cottita, Esq., as the Attorney of the Year; Melanie Martinez as the Line Staff Worker of the Year; and paid tribute to Don Vert, in memoriam, for his lifetime dedication. The AFSC congratulates all of the honorees and thanks them all for their commitment to Arizona’s children.

Get-a-Member Campaign

(GETs you free CLE and maybe a $100 gift card!)

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

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

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

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

Contact info:
Call the Membership Department for details at (602) 257-4200.
Perhaps the best way to stand out is by hiring the best legal practitioners.

Arizona Summit Law School, formerly known as Phoenix School of Law, develops practice-ready graduates who offer an immediate impact. In short, our graduates have the tools needed to successfully practice law in any field. This makes them stand out—and offers you outstanding opportunity.

See the difference Arizona Summit Law School can make by visiting AZSummitLaw.edu.

For more details about our school's on-time graduation rates, job placement rates, the median debt of students who completed the program, student tuition and other costs, and other important information, please visit our website at AZSummitLaw.edu.
Final 2013 MCBA board meeting

The 2013 MCBA Board of Directors bid farewell to a great year as their terms came to an end at the final board meeting on Dec. 19, 2013.

2013 Immediate Past President Jennifer Cranston welcomes 2013 President David Funkhouser to the Past Presidents Club.

MCBA Executive Director Allen Kimbrough presents David Funkhouser with the Governor's Proclamation.

A look at the 2013 Executive Committee: Bill Kastin, 2013 President-Elect; David Funkhouser, 2013 President; Jennifer Cranston, 2013 Immediate Past President; T. J. Ryan, 2013 Treasurer; and Kyle Hirsch, 2013 Secretary.

2014 MCBA board retreat

New board members Flynn Carey and Hon. Geoffrey Fish.

New board members Nina Targovnik, president of the Public Lawyers Division, and Casey Blais, president of the Young Lawyers Division.

Matthew Meaker fuels up for the retreat.

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You Are Cordially Invited to the

2014 Barristers Ball & Casino Night
A gala occasion to benefit a worthy cause

Saturday, March 8, 2014

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

Black Tie Preferred

Beneficiary of the 2014 Ball
Maricopa County Bar Foundation

Presenting Sponsor
Case, Huff and Associates, Inc.

Reservations

EARLY BIRD REGISTRATION (ends Jan. 15) ■ Table of Ten: $1,400
■ Individual: $150

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■ Individual: $175

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Please register online at maricopabar.org or contact Laurie Williams at (602) 682-8585 or lwilliams@maricopabar.org.

Please print clearly

Name: ______________________________________ Firm: _______________________________________________

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

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City: __________________ State: ______ Zip: __________ E-mail: _____________________________________________

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

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

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

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☐ Total charge to my card $ __________________________ or ☐ My check for $ __________________________

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Fax: 602-682-8601 Phone: 602-682-8585 Email: lwilliams@maricopabar.org
**PRO BONO SPOTLIGHT ON CURRENT NEED**
Volunteer lawyers are needed to assist working families with low incomes who are having their limited wages garnished and need to file Chapter 7 bankruptcy.

**BANKRUPTCY**
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Chhayal N. Patel
Sole Practitioner

**CONSUMER**
Robert Lee Fraley
Snell & Wilmer
Steven A. Gruenemeier
Sole Practitioner
Joseph S. Kiefer
Snell & Wilmer
Robert J. Novak
Jennings Strouss & Salmon
Michael R. Palumbo
Jennings Strouss & Salmon

**COURT ADVISORS FOR CHILDREN IN FAMILY LAW CASES**
Elizabeth Feldman
Bregman Burt Feldman
Jennifer G. Gadow
Fromm Smith & Gadow
Jeremy M. Goodman
Goodman Law

**DOMESTIC VIOLENCE/FAMILY LAW**
Bruce D. Brown
Brown Family Law Group
Katherine Kraus
Sole Practitioner

**GUARDIANSHIP OF INCAPACITATED ADULTS**
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The essential criminal law practitioner’s reference

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VLP ATTORNEY OF THE MONTH
A deep commitment to community and family services

By Peggi Cornelius,
VLP Programs Coordinator

Because her varied and outstanding contributions to the Volunteer Lawyers Program (VLP) have brought her recognition on several previous occasions, attorney Margaret A. Gillespie was reticent, but gracious, in accepting VLP’s Attorney of the Month award for December 2013.

“My parents taught me to do my very best at all times, no matter the outcome, and to return my blessings, always,” she says.

That philosophy has clearly been a driving force in her life, and it has manifested greatly in the pro bono work she has done on behalf of low-income clients referred to her by VLP over the past 17 years. One of six siblings, Gillespie was born and raised in a small Illinois community, not far from St Louis, Mo. Years later she became a desert dweller, when her husband accepted an employment opportunity in Arizona. Their children have been raised as Phoenixians. In the first decade of motherhood, Gillespie’s profession was child-rearing. “I would not trade those years for anything,” she says. “Now, my husband Paul and I find our favorite moments are those we spend with kids and grandkids.”

Gillespie’s education and after her years as a stay-at-home parent is impressive. As an undergraduate, she studied anthropology and obtained a Bachelor of Arts degree from the University of Notre Dame. She reflects on the historical significance of having been one of the first women to enroll, when the university first opened its doors to women.

“That was in the 1970s,” she says. “After graduating, I thought about attending medical school but decided instead to take a job with IBM as a systems engineer in the data-processing division. I worked there for three years, until my daughter was born.

Since being part of a collaboration between the St. Thomas More Society and the VLP, Gillespie has consistently volunteered in the resulting legal clinic at Maggie’s Place. As past-president and ongoing board member of the Notre Dame Club of Phoenix, Gillespie also gives her time to the alumni group and serves as a liaison for the admissions office at Notre Dame and local high school students.

Speaking of the challenges presented by pro bono work, Gillespie says, “We all have too much on our plates, but that’s life. I enjoy seeing younger lawyers get involved, and the VLP provides opportunities and tools to engage us in community service. They make lawyers’ lives easy.”

VLP’s Attorney of the Month
Margaret A. Gillespie

Once her daughter and son were of school age, Gillespie began to consider her career choices and applied to law school. She earned her law degree at Arizona State University and has been admitted to Arizona since 1990.

Her expertise in bankruptcy and commercial litigators, coupled with her concern for children and the well-being of families, has led Gillespie to accept cases along the spectrum of VLP services. She has provided pro bono representation in private dependency actions and SSI appeals for children, as well as Chapter 7 bankruptcies. She volunteers as a friend of the Court at reaffirmation hearings for unrepresented litigants in bankruptcy proceedings.

Gillespie assists VLP in offering continuing legal education to colleagues who want to participate in VLP’s Children’s Law Center (CLC). She recalls being introduced to VLP when she met director Patricia Gerrich while serving as chairperson of the MCBA’s YLD Committee on Children. When she serves as court-appointed counsel in custody matters, Gillespie works closely with the CLC’s coordinator, attorney Roni Tropper. “There are some heartbreaking moments, but it’s so very rewarding,” she says.

**PRO BONO SPOTLIGHT ON CURRENT NEED**

For Arizona businesses, organizations, writers, and non-lawyers. It is also useful for legal professionals in Arizona who are experienced in this area.

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Order books online at www.maricopabaro.org. You may purchase online with Visa, MasterCard or American Express, or download an order form and purchase by check. Save mailing charges ($5-$8) by purchasing books at the MCBA Office at 303 E. Palm Lane in Phoenix.
**THREE WAYS TO REGISTER**

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**PROGRAM LOCATION**

Unless otherwise specified, all programs are held at the Maricopa County Bar Association office at 303 E. Palm Lane, Phoenix 85004.

**ATTENDANCE POLICIES**

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

**LATE REGISTRATION:** All registrations must be paid in full two business days prior to the program date or a late fee of $15 applies. For example, registrations for a September 17 program must be paid by September 15 in order to avoid the late fee.

**WALKINS:** You may register at the door if space is available; the $15 fee will apply. If you do not register at least two business days in advance of a program, MCBA cannot guarantee space or availability of materials.

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

**NO SHOWS:** If you registered and paid, but could not attend, you may request that materials be sent to you, free of charge (allow 3-4 weeks). If audio media is available, registrations may be converted to a self-study package for an additional $15 charge.

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**THURSDAY • MARCH 6**

**NOON - 1:30 P.M.**

(Lunch included)

1031 Exchanges: A Refresher of the Requirements and Recent Developments

*Sponsorship by the Real Estate Law Section

**1.5 CLE Credits Available**

Review of basic statutory requirements, exchange deadlines, identification rules and structures (delayed, Built-TO-Suit and reverse exchanges). Updates – changes in tax rates, dual use property, exchanges of “underwater” property, qualified use (renting to a related party and taxpayer use), like-kind and leasehold terms, and dealing with fideicomisos.

**PANEL:** Jim Miller, Western Operations General Counsel – IPX1031; Bill Kastin, Partner – Snell & Wilmer

**MCBA Member:** $62.50

**MCBA Real Estate Law Section members:** $55

**MCBA Paralegal & Public Lawyer Division members:** $40

**Non-Members:** $102.50

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**MCBA SEEKS VOLUNTEERS**

We are currently seeking new members for the following MCBA Committees:

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

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

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

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All CLEs this month are available for simultaneous webcast or later viewing through West LegalEd at http://tiny.cc/kg4cjw (Webcast)
BOOK REVIEW

Minding Your Own Business provides strategies for a more profitable practice in 2014

By Riley Snow

Ann N. Guinn was asked by the American Bar Association to distill her 30-plus years of law practice business consulting into 208 pages. The result is Minding Your Own Business: The Solo and Small Firm Lawyer’s Guide to a Profitable Practice. A thorough but not overwhelming guidebook for managing the business aspects of a law practice, this book is tailored to solo practitioners and small firms. However, the concepts and methods can be applied to any attorney in a private practice of any size.

I first picked up Guinn’s book in late 2010. As a solo practitioner, I was looking for guidance beyond what I obtained earlier that year when I read several books on starting a law practice. I was ready to find out how to form a successful practice. I was aware that practicing law alone requires a different skill set than practicing with others. Guinn presented her strategies in an approachable way, breaking logical and progressive sections. Each section built on another, yet at the same time a section can be read in isolation.

With the dawn of 2014 I am entering my fourth year as a sole practitioner. Things have gotten much better, but not perfect. I doubt they will ever be, but that’s part of the challenge I enjoy as a business owner. If any of you feel the same way, I suggest you pick up a copy of Minding Your Own Business and carve out some study time. Guinn’s guidance, along with her forms and checklists, has helped me maneuver through the choppy waters of solo practice. In fact, I have already marked several sections to review during my weekly “manager’s meetings” this coming year. Here’s to one more year in business that will be better than the last!

Riley Snow is an attorney at Law Office of Riley S. Snow, P.L.C., and a member of the Maricopa Lawyer Editorial Board.
New ADR and case management procedures in the probate court

By Hillary P. Gagnon

In furtherance of the probate court’s continuing effort to more efficiently manage cases and facilitate the timely and efficient resolution of issues, the court has instituted new case management and ADR guidelines for contested probate matters. Essentially all contested matters, except issues of incapacity in guardianship and/or conservatorship matters, will automatically be set for a settlement conference prior to scheduling a contested hearing. A contested issue of capacity, however, will continue to be determined at a hearing before the commissioner assigned to the matter and will not be addressed at a settlement conference.

At the initial hearing on a petition, whether for a guardianship and/or conservatorship matter, a will or trust case or a vulnerable adult case, the commissioner will determine whether the matter is contested. In a guardianship and/or conservatorship case, if the contested issue is something other than a proposed ward’s capacity, such as who should be appointed or removed as guardian and/or conservator or issues related to access to the ward, the commissioner will set the matter for a settlement conference. With agreement of the parties, the commissioner assigned to the matter may facilitate the settlement conference. Or the settlement conference may be set with another probate judicial officer, an approved judge pro tempore, or a mediator on the approved list of mediators. The commissioner does, however, have discretion to proceed directly to a hearing if the commissioner determines that it is more time consuming or costly to the parties to conduct a settlement conference rather than to hold a contested hearing.

In a contested will or trust matter or a vulnerable adult case, once the commissioner determines that the case is contested, the commissioner will send the case to the presiding probate judge for a status conference, at which time the court will set a settlement conference. By agreement of the court and the parties, the settlement conference may be facilitated by either the probing judge, a probate judge pro tem, or a probate attorney who has completed the court’s new ADR training and who is on the court’s “Probate Attorney ADR” list.

If the case settles at the settlement conference, it will then be sent back to the assigned commissioner for future monitoring and handling as necessary. In guardian and/or conservator matters, it is anticipated that the settlement conference judge or officer will complete the appointment of the guardian and/or conservator at the settlement conference. If a formal appointment hearing is still required because, for example, an approved mediator and not a judicial officer conducted the settlement conference, the court will set a hearing before the assigned commissioner. To reduce the cost of an additional hearing, probing counsel should consider requesting a non-appearance hearing if the only purpose of the hearing is to sign the Order Appointing Guardian and/or Conservator.

If the case does not fully settle at the settlement conference and the parties anticipate the contested hearing will last more than three hours, the case will be transferred to the associate presiding probate judge for a telephonic comprehensive pretrial conference ("CPTC") and trial. If the parties believe the case will take three hours or less, the CPTC and contested hearing will proceed in front of the assigned commissioner. At least three days prior to the CPTC, the parties will be required to file a stipulated scheduling order including a narrative as to any pretrial issues in dispute. If the case is tried before the associate presiding judge, the judge will return the case to the assigned commissioner for future monitoring and handling after the trial has concluded.

Although the new procedures appear to have our cases bouncing around the courthouse, the intent to move the cases quickly to ADR is a good one, which will hopefully reduce costs and more expeditiously resolve cases. These new uniform guidelines for the management of contested hearings should also allow probate counsel to more efficiently manage contested cases.

Hillary P. Gagnon is a partner at Jennings, Hang & Cunningham, LLP.
Leon Silver, a shareholder in the Commercial Litigation practice and co-leader of the Retail & Hospitality group, of the national law firm Polsinelli, has been selected as a 2014 Tribute to Leadership Honoree by the YWCA of Metropolitan Phoenix. Silver is being honored as this year’s Advocacy Leader in recognition of his career-long efforts to promote causes consistent with the YWCA’s mission of empowering women, eliminating racism, and promoting peace, justice, freedom and dignity for all.

Roger N. Morris has been honored by the Association of Fundraising Professionals with its 2013 Spirit of Philanthropy Award for his long-time commitment to Big Brothers, Big Sisters of Central Arizona. In addition, Morris was also honored by the University of Pittsburgh School of Pharmacy, his alma mater, with its 2013 Distinguished Alumni Award.

Morris’s practice focuses on the representation of health care providers and other employers, emphasizing health care and pharmacy law, employment law, pharmaceutical and medical device, and products liability cases. He serves as a member of the Quales & Brady Executive Committee and is chairman of the firm’s Health & Life Sciences Industry Group.

Morris earned his Bachelor of Science degree from the University of Pittsburgh School of Pharmacy in 1986 and his Juris Doctorate from the University of Pittsburgh School of Law in 1989.

The ADR Office of Kenneth J. Mann is pleased to announce that Ken Mann has been inducted into the National Academy of Distinguished Neutrals. Mann is a former CPA, “Big 4” auditor senior and AW8 Preeminence® former trial and appellate litigator with more than 15 published decisions in state and federal courts. He is also a member of the American Arbitration Association’s large, complex commercial arbitration panel and commercial mediation panel since 1996, a member of FINRA’s arbitration and mediation panels, and a longstanding certified (FL) civil and appellate mediator. Mann provides volunteer Alternative Dispute Resolution (ADR) as a settlement officer in civil and probate matters for the superior court, as an arbitrator in State Bar fee arbitrations, and as a settlement officer and attorney member of the Arizona Supreme Court Attorney Discipline Panel.

The new hires are:

Gust Rosenfeld, PLC, announces that Craig Keller and Thomas Hickey have joined the firm as partners. Both lawyers have extensive practices in the Tempe and Wickenburg areas.

Keller has been litigating business, construction and real estate cases in Arizona for more than 33 years and has argued cases in the Ninth Circuit of Appeals, the Arizona Supreme Court and the Arizona Court of Appeals. He is a Phi Beta Kappa graduate from the University of Arizona and received his J.D. from the University of Arizona College of Law. Keller, who was born and raised in Detroit, Mich., has been active in both the Tempe and Wickenburg communities. He is currently president of the Del E. Webb Center for the Performing Arts and chairs the Student Delegate Selection Committee for Tempe Sister Cities. Previously he was president of the Desert Caballeros Western Museum in Wickenburg, among other activities.

Hickey’s practice areas include estate planning, probate, estate and trust administration, and commercial and real estate disputes. He grew up in Anchorage, Alaska, where he was an Eagle Scout and an exchange student to Finland.

Hickey graduated from Northern Arizona University with a Bachelor of Science in Business Administration and received his Juris Doctorate from the University of Arizona College of Law. He is past president of the Kyrene Corridor Rotary Club in Tempe.

Donald Ennis has joined Wells Fargo Bank as senior counsel in the Litigation and Workout Division of the Law Department, where he will be supporting the bank’s commercial and real estate workout groups. Prior to joining Wells Fargo, Ennis was an attorney in the bankruptcy practice group of Snell & Wilmer.

Jennings, Strouss & Salmon is pleased to announce that Kerry A. Hedges has been elected a member (partner) of the firm. Hedges is a litigator whose practice focuses on commercial, real estate, bankruptcy and business disputes. He also has experience in representing attorneys in disciplinary proceedings before the State Bar. Prior to joining the firm, Hedges served as a law clerk to the Honorable James A. Teilborg of the U.S. District Court for the District of Arizona. Before embarking on his legal career, he played professional baseball for two seasons in the Houston Astros minor league system. Hedges earned a B.A. in English from Texas Tech University and a J.D. from Regent University School of Law.

Gust Rosenfeld, PLC, is proud to announce that Christopher M. McNichol has accepted a position as a member of the Executive Committee of the law firm. McNichol joined Gust Rosenfeld in 1990 and concentrates his practice on commercial and real estate transactions, including sale and purchase, development, lease, title insurance, lending and construction, and related litigation. He is experienced in creditors’ rights matters, including real estate and loan workouts.

McNichol holds a B.A. from Temple University and a J.D. from Villanova University School of Law. He was named by Arizona Business Magazine as one of Ranking Arizona’s Best of the Best award winners. Active in the Phoenix-area community, he currently chairs the Arizona State Conservation Acquisition Board and is a steward of the McDowell Sonoran Conservancy. McNichol is also a member of the Valley of the Sun United Way Toqueville Society, along with his spouse, Mary Alexander, executive vice president/general counsel for DMB Associates.

Quales & Brady, LLP, is pleased to announce that Nicole Stanton has been selected as the Phoenix-office managing partner. Her term began on January 1, 2014. In her new role, Stanton becomes one of the few women to lead one of the largest law firms in Phoenix.

Stanton, an award-winning litigation attorney in the firm’s Commercial Litigation Practice Group, also serves as the firm’s associate general counsel as well as claims and ethics counsel for the Phoenix office. She will be one of three women who serve as office managing partner among the firm’s eight locations.

Stanton’s experience includes defense of local and national law firms in malpractice actions and other business litigation disputes. She is a member of Charter 100 Women, serves as a founding board member and past president of the Women’s Metropolitan Arts Council of the Phoenix Art Museum, and is an adjunct professor at Arizona State University Sandra Day O’Connor College of Law, teaching professional responsibility. A graduate of Valley Leadership Class XXIX, Stanton was the YWCA of Maricopa County’s 2011 Tribute to Women honoree in the business leader category. She received her law degree from the University of Arizona and her bachelor’s degree from the University of Utah.

Bryan Cave, LLP, has named Therese D. Pritchard as the next chair of the firm beginning on October 1, 2014, following a planned transition period. Pritchard will immediately take the title of chair-elect and serve alongside Don G. Lents, who has served as chair since 2004.

Pritchard will be the first woman to hold the position in Bryan Cave’s 140-year history. Pritchard joined Bryan Cave in 1999. She is currently the leader of the firm’s White Collar, Securities Enforcement and Litigation Client Service Group. For more than 30 years, she has concentrated her practice on securities and financial institutions enforcement and litigation, representing major public companies, banks, accounting firms, broker-dealers, investment advisors, mutual funds, hedge funds and individuals under investigation by the SEC, DOJ, FINRA and the federal banking agencies.

Pritchard has extensive experience conducting independent investigations on behalf of, and providing counsel to, boards of directors and audit committees of public companies. Earlier in her career, she served as assistant director of the Division of Enforcement of the Securities and Exchange Commission and as deputy chief counsel of the Office of Thrift Supervision, overseeing hundreds of matters, including some of the most notable Wall Street cases during that period. She also has served as chair of the Securities Enforcement Subcommittee of the Business Law Section of the American Bar Association.

She has been an active leader at Bryan Cave for many years, having served on the firm’s Executive Committee and Compensation Committee. In addition to her role leading the White Collar, Securities Enforcement and Litigation Client Service Group, Pritchard currently serves as the firm’s Asia Coordinator, responsible for overseeing Bryan Cave’s offices in Shanghai, Singapore and Hong Kong.

Pritchard graduated from both Boston College Law School in 1978 and Bryn Mawr College in 1975.
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