Newly elected members to the MCBA board of directors announced

The successful candidates in the recently-concluded Board of Directors election are Lynne Adams, Gail Barsky, Flynn Carey, Tyler Carrell and Michael Kielsky. All are currently members of the Board – Adams, Barsky, Carey, and Kielsky as members-at-large and Carrell as MD President. They will serve terms ending December 31, 2017. Seven candidates ran for five open seats on the board of directors. MCBA members licensed to practice in Arizona and in good standing with the State Bar of Arizona were eligible to vote in the election, which ran from Nov 1-16, 2015.

Pro: Converting to a voluntary bar

By Jack Levine

The concepts expressed in recent legislative bills to eliminate the requirements for a mandatory bar, although arguably of great potential value to the public and to the Bar, are squarely within the exclusive judicial powers of the Arizona Supreme Court and, thus, on its face, appear to be unconstitutional. Nevertheless, if the Supreme Court can be persuaded to do so, it can abrogate Rule 32 of its Rules, which will have the effect of adopting the substance of the legislative proposals and jointly accomplish these fundamentally important changes.

Such an accommodation by the Court will permit an easing of the tensions that have seemingly long existed between the Supreme Court and the Legislature and also between the State Bar and the Legislature. In addition, if the Court and the State Bar are willing to transfer the intake and investigative phases of lawyer discipline to an independent agency, and if the Legislature is agreeable to funding this independent agency, this easing of tensions can be accomplished.

The duties and responsibility of this proposed new independent agency would be to receive initial complaints from the public, to investigate such complaints and, if there is a reasonable basis to believe that an ethical violation by a lawyer has occurred, to refer the matter to the Attorney Discipline Probable Cause Committee, as is now done by the State Bar under Rule 50 of the Supreme Court's Rules. If there is a finding of probable cause, the matter would then be assigned to the office of the Presiding Disciplinary Judge for the due process hearings provided for under Rule 51.

The adoption of such measures would leave the Supreme Court's Constitutional powers and prerogatives totally intact and would, furthermore, relieve the Court and the State Bar of their present responsibilities for investigating complaints against lawyers, which is both expensive and time-consuming, both for the State Bar and for the State Bar of Arizona's Rules of Professional Conduct. Approximately 3,500 complaints and inquiries were received last year and most were either dismissed or quickly resolved with a telephone call. Less than 500 attorneys faced formal investigations. While 51 attorneys were suspended or disbarred in 2014, an additional 332 received either lower level sanctions, diver-

Con: The State Bar is not broken

By Geoffrey Trachtenberg

Jack Levine's comments are premised upon several mistaken assumptions. To name a few, he believes the current system is broken, inefficient and that the State Bar coddles lawyers. As the current president of your State Bar, I can tell you this is far from the truth.

Your State Bar is a nationally recognized organization, receiving coveted accolades for being both effective and efficient. Your State Bar is keenly focused on improving both the practice of law and attorney skills, all to protect the public, in the State of Arizona. That said, it is important to point out that our discipline system has changed dramatically. Before 2011 every complaint, no matter how big or small, was handled the same way. It was an immediate letter writing campaign that took significant time. Today, most complaints and inquiries are handled with a simple phone call. It means members don't need to spend hours working on an explanation, and our Bar staff can focus their time on more serious cases. Who wouldn't rather have matters resolved with a telephone phone call? Setting aside constitutional issues, does anyone think the system Mr. Levine proposes — a political agency with appointments from the Legislature, Governor and Supreme Court — would result in more effective and efficient oversight?

Your State Bar is tasked with enforcing the Arizona Supreme Court's Rules of Professional Conduct. Approximately 3,500 complaints and inquiries were received last year and most were either dismissed or quickly resolved with a telephone call. Less than 500 attorneys faced formal investigations. While 51 attorneys were suspended or disbarred in 2014, an additional 332 received either lower level sanctions,
Looking back and moving forward

A friend recently asked, “Would you do it again? Would you serve as president of the Maricopa Bar again if the opportunity presented itself?” I was unable to quickly respond, locked in retrospective thought about this past year. But after a flood of memories and emotions, I responded, “I would.”

The question itself launched an extensive exercise of personal reflection on the year, and the path the MCBA has been on while I had the opportunity to lead it. Because the MCBA’s collection of talented individuals makes the development and implementation of any project or activity possible, it can be hard to watch good ideas never leave the drafting board. But even then, this year marked another impactful existence of the MCBA, and I was proud to play even just a small part in it.

If you’ve heard me speak this year, or read these columns, you’ve heard two themes: First that the MCBA is YOUR bar, and second, that PEOPLE — members and staff alike — are the MCBA’s most valuable resource. People make things happen within the MCBA, and because we are YOUR bar, engaged people make it their own. Without talented, driven people, the MCBA would be no more. They are the true leaders this year. A few examples:

2015 marked the restart of our Strategic Planning Task Force. Last completed in 2010, the strategic planning process requires the organization to take a hard look at itself, evaluate its strengths and weaknesses, and determine the course for the next five years. AYepply led by board member and Young Lawyers Division alumna Melinda Stoma (Sloma Law Group), the strategic planning committee has toiled throughout the year to refine the MCBA’s documented strategic plan, focusing on achievable outcomes and goals that the board of directors and the organization can rally behind. Because of Melinda’s laser-sharp focus and the will to see the project through to completion, we expect it before year’s end. I am so grateful to have members like Melinda who are willing to tackle large projects, even when she is already overloaded with a successful legal practice of her own.

Effective leadership was exemplified perfectly in the Paralegal Division. Paraprofessionals are an increasingly important resource in the legal community. Therefore, if the MCBA is to serve the legal community, it must have a robust and energetic Paralegal Division. Division president Tina Ziegler (Hammerman & Hultgren) answered the call to action, and led the division to its most successful year in recent memory. Tina’s unfailing energy, eye for organization and determination to bring the division back to greatness resulted in increased membership, and a dynamic and engaging Paralegal Conference (held annually in October), which drew praise from attendees and vendors alike.

Matt Meaker (a member of our Litigation Section) is a highly decorated litigation attorney who practices at Sacks Tierney, PA. His list of publications and awards exemplify the focused determination Matt brings to his practice on a daily basis. Despite his responsibilities at the firm, Matt agreed to chair the group that would ultimately publish the Arizona Litigation Guide, a 447-page “soup to nuts” guide on litigation in Arizona.” Matt worked tirelessly, devoted nights and weekends to the cause, and pushed past adversaries to complete his publication. The result: The Litigation Guide has become a go-to resource for not only the bar and new admissibles alike, “a soup to nuts” manual for any litigation practice. (Available to members for $95 and non-members for $150, you can purchase your copy today on the MCBA website; look under “Publications.”) Without a dynamic and driven personality like Matt, the project would not be completed. He gave willingly of his time and energies, and the finished product is fantastic.

The MCBA’s relationship with the judiciary continues to be strong. Numerous judicial officers volunteer within the MCBA’s sections, divisions and board. Importantly, judicial liaisons provide a much needed bridge between practitioners and the judiciary, bringing up-to-date information of court practices and policies directly to those who need it. The lawyers that practice before them. Moreover, the Bench-Bar Committee, chaired this year by Judge Christopher Whitten (Maricopa County Superior Court) and MCBA Past President David Brousher (Quarles & Brady), brings together commissioners, judges and justices with practitioners. This year’s Bench-Bar Conference (held in October and chaired by Allister Adel) brought together more than 200 commissioners, along with a distinguished panel of seven practitioners, for an afternoon of CLE that was followed by a reception, allowing members of the judiciary and bar to network.

Part of the MCBA’s history includes actively supporting our community. Through its activities, the Young Lawyers Division supports the residents of Maricopa County, aiding domestic violence shelters with its annual necessities drive, and with community outreach. Led by Tyler Carroll, the entire YLD board worked very hard to make their year successful.

This year’s Barristers Ball brought members and their spouses together for a night of community and reunion, and the fall’s annual Race for the Cure (held in October) raised over $250,000 for the “boat of hope” in our midst, with proceeds benefiting domestic violence victims. For those new to the practice, the YLD is the perfect starting point in your MCBA relationship.

Similarly, members of the Estate Planning, Probate, and Trust Section (EPPT) joined MCBA Member of the Year Kelly Kral (Dyer & Ferrin) to aid pro se parties in uncontested probate, guardianship and conservatorship hearings, helping them navigate the required pleadings, forms and hearings. The Probate Legal Assistance Program (PLAP) is entirely staffed by volunteer lawyers and law students who selflessly donate their time to aid the public.

On a lighter note, this year saw the beginning of our “unofficially official” monthly happy hours, “Thirsty Thursday.” Conceived by President-Elect Kyle Hirsch (Bryan Cave), Thirsty Thursday represents a loosely construed opportunity for members of the MCBA to meet, network and relax, while visiting local new and different watering holes. Attendance continues to grow, and attendees appreciate the opportunity to visit with other practitioners who they might not otherwise meet, or meet in a more casual “day to day” role. Finally, our MCBA staff continues to work hard to make the organization as dynamic and valuable as they can. Without our staff, the MCBA’s valuable CLE seminars, receptions, and the meetings of the Sections and Divisions

See Looking back and moving forward page 13
The finale: What it takes to raise a lawyer

On Nov. 5, the MCBA hosted a ceremony where Justice Ann Scott Timmer swore in new Arizona attorneys. As I sat in the audience, I couldn’t help but reflect on my swearing-in, just over five years ago.

When I graduated from law school, the legal market was in the depths of the recession. Jobs were hard to come by and I had no lawyers in my family. Despite my concerns about the future, I soon found out there were many people, some of whom I have never met, that were willing to help me.

Prior to graduating from law school, I spoke with several attorneys to “pick their brains” about trends in the legal market, and what their day-to-day lives were like. I received great advice from Tiffany Christianson of LaVelle & Lavelle, PLC, about making career choices that fit your personality and family life. I learned about developing your skills and forming your personality and family life. I learned about having a practice from Peter Kline of Crawford & Kline, PLC. Mark Sifferman of Clark Hill, PLC, who had the invaluable task of coaching a younger, more sugar-fueled Tyler Carrell in little league, shared his experiences as an Arizona lawyer. I was also offered valuable guidance and free training from David Engelman, of Engelman Berger, PC.

Once I took the bar exam, I was given a chance to learn and begin my career in a part-time role with Myles Hassett of The Hassett Law Firm, PLC and Christopher Combs of Combs, Gottlieb & MacQueen, PC. Myles gave me exposure to many different kinds of litigation and took me to client development events. I also learned a lot from observing the relationships he built with his staff, to create a friendly and fine-tuned working environment. Chris was not only a great manager of his firm, but also gave me more complete understanding of our profession through meetings to discuss marketing and billing practices.

Eventually, I landed a full-time position at Jones, Skelton & Hochuli, PLC (JSH) and had the privilege of learning from talented trial lawyers. David Stout, Josh Snell and Daniel King taught me about a partner’s expectations on a case.

I reached out to John while still in law school — he always made the effort to check-in with me and encourage me. Growing up in North Central Phoenix, Terry was my next-door neighbor. He was one of the first people I talked to when I decided to go to law school, and someone I looked to for early advice. Since arriving at G&K, I’ve also received encouragement from Julie Rystad, Todd Burgess and Lindsi Weber, among others. I was grateful to meet Craig Ganz, who now practices at Ballard Spahr, LLP. Craig taught me the importance of balancing your role as a fierce advocate for a client, and also being a warm source of humor and positivity. He has also bought me something like 100 beers (not at one time), so I owe him for life.

Truthfully, I saved this article for last because I knew I would be disappointed with it. I knew I’d forget someone and fail to capture what all of these people have done for me. But I had to write it, not only as a thank you to everyone who has helped me, but to demonstrate two important beliefs of mine. First, I believe there are many, many lawyers in our community that, if asked, will help other lawyers without seeking anything in return. I had nothing to offer any of the lawyers I listed above, yet each of them did not hesitate to take me to lunch, buy me a beer and answer my (very annoying) questions. Second, in order to prepare the next generation of lawyers, mentorship is more critical than ever. I’m not sure where my legal career would be without all of the lawyers, friends and family who have supported me.

Now, as a five-year lawyer, I feel it is my responsibility to pay it forward. I hope I can follow the example of these lawyers and help other new lawyers start their journeys. I hope this article will cause you to reflect back on your career. Maybe someone has helped you along the way, and you should thank them. Perhaps a young lawyer has reached out to you, and you should call them back. The Maricopa County legal community was built on camaraderie, generosity and humility. Even though it may seem that our work stress climbs and our free time dwindles, we must not forget that to raise a lawyer — and to preserve the community we’ve built — we must all make an effort to guide, support and teach the next generation.
Mastering the art of networking: Six degrees of Kevin Bacon in the legal community

Merriam-Webster defines networking as “the exchange of information or services among individuals, groups, or institutions; specifically: the cultivation of productive relationships for employment or business.” Over the years, I have come to realize the importance of networking in everything I do — in my relationships at work, my church, my kids’ school and my various legal affiliations. As part of this year’s Arizona Paralegal Conference, we incorporated a Networking Bingo Card into the program, requiring attendees to get out of their comfort zone and interact with people with whom they would not normally speak to at this event. This activity had them asking fellow attendees questions about their professional affiliations, area of law and size of their firm. It even got them to meet this year’s scholarship recipients, Paralegal Division Board members, and our conference co-chairs.

Networking is an important tool for any business. If you are new to it or are hesitant to get started, here are some tips to help you master the art of networking:

1. Do your homework. Obtain information ahead of time about the people or groups with whom you will be meeting. This will make you more comfortable when building connections as you will already be familiar with the topic, company and individuals you are about to meet.

2. If you are considering joining a group, attend a couple of meetings to see what they are all about. Most groups will allow visitors while others require an invitation from a current member. Be sure to know this information in advance.

3. Take advantage of volunteer opportunities. This will allow you to ease into the group and get to know people before you take on a more committed role. This is a great opportunity for people to get to know you and the type of person you are (e.g. Are you punctual? Do you honor your commitment or do you volunteer and then flake out?). These types of relationships can lead to someone not only holding an office in an organization, but they can also lead to a potential job as someone who is familiar with your volunteer work may recommend you for a position.

4. Ask open-ended questions to obtain more information. Become comfortable with speaking to others. By asking questions that elicit more than a yes or no response, you show your interest in getting to know people and can learn a lot about them in a short period of time. Don’t over volunteer information about yourself as this could backfire.

5. If you have valuable information to share, you can become a resource for others. Having good information gets you known as the go-to person everyone wants to ask for his or her contact.

6. Have confidence in what you do, what you know and what information you can share. If you are unsure of yourself, this will come across to others.

7. Be memorable. Be the one people remember by your confidence, knowledge and personality.

8. Thank those who assist you. Whether it is a phone call or handwritten note to say thanks, this act will be appreciated. It is also a good idea to email someone after meeting him or her as a follow-up, especially if you want to stay in contact with him or her. With all of today’s technology, we tend to forget about the human aspect of business relationships and a personal touch really goes a long way.

No matter who you are, it is important to put yourself out there and get to know the people around you. Whether your objective is to meet new people, obtain information or find a new job, networking is an important skill that needs to be honed and can only get better with practice. You never know where a connection will lead you.

Our final board meeting for the 2015 term will take place at 5:30 p.m. on Monday, December 14, at the MCBA Office (303 E. Palm Lane, Phoenix). We will have a Bring-a-Gift, Take-a-Gift gift exchange ($10 maximum value) for those who wish to participate. Refreshments will be served. For those planning to attend the MCBA Holiday Party on December 9, please wear a Santa hat but for our paralegal group photo. Don’t forget to bring an unwrapped toy for our Toys for Tots Drive!
A helping hand in editing: Readability tools

LEGAL WRITING

By Tamara Herrera

I recently started using the various readability tools on Microsoft Word to see whether I thought they were helpful, especially to novices in legal writing. Although the tools are limited in many ways (as I detail below), they are useful when comparing a first draft to a subsequent draft. Consider giving one, or all, of them a try. You may be surprised by what you learn. You can find these tools under Options/Proofreading/Show Readability Statistics in Microsoft Word 2010. The open book icon on the bottom toolbar has the results.

Flesch readability tool: The Flesch readability tool compares the average length of the sentences and words in your document to the average length of sentences and words on the scale designed by Rudolf Flesch. A readable document is supposed to score 60 or higher on a scale of 0–100. This score means the document is in plain English. Some legal writing experts suggest a score between 40 and 50 is a good target for legal text.

Some critics of this tool complain (rightly, so) that lawyers may use passive voice strategically so not all passive voice sentences are bad. I suggest using this tool along with the statistic on average sentence length to see whether any passive voice is making the text too complex.

And, just in case you were wondering, this column has a Flesch readability score of 53.8 and a Flesch-Kincaid score of 9.5. The average sentence length is 15.1 words, and the passive voice percentage is 16 percent. I am not telling what scores I started with.

Flesch-Kincaid grade level tool: The Flesch–Kincaid grade level tool scores each document’s readability from grade 1 to grade 20. Lawyers and experts debate what the optimum grade level is for legal text, but most of them decide that grade 10 or 11 is a good target. If the primary audience is not a legal audience, then a lower grade level is more appropriate.

Passive voice sentences tool: Microsoft Word also counts the number of passive voice sentences it reports as a percentage. A higher percentage is not plain English.

Some critics of this tool complain (rightly, so) that lawyers may use passive voice strategically so not all passive voice sentences are bad. I suggest using this tool along with the statistic on average sentence length to see whether any passive voice is making the text too complex.

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A lot happens in a year. Here’s what you might have missed

Court rule changes dominated what took place in the clerk’s office in 2015. This year’s Clerk’s Corner and the office’s monthly electronic newsletter, The Brief, have been revised to focus more on legal community on access to records, office operations, and the impact of mandates in both rule and legislation. This article summarizes those changes. You can review the clerk’s monthly newsletters anytime at http://www.clerkofcourt.maricopa.gov/attynews.asp.

Rule changes

This has been an active year for civil practitioners. A pilot project began in the Superior Court in Maricopa County to expedite commercial cases. An experimental rule and caption requirements were added for any case that meets the criteria. A Supreme Court Task Force has been active all year preparing an overhaul of the civil rules of procedure. The group’s work will be submitted as a rule change petition in January, followed by a comment period and potential adoption effective January 2017. An earlier rule change ended the practice of posting a cost bond in civil appeals. While a bond may still be agreed to or ordered in civil cases, it is no longer required.

The clerk’s office is working to identify those cases where a cost bond was posted but never ordered released.

Mandates

The clerk’s office reminded filers that when the court orders a bond or other funds deposited into an interest bearing account, the clerk’s office requires the recipient to complete and sign a W-9 tax form before funding is released. This allows the clerk and the depository bank to coordinate federally required forms and processes related to the accumulated interest. All interest must be reported on a federal 1099 form. Providing the W-9 to the clerk’s office reduces or eliminates delays in accepting, posting and distributing funds.

For criminal law practitioners, the clerk’s office communicated the importance of detailing restitution agreements in the court’s orders. Some terms appear in plea agreements or informal understandings but do not get recorded in the court’s orders. This causes confusion and posting errors when the clerk can only distribute funds based on what appears in the court order. Solving this is possible through communication between parties, victims, counsel, the probation department, the court and the clerk’s office.

Filing documents

Practitioners were reminded to check their PDF documents before uploading them for filing. With the exception of proposed orders that need to be uploaded in MS Word format, it is a good practice to convert documents to PDF before filing. Newer versions of word processing applications have a “convert to PDF” option on the ribbon at the top of the page or as an option when saving the document. However, uploaded documents are supported during the conversion process and it is helpful to open the converted PDF before filing it to ensure it appears the way it should.

The clerk’s office provided helpful reminders on presenting documents to the court for sealing. Some other public case types have documents that must be filed sealed, some entire cases are filed and maintained under seal, and some documents are submitted to the court for review and determination on sealing. These scenarios were covered in the March 2015 edition of The Brief and the April 2015 issue of the Maricopa Lawyer.

Viewing documents

Readers were reminded that the clerk’s ECR Online website is helpful for viewing the images of court records remotely, but has some limitations. Most notably, the ECR Online does not support Apple products, making it difficult to view documents on an iPad or Mac. Likewise, when customers receive large files such as evidence or pleadings, they must download them to their PC computer, which must be compatible and includes a SQL database with the software to view the documents on a PC and is not compatible with Apple products.

Arizona’s Administrative Office of the Courts is still planning a statewide electronic repository of records, but dates have not been released for implementation.

Getting information

Following changes that impact your practice is easy. The clerk’s office regularly submits articles to the Maricopa Lawyer, and the office’s monthly newsletter, The Brief, is distributed by email. The clerk’s website has a section for news and announcements and the office has a social media presence. The clerk can be followed on Twitter at @MaricopaClerk and on Facebook under “Clerk of Superior Court in Maricopa County.” There are unofficial sources online with similar names: one way to get to the clerk’s official pages is by clicking on the icons at www.clerkofcourt.maricopa.gov.

The clerk’s office will continue communicating things to look for and practice tips throughout 2016. It is our hope that your practice, profession and interests thrive in 2015, and that your goals will be met with success next year. We look forward to your suggestions that propel our continual improvement and customer service.

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 Foundations’ 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 Warrant, a form provided in your arbitration packet. For more information, go to maricopabar.org and click on the Maricopa County Bar Foundation link located on the homepage sidebar.

Thank you for making a difference

Q&A

How a lawyer can contact different parties

By Russell Yurk

This month’s column focuses on several questions I’ve recently received regarding how a lawyer can contact with represented and unrepresented persons.

QUESTION: Can a lawyer copy a represented party on correspondence sent to opposing counsel?

ANSWER: No. Arizona’s Ethics Committee opined on this issue in Ethics Op. 02-02. Lawyers can communicate with represented persons only with consent from the represented party’s lawyer or when otherwise authorized by law. Even though the opposing party is only copied on correspondence, it is still a communication by the lawyer to the represented party.

Q: What if I’m concerned that opposing counsel is not communicating important information to his client?

A: If you do not jointly represent both spouses, then you need to treat your client’s spouse as an unrepresented person. Ethics Op. 05-07. Therefore, you cannot suggest that you are neutral or give the spouse any legal advice regarding the release. You must also receive your client’s authorization to disclose any confidential information with the spouse.

Q: Can I ghostwrite a letter or pleading for a friend without appearing on their behalf or disclosing my involvement?

A: Yes. This is a form of limited-role representation, so you will need a fee agreement with the client that describes the scope of your representation. You do not need to disclose your involvement to opposing counsel. However, as in all representations, you must ensure that the advice you provide is accurate and truthful and you must maintain client confidentiality. For more information on this issue, I recommend reviewing Ethics Op. 06-03.

If you have any questions on the issues discussed in this column or if you have topics that you’d like me to address in future columns, please email me at rry@jhc-law.com.

Russell Yurk is a partner with Jennings, Hungr & Cunningham, L.L.P., in Phoenix. His practice focuses on professional liability, lawyer discipline and complex civil litigation.
The 2015 inductees are divided into two categories: the Pioneer era and the Modern era. Inductees into the Modern era are Hon. Elizabeth Finn, Susan Freeman, Hon. John Gemmill, Timothy Hogan, Kevin O’Malley, Van O’Steeh, Hon. Ron Reinstein (ret.) and Charles (Chas) Wirken. Pioneer era inductees are Charles A. Carson, Jr. and Hon. Raul Castro.

The Hall of Fame was created in 2008 by the MCBA to recognize the outstanding legal, health, and gender and cultural diversity of the profession, primarily in Maricopa County.

About the inductees

Judge Elizabeth Finn

As the daughter, sister and mother of law school graduates, Finn appears to have the legal gene coursing through her veins — and the Glendale City Court Presiding Judge has crafted a judicial legacy of her own.

Finn’s mother, Ruth G. Finn, graduated summa cum laude from the founding class of what would become the Sandra Day O’Connor College of Law at Arizona State University, where Finn earned her law degree. Finn’s sister, Alice Finn Garrell, is a fellow graduate as is Finn’s son, Jesse Finn Turner. This makes Finn part of the first three-generation family in the law school’s history. With her induction, Finn joins father Herbert B. Finn, known for his civil rights work, currently making the pair the only father-daughter Hall of Fame inductees.

Finn’s 36 years on the bench has made the judge, known for her passionate education and advocacy in the areas of domestic violence and mental health, the most senior judge in the state.

Finn has presented at hundreds of conferences on behalf of the Supreme Court of Arizona and the State Bar of Arizona in the areas of DUI, domestic violence, mental health, and gender and cultural diversity. The hundreds of grants she has written and performed include $1.5 million in federal funds to Glendale to coordinate multi-agency responses to domestic violence issues. She implemented the city of Glendale’s Mental Health Court and Domestic Violence Treatment Court, with participation in Homeless Court, Veterans’ Stand Down and Glendale’s Stand Up for Veterans.

Finn has received the State Bar of Arizona’s Judicial Excellence Award and the YWCA’s Martin Luther King Living the Dream Award and Outstanding Woman of the Year in the Public Sector. She was also named the National Association of Social Workers’ Citizen of the Year and received the Saguaro Award for Lifetime Achievement by the Arizona Coalition to End Sexual and Domestic Violence.

Susan M. Freeman

A distinctive fusion of professional and personal achievements has put Freeman, a partner at Lewis Roca Rothgerber, in rare air.

Freeman is the only lawyer who is a member of both the American Academy of Appellate Lawyers and the American College of Bankruptcy; invitation-only organizations for lawyers who have achieved recognition in those practice areas by their peers. She has also served in leadership positions with those organizations as well as with the American Bar Association’s Bankruptcy Committee, the largest association of bankruptcy lawyers.

Because of her extensive experience and skills gained in the uncommon combination of business bankruptcy and appeals of all kinds, Freeman has handled many bankruptcy appeals and briefed and argued before the U.S. Supreme Court, including Hall v. United States, which she handled pro bono. She is listed as the counsel of record in more than 150 reported decisions and has briefed more than 300 appeals and argued more than 100.

“Throughout her career, as her record confirms, Susan has sealed seemingly unattainable heights,” writes Mark I. Harrison, an attorney with Osborn Maledon, in support of Freeman’s nomination into the Hall of Fame.

In 2010, Freeman and her three grown children climbed Mount Kilimanjaro in honor of her late husband Steve Hickman, who succumbed to Frontotemporal Dementia. An avid hiker and international traveler, Freeman has visited 41 countries. She is also a certified yoga instructor and, when she is in town, has taught a weekly free class at her firm for more than a decade.

Freeman earned her bachelor’s degree from Mount Holyoke College, where she was a Sarah Williston Scholar, and her juris doctor from the New York University School of Law, where she was a Root-Tilden Scholar. After graduating from law school, she joined her firm, named Lewis and Roca at the time.

Hon. John C. Gemmill

Gemmill has made a unique impact on legal and public communities with a combination of judicial intelligence, humility, respect for humanity and a gift for listening.

Collegues, mentors and mentees cite these qualities when describing Gemmill, a native of Glendale who grew up on a farm northwest of Phoenix and was appointed to the Arizona Court of Appeals, Division One, in 2001.

“Gemmill has made a unique impact on legal and public communities with a combination of judicial intelligence, humility, respect for humanity and a gift for listening,” writes Judge Diane M. Johnson in a letter supporting Gemmill’s nomination. “I could not have asked for a better mentor as I began my career on the bench.”

Judge and fellow Hall of Fame member Judge Andrew D. Hurts also writes in Gemmill’s support, “He listens, questions and even when he disagrees, treats everyone with respect. He is one of our best.”

Gemmill graduated with an agriculture degree with double majors in animal science and economics from the University of Arizona. Following service with the United States Navy, Gemmill returned to Tucson and earned his juris doctor degree from what is now the James E. Rogers College of Law at the University of Arizona, graduating second in his class. He earned both degrees with highest distinction.

Gemmill spent 25 years in private practice with the firm primarily known at the time as Tellbong, Sanders & Parks before his appointment to the bench. Over the years, his colleagues elected him vice chief judge and chief judge of the division.

Along with his wife Linda, Gemmill is an active member of the church. He traveled to the Mississippi Gulf Coast to assist with post-Hurricane Katrina reconstruction efforts in 2008, and flew to the Democratic Republic of Congo in 2010, 2013 and again this year for justice conferences. Gemmill currently serves on the Congo Initiative—USA Board of Directors.

He expresses gratitude to those who nominated him and supported his induction.

“During my judicial career, I have again been blessed to work with outstanding judges, law clerks and staff here at the court of appeals. My friends and co-workers have contributed very meaningfully to whatever success I have enjoyed.”

Timothy M. Hogan

Fighting for and giving a voice to citizens of all ages whose needs and rights would otherwise be ignored has been Hogan’s calling for 24 years as the executive director for the Arizona Center for Law in the Public Interest.

And while Hogan embraces the field of nonprofit law that is less glamorous than what is promised in the realm of private practice, his advocacy has made an immeasurable difference with the center’s major victories for Arizonans in the areas of consumer rights, environment, health care and education.

One of his best-known triumphs was on behalf of property-poor school districts when he successfully argued that school construction funding methods in Arizona were unfair due to the property tax deficiency in poorer areas compared to wealthier ones. As a result, in 1994, the Arizona Supreme Court held that the system was in violation of the state constitution regarding “general and uniform” school funding.

Primarily focusing on issues relating to public school finance, utilities and campaign finance reform, Hogan has also been instrumental in the creation of Arizona’s progressive energy standards for increased efficiency and mandatory use of renewable energy sources.

After graduating with distinction from Arizona State University with a mathematics degree, Hogan earned his law degree from the University of Notre Dame Law School. Prior to joining the center, Hogan was chief counsel for the Arizona Corporation Commission, assistant Arizona Attorney General in the Civil Rights and Financial Fraud Divisions and Phoenix program director at Community Legal Services.

Hogan’s passion is well known and near legendary. In a profile of Hogan in The Arizona Republic dated 2012, former Arizona Governor Janet Napolitano, who didn’t always agree with Hogan, says, “I think that Tim and the Center for Law in the Public Interest have been historically important issues. Without them, some of those issues would not have been raised at all. They don’t pick small fights. They pick important ones.”

Kevin E. O’Malley

Equal and dedicated service to his clients, profession and community has been O’Malley’s fingerprint over his 35-year career, with extraordinary outcomes in an array of complex litigation matters, service in charitable efforts and contributing his expertise in legal education programming.

O’Malley heads the firm’s litigation and public bidding and procedure departments at Gallagher & Kennedy, where he has led clients to success in technology matters, construction and insurance disputes, governmental affairs and other business conflicts. He is also a member of the firm’s board of directors.

A graduate of Cornell University, O’Malley graduated magna cum laude from what is now the Sandra Day O’Connor College of Law at Arizona State University, where he was a Law Journal editor, graduated first in his class and received the Armstrong Award, which is given annually to the outstanding graduate.

Active on numerous Maricopa County Bar Association committees over the years, O’Malley took on the unenviable task of lobbying the legislature for pay raises for judges, and while serving on its board of directors, was instrumental in helping to launch the annual Race Judicata that benefits the Maricopa County Bar Association Young Lawyers Division and domestic violence survivors.

He has devoted time and resources to charitable and civic organizations in Arizona as well as his hometown of Chicago, and currently serves as a member of Greater Phoenix Leadership.

“Kevin has made an enormous difference — within our law firm, our profession and our community,” writes Gallagher & Kennedy co-founder Michael K. Kennedy in a letter supporting O’Malley’s nomination to the Hall of Fame.

O’Malley and wife Susie Stevens O’Malley, a prominent lawyer lobbyist, have five college-aged children. This, he says, explains why he is still working.

Ten exemplary leaders in the legal profession, comprising the 2015 class of inductees into the Maricopa County Bar Hall of Fame, were recognized Oct. 27 at a luncheon at the Hyatt Regency in downtown Phoenix. Also honored at the luncheon was the Robert R. Mills Member of the Year, Kelly Knaul. In addition, the Justice Michael D. Ryan Scholarship was awarded to two outstanding recipients, Glennova Angborne from ASU College of Law and Kalin Myers from Arizona Summit Law School.

Raul Castro.
Van O'Steen

Driven by a passionate belief that legal services should be accessible to all, O'Steen has changed the landscape for practicing professionals and their clients. Shortly after graduating cum laude from what is now the Sandra Day O'Connor College of Law at Arizona State University, the founders of O'Steen & Harrison started a practice with law school classmate John Bates that focused on providing low-cost legal services for those who couldn't afford the high-dollar private practice fees.

They realized that in order to stay afloat, they would need to advertise their services and prices to draw potential clients. At the time, the State Bar of Arizona forbade this. In 1977, O'Steen and Bates went to the U.S. Supreme Court and won the landmark case Bates v. The State Bar of Arizona, permitting lawyers, doctors and other professionals to advertise their services and fees. As a result, overall costs of legal services declined.

“It is hard to think of anyone who is in the Maricopa County Bar Association Hall of Fame who has made a greater difference in the accessibility and affordability of legal services, not just in Arizona but throughout the country in the last 50 years than Mr. O’Steen,” writes Paul F. Eckstein, a partner with the firm Perkins Coie, in a letter supporting O’Steen's nomination into the Hall of Fame.

A native of Tennessee, Osteen earned his bachelor's degree from California Western University. O'Steen and his wife Debbie have been married for 41 years. When asked about his induction, O'Steen humbly said, “I'm unworthy.”

Hon. Ron Reinstein (ret.)

Retirement has done little to slow down Reinstein, one of the most revered Maricopa County Superior Court judges during his 22 years on the bench, who remains an asset as a judicial consultant for the Arizona Supreme Court and was appointed by the Chief Justice as the Director of the Center for Evidence Based Sentencing.

He also serves as a consultant to several entities, including the National Institute of Justice, National Forensic Science Technology Center and Justice Department Office of Victims of Crime.

The depth and breadth of Reinstein's work, particularly advocating for victims' rights, has drawn the admiration of colleagues.

“I know of no one in Maricopa County who is more respected by judges, attorneys and those in the legal community for his leadership and the contributions he's made to our system of justice,” writes Judge Brian K. Ishikawa in a letter supporting Reinstein's nomination into the Hall of Fame.

After earning his bachelor's degree from Indiana University and graduating from what is now the Indiana University Maurer School of Law, Reinstein moved with his wife of 43 years, Marilyn, to Arizona, not knowing a single person. His brother Pete, also a judge, followed a year later. Reinstein has two children and two grandchildren.

Reinstein started his career as a Deputy Maricopa County Attorney, serving as Supervisor of the Criminal Trial Unit and head of the Sex Crimes Unit until 1985, when he was appointed to the bench. He served as the Presiding Criminal Judge and Associate Presiding Judge of the Court, and retired in 2007.

In 2002, Reinstein was inducted into his alma mater’s Academy of Law Alumni Fellows. He is the recipient of the 2011 U.S. Attorney General National Crime Victim Service Award and U.S. Attorney General Distinguished Service Award for DNA Commission for Arizona. He has also been honored with the James A. Walsh Outstanding Jurist Award and the Judicial Award for Excellence from the Arizona State Bar, as well as the Maricopa County Bar Association’s Henry Stevens Outstanding Judge Award.

Reinstein has received the Society of Professional Journalists’ Sunshine Award and is a two-time recipient of the Arizona Attorney General Distinguished Service Award for leadership and Public Policy.

Charles “Chas” Wirken

His career has been spent close to home, but Wirken has generated an influence and leadership reach that extends beyond his hometown of Mesa, where he was raised and continues to reside.

After earning business and law degrees at the University of Arizona, he returned home to begin his legal career in 1975, and moved his appellate and commercial litigation practice to Gust Rosenfeld in 1997.

Wirken’s impressive record of service to the legal community includes two significant firsts among East Valley lawyers: His election to the Maricopa County Bar Association board of directors in 1983 and to the State Bar Board of Governors in 1995. He has served as president of the East Valley Bar Association, the MCBA and the State Bar.

Wirken has also served on the board of Community Legal Services and is a former president of the Volunteer Lawyers Program. In addition to VLP clients, his numerous pro bono representations have been diverse, including Make-A-Wish Foundation of America, adoptions for childless couples, and appeals at the U.S. and Arizona Supreme Courts, respectively, regarding the constitutionality of Arizona’s grandparents’ visitation statute and a former military spouse’s right to a share of military retirement pay.

Wirken’s service to his community parallels that to his profession. Examples include co-chairing the Mesa United Way campaign and leading the Mesa Rotary Club as president.

In response to his induction into the Maricopa County Bar Association Hall of Fame, Wirken expressed gratitude to those who assisted him along the way.

“I am grateful to all of those who gave me opportunities to be of service or supported my efforts, including hall of fame members Richard Segal, Rebecca Albrecht, James McDougall, Robert Broomfield and Thomas Tang.”

Charles A. Carson Jr. (1881-1952)

What began as Carson’s fight to survive in the face of pessimistic doctors resulted in a stellar legal career that influenced Arizona’s history, water rights and, ultimately, the state’s future.

Born in Kissimmee, Florida, Carson, who was known as “C.A.,” was brought to Arizona on a stretcher in 1921, after physicians diagnosed him with tuberculosis, informing Carson he had only six months to live. Determined to outlive his predications, Carson, accompanied by his wife and young children, spent most of his time recuperating in the desert sun while studying legal textbooks and “reading the law.” In 1922, Carson was admitted to the State Bar of Arizona.

Two years later, Carson founded the firm now known as Carson Messinger with former Maricopa County Attorney Gene S. Cunningham. Carson served as Maricopa County Deputy Attorney and Phoenix City Attorney and was an active chair of the Maricopa County Bar Association’s Legislative Committee, lobbying for the creation of the State Bar of Arizona. In 1953, Carson became the first president of the State Bar of Arizona and remains the only two-term president in the bar’s history.

Carson quickly became a noted expert in Arizona natural resources law and was vital in the battle with the state of California over rights to Colorado River water. He advised Governor Sidney P. Osborn, who was given charge to manage Arizona’s interest in the Colorado River and, upon taking office in 1941, gave Carson the task of steering Arizona’s water policy.

He served as special attorney for the state of Arizona on Colorado River matters from 1945, and also chief counsel on the Arizona Interstate Stream Commission from its inception in 1948 until his death.

In addition to co-founding one of the oldest and most distinguished firms in Arizona, Carson’s legacy lives through his family, several of which are active members of the legal and justice community.

In 1954, Carson’s son, C.A. Carson III, was the Maricopa County Bar Association president and in 1958, he became the State Bar of Arizona’s 25th president, continuing the family tradition of serving and leading Arizona’s bar association. Carson’s granddaughter, Kristin C. Hoffman, previously served as Maricopa County Court Commissioner and has been a Maricopa County Superior Court Judge since 2005.


An extraordinary ascent from dire poverty to the state’s highest office was Castro’s real life journey that boasts the screenplay of award-winning films.

One of 12 children born in Cananea, Mexico, to a copper miner father and midwife mother, Castro moved with his family to Douglas in 1926. Castro attended what is now Northern Arizona State University on a football scholarship, where he earned a bachelor’s degree in education and became a U.S. citizen. Castro taught Spanish at the University of Arizona while attending what is now the James E. Rogers College of Law in order to pay his tuition.

Castro spent five years in private practice and was elected Pima County Attorney and Pima County Superior Court Judge. In 1964, President Lyndon B. Johnson, who Castro met four years earlier as the democratic vice presidential candidate during a campaign stop in Tucson, appointed Castro as U.S. ambassador to El Salvador. Johnson later appointed Castro ambassador to Bolivia, a post he held until 1970, when he returned to Arizona.

In 1974, Castro was victorious in his second bid for the governor’s seat, becoming Arizona’s 29th governor.

See Hall of Fame page 11

Hall of Fame Luncheon

Diversity Scholarship winners

Glenns’ba Aughborne and Kalin Myers (r.) with MCBF Vice-Chair Robert Kethcart.

MCBA Immediate Past President Bill Kastin, MCBA Treasurer Norma Izzo and Scott Hancock

Member of the Year Kelly Kral with MCBA President T.J. Ryan and Executive Director Allen Kimbrough (r.)
Advertise in the Maricopa Lawyer and reach more than 3,500 attorneys and other legal professionals. Call (602) 257-4200.

Welcome, Sustaining Members!

The MCBA is proud to welcome the following attorneys who have joined the Association as Sustaining Members for 2016:

- James C. Dutson
- Magaly Fontes
- James R. Harrison
- Jennis Hemingway
- Leonesia Herd
- Jill M. Hulsizer
- Hon. Ronee Korbin Steiner
- Jack Levine
- Charles F. Myers
- Michelle N. Ogborne
- Rich J. Peters
- James T. Rayburn
- Lynda C. Shely
- Howard A. Snader
- Robert E. Thomson

(List is as of Nov. 6)

For a single payment of $500, Sustaining Members receive unlimited attendance at live Continuing Legal Education programs and other benefits. For more information or to become a Sustaining Member, please contact Membership Director Cynthia Quinonez at 602-682-8582.

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BERK LAW GROUP, P.C.

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

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Since 1973, the Phoenix-based law firm of Sanders & Parks, P.C. has represented individuals and businesses throughout the United States. As we’ve grown through the years, our lawyers have maintained our dedication to quality service and personal care while adapting to new ideas and incorporating fresh perspectives. We have the capabilities and resources of a large firm with the heart of a small one. And in trying economic times like these, we want our clients to know that we understand just how important value is. That’s why you can rely on Sanders & Parks, now more than ever.

Founded in 1995, Salmon Lewis & Weldon, P.L.C. is proud to be celebrating 20 years of service to its clients and community. Our attorneys handle a variety of matters, but focus mainly on complex water rights, environmental and natural resources, commercial litigation, and commercial real estate financing and transactions. We are proud to have been recently named a “Best Law Firms” Tier 1 (Phoenix) in Environmental Law, Litigation – Environmental, Natural Resources Law and Water Law.

Closely held and public companies look to Schian Walker for solutions in complex financial disputes in both Superior Court and Bankruptcy Court. The firm represents borrowers and lenders in commercial litigation, bankruptcy litigation, Chapter 11 bankruptcy, loan restructurings and workouts, creditors’ rights, settlement negotiations and receiverships. Schian Walker is a long-time leader in Arizona’s bankruptcy community, with active membership in the American Bankruptcy Institute and the Arizona Bankruptcy American Inn of Court. Attorneys include Dale Schian (a multi-year Super Lawyers and Best Lawyers selectee), Scott Goldberg, Cody Jess (a four-time Super Lawyers Rising Stars honoree), Mark Hudson and Tyler Grim.

Zwillinger Greek & Knecht PC is a full service commercial law firm dedicated to providing unparalleled service. Our focused team of attorneys takes the time to know and understand our clients and their businesses and develops working solutions to meet their individual needs. We pride ourselves on establishing long-term relationships with our clients and maintaining those relationships by providing high quality work and effective business solutions.
MCBA Affinity Partners save you money

Visit MCBA's Affinity Partners at maricopabar.org and use their products and services at the member discount. It's a benefit of membership in the Maricopa County Bar Association.
INSIDE THE COURTS

Governor appoints five new judges

Alison Bachus  Greg Como  Kerstin LeMaire  Howard Sukenic  Roy Charles Whitehead

Gov. Doug Ducey appointed Alison Bachus, Greg Como, Kerstin LeMaire, Howard Sukenic and Roy Charles Whitehead to the Maricopa County Superior Court Bench.

Judge Bachus served as senior counsel for the Federal Bureau of Prisons. Previously, she worked as an assistant U.S. attorney, clerked for Chief Judge Stephen McNamee of the U.S. District Court of Arizona and counseled veterans at the U.S. Department of Veterans Affairs. Bachus has served as a lawyer-representative to the Ninth Circuit Judicial Conference and as vice president for the Ninth Circuit of the Federal Bar Association.

She graduated from the University of Illinois in 1999 and received her law degree from the University of Arizona College of Law in 2005. Bachus will preside over a juvenile calendar atDurango.

Judge Como is a former partner at the law firm of Lewis Brisbois Bisgaard & Smith. Previously, he practiced at Lewis and Roca for 15 years, specializing in the areas of complex insur- ance coverage and bad faith litigation.

Como obtained a bachelor’s degree in education from Indiana University of Pennsylvania in 1986. He graduated from Arizona State University College of Law in 1990. He will be assigned to a criminal calendar in downtown Phoenix.

Judge LeMaire served as the chief judge for Cocopah Tribal Court.

LeMaire obtained a bachelor’s degree in German literature and language from Tufts University in 1990 and graduated from the University of Cincinnati College of Law in 1993. She will be assigned to a civil calendar in downtown Phoenix.

Judge Sukenic was an assistant U.S. attorney who worked in the Financial Crimes and Public Integrity Section, where he prosecuted cases involving fraudulent investment schemes, money laundering, taxation violations and public corruption. He was formerly chief of the Southwest Border Section and chief of the Financial Crimes and Public Integrity Section of the U.S. Attorney’s Office.

He was also a prosecutor for the Maricopa County Attorney’s Office for 13 years.

Sukenic graduated with a bachelor’s degree in psychology from Arizona State University in 1984 and received his law degree from Pepperdine University School of Law in 1987. He will be assigned to a family court calendar in downtown Phoenix.

Judge Whitehead is a native Arizonan. He graduated with a bachelor’s degree in business administration from the University of Arizona in 1982. In 1994, he received his law degree from the University of Arizona College of Law.

Whitehead was a criminal defense attorney who practiced at his own firm, the Law Office of RC Whitehead, since 1985. Previously, he worked at the Maricopa County Public Defender’s Office. He also served as a Judge Pro Tempore for the Maricopa County Superior Court and the Temple Municipal Court. He will preside over a family court calendar at the Northeast Regional Court Center.

The State Bar is not broken

continued from page 1

sions (designed to give the attorney training or guidance to avoid future problems) or dismissals with comment. In other words, about 10 percent of complaints result in either a sanction or corrective guidance.

Mr. Levine is correct when he points out that often it is sole practitioners or small-firm attorneys, like myself, who fall afoul of the rules. Unlike larger firms, we often don’t have built in systems for trust account management, ethics advice or mentoring. That’s exactly why the State Bar provides free or inexpensive services to help us. From our Ethics Hotline to the Trust Account Manual or our Practice 2.0 program for law office management, the only goal is to help attorneys improve their skills so that lawyers do not run into these problems and the public can get the legal assistance they deserve.

Yes, there are some states where the most basic cost to practice is cheaper than Arizona. But when you factor in what our attorneys pay for both court-mandated functions (which are costs that will never go away) as well as the additional programs (which are costs that are spread among the entire membership to provide services which help our members continue to thrive and avoid ethical snags), Arizona’s attorneys actually pay less than their peers in other states for a similar package of benefits.

Mr. Levine is correct when he says we shouldn’t remain tied to the past. The practice of law is changing rapidly and having a nimble and highly regarded organization like our State Bar to help guide and assist us is more critical than ever.

Geoffrey Trachtenberg is the president of the State Bar of Arizona.

Chief Justice Scott Bales named to Judicial Conference Committee

United States Chief Justice John Roberts, Jr. has appointed Arizona Supreme Court Chief Justice Scott Bales as a member of the Committee on Federal-State Jurisdiction of the Judicial Conference of the United States. This 14-member committee is comprised of U.S. circuit judges, district judges, a bankruptcy judge, a magistrate judge and four state supreme court chief justices, all of whom are appointed by the Chief Justice of the United States.

The committee considers issues related to the structure and jurisdiction of the federal courts and the allocation of jurisdiction between state and federal courts, and it makes recommendations to the Judicial Conference, the policy making body for the federal judiciary. The committee also serves as a conduit for communications on matters of mutual concern between the federal judiciary and state courts.

Bales was appointed for a three-year term beginning October 1, 2015 through October 1, 2018.

Judge Andrew Klein recognized for innovative probate program

Probate Court Presiding Judge Andrew Klein is now a member of a distinguished group of legal professionals.


“I’m honored to receive this type of national recognition for our court,” Klein said. “This award is a reflection on our entire department and the excellent work that our commissioners, administrators and staff do to make the department run so efficiently and effectively.”

Klein was honored for making a difference in the community through the implementation of a highly successful arbitration and mediation program. Under his leadership, the probate department is starting to change the culture of probate court, and attorneys are looking to mediate cases earlier than ever before.

“Triage resolution of probate cases through mediation saves significantly on litigation fees and costs, and keeps more money in estates and trusts for those who need it,” Klein said. “Early resolution also acts as a catalyst to repairing fractured family relationships.”

The award was presented at the NCPJ 2015 Fall Conference, Nov. 11-14, in Alexandria, Virginia.

Established in 1978, the Treat Award is presented annually to one who has made a “significant contribution to the improvement of the law or judicial administration in probate or related fields.” The award is named in honor of Judge William W. Treat, founder and President Emeritus of the National College of Probate Judges.

Klein was appointed to the bench in 2001. He has presided over many calendars, including juvenile, criminal, civil and family court.

Hall of Fame

continued from page 7

Arizona’s first and only Latino governor. He resigned in 1977, when President Jimmy Carter appointed him ambassador to Argentina.

In 1980, Castro returned to Arizona and resumed his practice, which concentrated on immigration and international law. He retired in 2003.

Castro received honorary doctorates from NAU, Arizona State University and La Universidad Autonoma de Guadalajara. His legacy includes the Raul H. Castro College of Social and Behavioral Sciences building at NAU, the Raul H. Castro scholarship through the Center for Latin American Studies at the University of Arizona and the Saul H. Castro Institute, a collaborative effort between ASU, Phoenix College and the Maricopa County Community College District. Former Arizona Governor Janet Napolitano proclaimed Feb. 16, 2006 Raul H. Castro Day.

In Castro’s autobiography, “Adversity Is My Angel,” he recounts a Fourth of July picnic he attended as a child at a Douglas park where Arizona’s first governor George W.P. Hunt was speaking.

“He looked over at us, pointed right at me and said: ‘In this great state of ours, anyone can be governor. Why, even one of those little barefoot Mexican kids sitting over there could one day be governor.’

In 2002, that site was renamed Raul H. Castro Park.
DEC. 10  •  NOON TO 1 P.M.  
(Lunch provided)  
Changes to the Ethical Rules are Coming Jan. 2016
Lynda Shely will discuss several of the Arizona Rules of Professional Conduct that will require attorneys to educate themselves to avoid sanctions. The CLE will cover:
- New options and requirements when fee shifting
- New requirements for screening lateral lawyers
- New provisions about what out-of-state lawyers may do in Arizona (temporarily or permanently)
- In-House Counsel Rule changes

PRESENTER: Lynda Shely, The Shely Firm, PC
COST: MCBA members: $77.50
County Bar members: $122.50
- Bring your paralegal/legal assistant (Please provide their name and email): $40
- MCBA Family Law Section Members: $70 (use promo code TOP)
- MCBA Paralegal & Public Lawyer Division members: $55
- MCBA student members: $25
- Non-members: $117.50

LIMITED SEATING – RESERVE NOW! Register before 12/9/15 and receive a $15 discount.

DEC. 11  •  NOON TO 1:30 P.M.  
(Lunch provided)  
Help Me Help You: Advice and Tips from Family Law Judicial Assistants
Sponsored by: Family Law Section
1.5 CLE credit hours available
This CLE will provide lawyers and their staff insights into the things we do that tend to drive judges and their court staff crazy! This CLE is geared to help create a better understanding of how to interact with judges and their court staff in order to streamline the litigation process and to create a more pleasant relationship between the bar and the bench.
PRESENTERS: Diane Hilty, Judge Polk's Judicial Assistant; Shelley DeMasiari, Judge Green's Judicial Assistant; and Eileen Clevenger, Judge Ryan-Touhill's Judicial Assistant
COST: MCBA members: $77.50
- Bring your paralegal/legal assistant (Please provide their name and email): $40
- MCBA Family Law Section Members: $70 (use promo code TOP)
- MCBA Paralegal & Public Lawyer Division members: $55
- MCBA student members: $25
- Non-members: $117.50

LIMITED SEATING – RESERVE NOW! Register before 12/8/15 and receive a $15 discount.

JAN. 12, 2016  •  NOON TO 1 P.M.  
(Lunch provided)  
Can I Delete This? Record Keeping & Litigation Holds in an Electronic Age
Sponsored by: Corporate Counsel Division
1 CLE credit hour available
Corporations large and small are inundated with emails and electronic records. What do you have to do with all those versions of the same document? Emails? Spreadsheets? In this class, what you don't know can hurt you. Sanctions are on the rise. Loss or destruction due to a mistake can cost you the case, what you don't know can hurt you. Sanctions are on the rise. Loss or destruction due to a mistake can cost you the case.
PRESENTER: Andrew W. Gould, Theut, Theut & Theut PC
COST: MCBA members: $122.50
- Bring your paralegal/legal assistant (Please provide their name and email): $40
- MCBA Family Law Section Members: $70 (use promo code TOP)
- MCBA Paralegal & Public Lawyer Division members: $55
- MCBA student members: $25
- Non-members: $172.50

LIMITED SEATING – RESERVE NOW! Register before 12/13/15 and receive a $15 discount.

PREPARED BY: BRIAN THEUT, THEUT, THEUT & THEUT PC; KEVIN PARKER, SNELL & WILMER

TWO WAYS TO REGISTER:
ONLINE: www.maricopabar.org under CLE/EVENTS header, then click CLE Calendar.
PHONE: Call Kelly Branger at 602-682-8588 M-F, 8:30 am to 5 pm. Have your credit card information handy.

PRETENDERS: J. DANIEL CAMPBELL, ESQ and ANGELA L. COONEY, ESQ, O'CONNOR & CAMPBELL, PC
COST: MCBA members: $65
- Bring your paralegal/legal assistant (Please provide their name and email): $30
- MCBA Corporate Counsel Division members: $60 (use promo code DELETE)
- MCBA Paralegal & Public Lawyer Division members: $50
- MCBA student members: $30
- Non-members: $95

LIMITED SEATING – RESERVE NOW! Register before 10/10/16 and receive a $15 discount.
COST:

- Additional Insured & Indemnification
- Review Existing Non-Cyber Policies
- Review Vendor Contracts
- Losses Associated with Breaches
- Costs of Breaches
- Causes of Data Security and Privacy Breaches
- Nature of the Threat

The new shareholders were elected based on their excellent client service and diligent work in more than a dozen service areas including health care, financial services, real estate and litigation.

Riley Carlock & Appelwhite is pleased to announce that Jessica A. Benford has been selected as Practice Group Leader of the firm’s Corporate, Bankruptcy & Real Estate Practice Group.

Benford, a shareholder, helps local entrepreneurs, start-ups, business owners, established companies and financial institutions navigate significant issues related to formation, governance, financing, compliance and intellectual property. Benford is committed to understanding her clients’ business goals and challenges in order to deliver responsive solutions.

Benford will oversee the firm’s lawyers practicing in the expansive areas of corporate, banking and real estate.

PROMOTIONS

Jamie D. Cole and Nathan Kunz

The Maricopa Lawyer invites members to send news of moves, promotions, honors and special events to post in this space. Photos are welcome. Send your news to mhlaskins@maricopabar.org.

BULLETIN BOARD POLICY

If you are an MCBA member and you’ve moved, been promoted, hired an associate, taken on a partner, or received a promotion or award, we’d like to hear from you. Talks, speeches (unless they are of national stature), CLE presentations and political announcements are not accepted. In addition, the Maricopa Lawyer will not print notices of honors determined by other publications (e.g., Super Lawyers, Best Lawyers, etc.). Notices are printed at no cost, must be submitted in writing and are subject to editing. Items are printed as space is available. News releases regarding lawyers who are not MCBA members in good standing will not be printed.

MCBA SEEKS VOLUNTEERS

The MCBA is currently seeking additional new members for the following MCBA committees:

- Bench and Bar
- Continuing Legal Education
- Lawyer Referral Service

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’d 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.

The MCBA seeks volunteers to serve on the following committees:

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

If you’re interested in serving on any of these committees, please send an email to appointments@maricopabar.org. Please write the name of the committee on which you’d 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.
You Are Cordially Invited to the

2016 Barristers Ball & Casino Night

A gala occasion to benefit a worthy cause

Saturday, March 5, 2016

CAMELBACK INN RESORT & SPA, 5402 E. Lincoln Dr., Scottsdale, AZ 85253

COCKTAILS & SILENT AUCTION ■ 6:00 p.m.
DINNER AND DANCING ■ 7:30 p.m.
Black Tie Preferred

Beneficiary of the 2016 Ball
Maricopa County Bar Foundation

Reservations

Table of Ten: $1,450
Table of Ten: $1,675
Individual Ticket: $150
Two Tickets (purchased at once): $275
Individual: $175
Two Tickets (purchased at once): $325

How to Register

Please register online at www.maricopabar.org or call Laurie Williams at (602) 682-8585

About the Maricopa County Bar Foundation

The Maricopa County Bar Foundation, a 501(c)(3) charitable organization, supports many causes and community-based programs, including:

The Legal Assistance to Women & Shelters (LAWS) program runs legal clinics for women in domestic violence situations and the homeless population by offering advice on family law and other civil legal issues.

The Maricopa County Justice Museum and Learning Center. The museum, located on the 6th floor of the historic Old Courthouse in downtown Phoenix, hosts exhibits on some of Arizona’s greatest legal cases, including cases that have changed the American justice system.

Justice Michael D. Ryan Scholarships are need-based scholarships offered to law students from diverse backgrounds at the ASU Sandra Day O’Connor College of Law, the U of A James E. Rogers School of Law and the Arizona Summit Law School. The scholarships are designed to help students afford their dream of service to the community through law.
VLP ATTORNEY OF THE MONTH

Attorney shines with 20-year commitment to VLP

Some luminaries in the pro bono heavens brilliantly light the sky for short periods of time, and some are constant like the Northern Star. Since joining the Volunteer Lawyers Program (VLP) 20 years ago, attorney Christopher Bork has been constant in his readiness to accept pro bono case referrals involving tort defense and consumer rights. When he accepted recognition as VLP’s Attorney of the Month, he said, “Although I’ve always enjoyed the intellectual challenges of the law, I think the most satisfaction has come when I’ve been able to help a person who really needs help.”

Born and raised in Arizona, Bork’s family relocated from his birthplace in Flagstaff to Phoenix when he was 12 years old. He recalls the adjustment from carefree play in forests to the confines of city life as a small challenge for him, but “I knew my father’s employment with First National Bank required the change, and I was able to adapt.”

As a high school student, Bork’s interests included reading books about lawyers and trials. When college bound, he chose the University of Arizona, thinking he would major in journalism, a lack of opportunities in that field found him once again drawn to the law. “For a couple of years I did legal research, and in the field found him once again drawn to the law. I feel some obligation to share the benefit of the legal education I was able to reverse its decision and pay its policy limit. The opposing insurer accepted the limit as payment in full. His client was relieved of any obligation to pay damages in excess of the limit.

Bork recognizes that low-income clients are often unfairly caught in situations they cannot remedy without the expertise or influence of an attorney they cannot afford to hire. He notes that the accompanying worry is as much a burden for them as the debt itself. “I’ve had a couple of clients referred to me through VLP who were being pursued by debt collectors for monies they did not owe,” he said. “They could not stop this on their own, but once they had a lawyer on their side, the unjustified claims went away. They were very grateful to have the worry and burden removed, and I felt grateful to have the chance to make their life easier emotionally and financially.”

His happy marriage of 31 years, a large extended family life and volunteer work through his church are important to Bork, as well. Like other lawyers who engage in pro bono work, Bork says, “Time is a challenge. I always wonder whether I can fit a VLP assignment in with my regular work, but I just say yes. The assignments are typically not hugely time consuming and I know I can make a difference in the life of someone who doesn’t have my knowledge in the law. I feel some obligation to share the benefit of the legal education I was able to receive.”

Christopher Bork

Christopher Bork

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Joy Isaacs
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BANKRUPTCY
Brian Blum
Turn Around Team
Shannon Hennessey
Frukin Law Firm
Jillian Hindo
Shahan & Hindo
Cody Johnson
Lexington Law Firm
Ross Mumme
Oswalt Law Group
Florin V. Ivan
Ivan & Kilmarck

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Aiken Scheck Hawkins & Riccardi
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Lewis Rocca Rothgebenger

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Joshua De La Ossa
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Clarence E. Matherson
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Gallagher & Kennedy

HOMEOWNERSHIP
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Jason A. Maskovich
Bryan Cave
Jeffrey D. Wolfe
Bellah Perez

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Michelle M. Lauer
John C. Lincoln Law Offices

Michael P. Nanducci
-2 cases
Snell & Wilmer
Bruce E. Samuels
Lewis Rocca Rothgeberenger

LANDLORD/ TENANT
Nature Lewis
Jane Law Office
Shawn Stone
-2 cases
Stone Law Group

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Amy L. Foster
The Foster Law Firm

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Rebecca N. Lumley
Polinellii
Geoffrey Sturr
Osborn Maledon

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Jeffrey Fugal
Quarles & Brady
Kevin Walsh
Quarles & Brady

**PRO BONO SPOTLIGHT ON CURRENT NEED**
Volunteer lawyers are needed to counsel senior citizens troubled by debt collectors.

The Volunteer Lawyers Program is a joint venture of Community Legal Services and the Maricopa County Bar Association

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The Volunteer Lawyers Program thanks the following attorneys and firms for agreeing to assist on 32 cases referred by VLP to help people with low incomes. VLP supports pro bono service of attorneys by screening for financial need and legal merit and provides primary malpractice coverage, donated services from professionals, training, materials, mentors and consultants. Each attorney receives a certificate from MCBA for a CLE discount. For information about ways to help, please contact Pat Gerrich at VLP at (602) 254-4714 or pgerrich@clsaz.org.

Christopher Bork

Get help collecting past due child support and delinquent spousal maintenance

pgerrich@clsaz.org.
For information about ways to help, please contact Pat Gerrich at VLP at (602) 254-4714 or pgerrich@clsaz.org.

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