Haug’s Pro Bono Work Recognized

By Peggy Cornelius

William F. Haug has become the first recipient of the Arizona Supreme Court Outstanding Pro Bono Service Award. The new award category was established to recognize substantial or creative contributions in the provision of pro bono services and the furtherance of the practice in the field.

Chief Justice Ruth V. McGregor presented the award June 20 during the annual judicial conference in Carefree. She later remarked, “On behalf of my colleagues, I express our pleasure in honoring Mr. Haug. He has devoted much of his career to serving people in need of attorney services and to advocating the importance of pro bono service to fellow attorneys.”

An active partner in the firm of Jennings, Haug & Cunningham and a former president of MCBA 1974-75, Haug’s distinguished career has spanned more than 50 years. When asked about his professional commitment to community service, Mr. Haug said, “Lawyers need to reach out to the public... If the system doesn’t work for low-income people, we have a problem.” He sets the example and encourages all the members of the firm to participate by accepting pro bono cases.

During his tenure as president of the State Bar of Arizona, Haug initiated the adoption of IOLTA funding for legal services to the poor. When the Maricopa County Bar Association and Community Legal Services co-sponsored the establishment of the Volunteer Lawyers Program (VLP) in 1981, Haug became a founding member. He made a commitment to represent at least one low-income family through VLP at all times. He consistently offers his assistance before being approached, and is known to VLP staff members for his creativity, enthusiasm and patience in handling difficult matters.

Not surprisingly, both Haug and the firm have received numerous awards for their outstanding community service. In 2006, the Arizona Foundation for Legal Services and Education recognized Haug as one of the “Top 50 Pro Bono Attorneys” in Arizona. In 1994, 2001, and 2005, Jennings, Haug and Cunningham has been honored at Volunteer Lawyers Program “For Love of Justice” awards events.

Money Talks; Students, Not So Much

Corporations found themselves with greater First Amendment protection than high-school students in the just-completed Supreme Court term. The Court invalidated a provision of the McCain-Feingold campaign-reform bill that attempted to ban corporation-funded political ads. At the same time, it upheld the suspension of a high-school student who unfurled a strange banner on a public street in an effort to get himself on television.

In the political arena, the issue revolved around § 203 of the Bipartisan Campaign Reform Act of 2002, better known as the McCain-Feingold Act. Section 203 is aimed at ads directed at the voters that air during the period shortly before federal elections and that mention the name of a candidate for federal office. It bans corporations from using general treasury funds to finance these ads.


Shortly before Wisconsin’s 2004 primary election, Wisconsin Right to Life, Inc. began running television ads decrying the filibuster of federal judicial nominations. The ads urged viewers to contact Senator Russell Feingold, who was then running unopposed for re-election in the Democratic primary. WRTL filed suit, seeking a declaration that § 203 violated its First Amendment rights under Buckley v. Valeo, 424 U.S. 1 (1976). The district court sided with WRTL and the FEC appealed to the Supreme Court.

By a slim five-to-four vote, the high court ruled that § 203 violated WRTL’s First Amendment rights. The majority group was
Summertime and the Living is Easy

Like the song goes, it’s summertime and the living is easy (or it should be easier). I have just returned from an out-of-state vacation with the feeling of renewal that I hoped it would bring. Instead of taking the beginning of the year to make new resolutions, it seems that a summer vacation is the better time to make them.

The vacation break gave me, and hopefully has or will give you, the chance to think about our lives and the practice of law as the saying goes, we work to live and not vice versa. If you have taken a vacation, long or short, or a break from your work, I hope that you have had a chance to re-energize and revitalize. Maybe it was just a change of scenery from our dry heat. Maybe it was the chance to read a good book or two, or three or four.

If you have not taken a break, maybe you are waiting until later in the year. If you have not yet scheduled a break, it’s not too late. If you cannot change the scenery, there are other ways to revitalize. Maybe it is making that call to the college or law school friend that you have not talked to for a long while. Maybe it is inviting a local friend or colleague to lunch for no reason other than to reaffirm friendship and collegiality.

I saw last month’s Wimbledon final on television between Roger Federer (who eventually won) and Rafael Nadal. John McEnroe commented that due to rain delays, Nadal was playing the championship match on his seventh consecutive day of matches. He said that anyone would need a physical, and more importantly, a mental break to re-energize themselves.

So if you have not yet taken a break, tell yourself and even any senior partner(s) that you need a break. Everyone will be the better for it.

I hope that you have had a good summer.

---

Start Now to Comply with New State Employment Verification Process

On July 2, 2007, Gov. Napolitano signed HB 2779, the “Fair and Legal Employment Act.” The provisions of the law become effective January 1, 2008. According to the press release issued by the Governor’s Office, she is likely to call a special session to fulfill a campaign promise made in 2006 to “sign major legislation extending Arizona’s civil rights laws to protect employees from knowingly or intentionally hiring undocumented workers.” For information about the issue. All submissions may be edited for content, length and style.

This is a mandatory regulation which will be applied to all employers in Arizona [including, of course, law firms]. Starting sooner rather than later, will allow the maximum amount of time to work through what will undoubtedly be a complicated, but necessary process.

The law is intended to prohibit employers from knowingly or intentionally hiring undocumented workers. The penalties are severe. Even for a first offense, there can be business license suspensions, fines and other sanctions.

The second offense will result in a permanent revocation of the employer’s business license. Marton says you should take these steps immediately:

- Continue to carefully verify employment using the I-9 process.
- Ensure that your hiring processes do not involve discrimination and are in compliance with all hiring laws.

Sign up for the BPP—the Business Pilot Program. The federal database operated by the HDS, USCIS and SSA departments is available to assist employers in their efforts to accurately verify the social security numbers and employment eligibility of new hires.

Register at https://www.vis-dhs.com/EmployerRegistration. According to the Web site, “An employer who verifies work authorization under the EEV program has established a rebuttable presumption that it has not knowingly hired an unauthorized alien.” Source: I am an Employer...How do I...Use the Employment Eligibility Verification/Basic Pilot Program? M-655 (01/07).

Phoenix School of Law Institutes a Thirty-Hour Pro Bono/Community Service Graduation Requirement

Phoenix School of Law, provisionally accredited by the ABA, has adopted a pro bono policy requiring students to complete 30 hours of volunteer service during their law school tenure.

A committee made up of faculty, staff and students approved the policy along with the school’s advisory board. “We feel strongly that a mission pillar that states Phoenix Law will serve the underserved has to be interpreted to include volunteer work,” said Associate Professor Penny Willrich, who also chaired the committee. PhoenixLaw is founded on three mission pillars: student centered, practice ready and serving the underserved.

Students may participate in law, or non-law related volunteer activities, and will receive a Pro Bono-Community Service Certificate upon graduation. Students who exceed the minimum requirement will receive special recognition at graduation. “It is the intent of the Committee that the terms “pro bono” and “community service” are viewed with a broad rather than a narrow lens,” said Willrich.

The Pro Bono/Community Service program will be administered by the school’s Center for Professional Development, traditionally known as the Career Services Office. “This is a great opportunity for students to serve the underserved, get involved in the community, and network at the same time. Ideally, a student’s pro bono experience will help fulfill the practice-ready mission pillar as well,” said Julie Carroll, director of the Center for Professional Development.

Interested parties with volunteer opportunities can contact Carroll at jcarroll@phoenixlaw.org.

---

Memorandum Decisions Posted to Web

As of July, each Division of the Court of Appeals began placing PDF versions of memorandum decisions filed after July 1, 2007 on each Division’s respective Web site. Memorandum decisions will remain on each court’s Web site for approximately six months. Posting is only for informational purposes and does not constitute “publication” of the memorandum decisions as precedentary authority or allow them to be cited in any court except as authorized by the rules of the Arizona Supreme Court.
Thirteen Organizations Benefit from Maricopa County Bar Foundation 2007 Grants

The Board of Trustees of the Maricopa County Bar Foundation voted at its meeting on May 18 to award over $50,000 in grants to various organizations that are making an impact on the legal system and the administration of justice. The grant recipients are:

- Superior Court (Self-Help Project)
- Arizonans for Children, Inc.
- Arizona Center for Disability Law
- Arizona Senior Citizens Law Project
- YMCA (Teen Court)
- Fresh Start Women’s Foundation
- Indian Legal Clinic (ASU)
- MCBA Young Lawyers (Law Week)
- MCBA Young Lawyers (Domestic Violence)
- The Never Again Foundation
- Save the Family Foundation of Arizona
- Volunteer Lawyers Program
- Wills for Heroes Foundation

In future issues of the Maricopa Lawyer, each of the grant recipients will be profiled and readers will learn about the projects that have been funded from the 2007 grant cycle. The Trustees appreciate all those who participated in this grants process and encourage all eligible groups to consider applying in the 2008 cycle, which will commence next spring.

Arizona Women Lawyers Association Maricopa Chapter

THIARTIHANNIVERSARY GALA

Honoring Arizona Women Pioneers of the Legal Profession

October 25, 2007 – 6 p.m.

SPONSORSHIPS
Diamond – $4,000 Platinum – $3,000
Gold – $2,000 Silver – $1,000

EXCLUSIVE UNDERWRITING OPPORTUNITIES
Exclusive Underwriting Opportunities
Invitations, Program, Decorations

HONORARY COMMITTEE
Honorable Ruth McGregor
Honorable Rebecca Berch
Governor Janet Napolitano
Honorable Ann Scott Timmer
Honorable Barbara Rodriguez Mundell
Honorable Margaret Downie

Individual Tickets Available September 1, 2007 – $125

Additional information: www.awla-maricopa.org
Juliet R. Peters, Chapter President (602) 377-0459 or Valerie Sheedy, Gala Committee Chair (602) 619-8915

Computer Litigation Expert/Consultant

AREAS OF LAW:
- Computer system non-performance
- Intellectual property
- Fraudulent computer evidence
- Missing or destroyed data recovery
- Internet

CAPABILITIES:
- Case evaluation/opinions
- Pre-trial strategy
- Courtroom testimony

EXPERIENCE:
- Computer programming/sales
- Computer Internet consulting
- Expert witness (over 90 cases)

CREDITS:
- Certified Management Consultant
- Professional speaker
- Published author

INDEPENDENT: Not affiliated with any computer company

CALL:
Brooks Hilliard, principal
602 264-9263
E-MAIL:
BHillard@ComputerExpertWitness.com

Business Automation Associates, Inc.
Phoenix, Arizona


MEDIATE WITH JOY

Joy Borum has been practicing family, probate, and business mediation for 25 years. Call today to schedule a half-hour courtesy session, and find out how to make your mediation more enjoyable.

MEDIATOR/ARBITRATOR/AZ ATTORNEY
in Good Standing

ETHICS CHAIR
Maricopa County Association of Family Mediation
ADVANCED PRACTITIONER
Association of Conflict Resolution
FAMILY & JUVENILE LAW ATTORNEY
(Heads)

TRAINER
of Mediators, Attorneys, Judges

FAMILY MEDIATION CENTER
480.949.9511
www.azfamilymediationcenter.com
WAIS MasterCard Discover Annex

ARE YOU LEGAL?

New Law Affects You!

Rule 37(f) of the Federal Rules of Civil Procedure, effective December 1, 2006, can pose serious compliance issues regarding your computer and data.

- Compliance / Data Backup
- Storage and Retrieval
- Remotely Access Your Files
- Security
- Network / Computer Trouble Shooting
- Software / Hardware Updates & Installation
- Custom Computers / Servers

“Keeping your computer network operating smoothly, securely and in compliance with the law”

Tel: 480-946-0704
www.dataconcierge.biz

DATA Concierge, LLC

The Most Trusted Name in Legal Recruitment

Phoenix is growing!
Hiring Project: Attorneys is THE HOT trend in L. A., Washington D.C., & New York. Like these powerhouse cities, Phoenix is following the national trend!
Call Sonja Cotton & Associates to hire your next project Attorney TODAY!

We Specialize in the Recruitment and Placement of:
- Attorneys
- Paralegals
- Receptionists
- Records Specialists
- Word Processors
- Administrators
- Legal Secretaries
- Legal Support Staff
- Librarians
- Deans
Race Judicata: Fun for Good Cause

The MCBA Young Lawyers Division is once again inviting the Arizona legal community to lace up their running (or walking) shoes and join us for our third annual Race Judicata 5K. It begins at 7:00 a.m. on Sunday, September 16 at Kiwanis Park (Sister Cities Garden area) in Tempe.

This annual run and walk event is open to both the legal community and the community-at-large. It includes music, vendors, balloons, a Moon Bouncer for the little ones and a Kids’ Dash immediately following the 5K Race. Now to the event this year is a 1-Mile Fun Run/Walk for those who prefer a mid-distance challenge.

In addition to enjoying the health and networking benefits of the race, participants receive goodie bags filled with items such as water bottles, key chains, and gift certificates. Most importantly, the money raised from the event helps support YLD projects such as Law Week and the Domestic Violence Necessities Drive.

Awards for the 5K will be given for the three fastest females and males in each ten-year age group (under 10, 10-19, 20-29, 30-39, 40-49, 50-59, 60-69, 70+).

The Golden Gavel Certificate winners from last year’s 5K Race were:
- Fastest Judge: Justice Scott Bales; Fastest Criminal Practitioner: Slade Lawson; Fastest Paralegal: Lorie Smith; Fastest Secretary/Assistant: Carolina Tolledo; Fastest Civil Practitioner (Partner): Ben Norris; Fastest Civil Practitioner (Associate): LaShawn Jenkins; Fastest Law Student/Professor: Cesar Rivera.
- Please join us at this fun and worthwhile event. Family and friends are a must!
- Registration is available on-line at http://www.arizonarunningevents.com/calendar.htm. For additional information, please contact LaShawn D. Jenkins (602-229-5200; ljenkins@quarles.com) or Shauna Bryant Yoder (602-222-4855; syoder@bprlaw.com).

MCBA Plans Exceptional CLE Programming for Fall and Beyond

Continuing legal education has always been one of MCBA’s most important benefits for members. “We know members expect excellent programs at reasonable cost from us,” said Allen W. Kimbrough, MCBA executive director. “That’s why bringing CLE director Dale Halm on board is an important step for us.”

Halm, who previously worked at Intel in the area of leadership training, expects to have an outstanding fall and spring line-up of CLE offerings. “Right now, I’m making a concerted effort to meet with division and section leaders—either face to face or by e-mail and telephone,” said Halm.

“These are the people who know what members want and need, and I’m counting on them to help us come up with great programs.” Halm’s goal is to create a strong partnership with each section and division and deliver extraordinary CLE programs. Two programs currently set for fall are “Current Trends in Legal Malpractice” and a program on Arizona Trust Code legislation.

Halm is also working a program that addresses the controversial new Fair and Legal Employment Act and another on jury research using focus groups. But Halm’s vision is that live CLE programs provide more than just education and credits. “I’d like to include structured networking opportunities for attendees, where they meet their peers not just socially, but also to specifically build ‘resource relationships.’ In other words, members can leverage each other as information sources when they have specific legal questions or want to bounce ideas off someone.”

Halm is also looking into ways of delivering CLE beyond live presentations and self-study materials in user-friendly electronic formats. “These might involve partnering with others or doing it on our own,” he said.

Eventually, he envisions MCBA providing members with online management of their CLE credits. “I’d like us to make it easy for our members to keep track of their CLE history. A new membership data management system we’re looking at right now would be able to do that.”

Got ideas for CLE topics and/or speakers? Contact Dale at 602-257-4200 or dhalm@maricopabar.org.

MCBA Plans Exceptional CLE Programming for Fall and Beyond

Superior Court Judge Louis Araneta, at the podium, who is the Maricopa County Bar Association president, addresses recently-appointed Judge Samuel Thumma (far left) during his investiture ceremonies. In the middle is Arizona Supreme Court Justice Michael D. Ryan, who administered the oath of office to Judge Thumma. Judge Araneta wished Judge Thumma an outstanding career on the bench on behalf of all MCBA members. Judge Thumma is assigned to a Juvenile Court calendar at the Durango Juvenile Court Center in southern Phoenix.

Superior Court Judge Glenn Davis, who is the Maricopa County Bar Association’s president-elect, presents Judge William L. Brotherton Jr. with a gavel on behalf of MCBA at Judge Brotherton’s June 29 investiture ceremonies. It is a tradition of the MCBA to present newly appointed Maricopa County Superior Court judges and commissioners with a gavel as a gesture of goodwill and congratulations from its judges. Judge Brotherton, who is a former state representative, former state senator, and former partner of the law firm of O’Steen & Harrison, is assigned to a Family Court calendar at the Northwest Regional Court Center in Surprise.
Rising Caseloads Spur Need for New Court Commissioners

By J.W. Brown

Over the last few years, the number of Superior Court commissioners has increased to help meet the demands of the court’s growing caseload due to the Valley’s swelling population and law enforcement initiatives.

In the 1997 fiscal year (July 1-June 30), 102,643 new criminal, civil, juvenile, family, probate, mental health and tax cases were filed. For fiscal year 2006, the number of new cases filed was 135,695.

Six new commissioners, appointed to the Maricopa County Superior Court bench by Presiding Judge Barbara Rodriguez Mundell since January, bring a variety of legal expertise to their assignments in the family, juvenile and criminal court departments.

The new commissioners, who were honored during investiture ceremonies last month, include Margaret Benny, Veronica Brame, Charles Donofrio III, Roger Hartsell, Thomas Kaipio and Peter Thompson.

Brame and Hartsell are assigned to Family Court calendars. Benny is assigned to Family Court Night and Saturday calendar. Thompson is assigned to the Juvenile Court Night and Saturday calendar. Kaipio is assigned to a Juvenile Court calendar.

Donofrio works in the Criminal Court department and is assigned to Initial Appearance Court.

Currently Maricopa County Superior Court has 56 commissioners in addition to its 94 judges.

What commissioners do

Court commissioners preside over cases in all departments of Superior Court, including criminal, civil, juvenile, family, probate and mental health. They handle a variety of matters, ranging from uncontested legal disputes to criminal trials in felony cases.

Commissioners are members in good standing of the Arizona State Bar who are appointed by the presiding judge after candidates’ applications are reviewed and interviews are conducted by a screening panel. They serve at the pleasure of the presiding judge.

More cases, but also more challenging cases

Not only are there more cases, but those being filed are becoming more complex and—as in Family Court—thousands of cases can remain open for years, returning to court for resolution of new legal issues about children, finances, and other ongoing issues.

The recent rise in the number of murder cases in which prosecutors are seeking the death penalty has put an extra burden on the criminal department because of the numerous, lengthy hearings in the pre-trial, trial, and sentencing phases. The overall result is that dockets are more crowded and lengthy with the mix of new, complex, and ongoing cases.

Commissioners help lessen the burden by handling legal proceedings that are appropriate in the various court departments. The newest commissioners are concentrated in the family and juvenile departments.

Meet the latest appointees

Margaret Benny’s assignment is at the Northeast Regional Court Center in Phoenix near Union Hills and State Route 51. She works a schedule focused on the court’s philosophy of improving access to court services for litigants involved in family legal disputes by providing night and weekend dockets. Her work day includes hearings that begin at 5:00 p.m., when most court officials are heading home, and conclude by 9:00 p.m. On alternate Saturdays, proceedings are held from 8:30 a.m. to 5:00 p.m.

Prior to her appointment, Benny worked in the Arizona Attorney General’s Office representing Child Protective Services in juvenile dependency, severance, guardianship, and adoption proceedings. She joined the attorney general’s staff in 1999 and was recognized as her section’s Attorney of the Year in 2004. She was the Mesa office’s Litigator of the Year in 2006. Prior to her work as an assistant attorney general, Benny was an associate at Muchmore & Wallwork. She graduated from the University of New Mexico School of Law in 1994.

Veronica Brame, who worked as a deputy county attorney in Maricopa County and then as an assistant attorney general, is assigned to Family Court cases in Phoenix. She has an eclectic educational background.

Brame received an Associate of Science degree in nursing in 1979 from Wayne County (Michigan) Community College. In 1984, she received a Bachelor of Science Degree in health studies from Western Michigan University, followed by a Masters in Public Administration Degree from Bernard Baruch College in 1990.

She crowned her educational endeavors with a law degree in 1997 from Indiana University School of Law, Bloomington. Her Family Court assignment is in the downtown Phoenix court complex.

After working nearly 30 years as a deputy county attorney in the Maricopa County Attorney’s Office, earning a Distinguished Service Award, Charles Donofrio III was appointed a Superior Court Commissioner. Prior to becoming a prosecutor, he worked as a law clerk with the Arizona Court of Appeals and then entered private law practice with his father.

He received a bachelor’s degree from Arizona State University with a major in real estate. He received his law degree from Pepperdine University School of Law. He was admitted to the Arizona State Bar in 1977. He is assigned to Initial Appearance Court in the Fourth Avenue Jail in downtown Phoenix.

Roger Hartsell has licenses to practice law in California and Arizona. He was first licensed as an attorney in California in 1976, earning his law degree from the University of California at Davis. He then moved to Arizona in 2004, continuing to practice law in California, joining a Mesa law firm in 2006, where he worked until his appointment as a Superior Court Commissioner in March. He was admitted to the Arizona State Bar in 2002. Hartsell is also licensed as a real estate broker in California and an associate broker in Arizona. He is assigned to Family Court in the downtown Phoenix court complex.

Commissioner Thomas Kaipio, a native Detroiter who received his undergraduate degree in history and political science from the University of Michigan and his law degree from Detroit College of Law (now the Michigan State University College of Law), has practiced in Arizona since 1985, handling personal injury, medical malpractice and juvenile and family law cases. In May, 2003, he began working as a court specialist and judge pro tem for Juvenile Court, assigned to initial service, guardianship and detained calendars at both the Durango and Mesa Juvenile Court facilities. He is now assigned to Juvenile Court’s Southeast facility in Mesa.

Peter Thompson was appointed to the State Bar in 1985, after earning his law degree from the J. Reuben Clark Law School at Brigham Young University. He began his legal career in private practice personal injury law, with a focus on civil rights litigation. From 2001 until his appointment as a court commissioner, he served as the police staff attorney for the Mesa Police Department. His assignment is in the Juvenile Night and Saturday Court at the Durango Juvenile Court Center.

In July, new candidates were selected for a new eligibility list for court commissioners. The process had not been completed by press time.
2007 Arizona Paralegal Conference is Next Month—Register Now!

The Paralegal Division is planning its 8th Annual Arizona Paralegal Conference, “Framing Our Future: Be Seen, Be Heard” for paralegals, paralegal students, and interested legal professionals, on Friday, September 28, at the Heard Museum. There is an outstanding line-up of speakers, 6 hours of CLE, networking, door prizes, and complimentary tours of the Heard Museum.

Topics and speakers are:
- **ELDER ABUSE** – H. Micheal Wright, Udall, Shumway, & Lyons, P.L.C. Mr. Wright has over 25 years’ experience and concentrates in medical malpractice, nursing home/elder abuse, personal injury and wrongful death. Mr. Wright is a Certified Specialist in Injury and Wrongful Death, and received his J.D. from the University of Arizona College of Law.
- **COMPUTER FORENSICS** – Scott Greene, Great Scott Enterprises, Inc., principal and chief executive officer, programmer, computer consultant and technical services manager. Mr. Greene has extensive experience in computer forensics, is a guest lecturer at the University of Arizona, presents CLE classes for the Pima County Bar Association, and teaches computer forensics.
- **CRIMINAL LAW** – John R. Sandweg and Isaac M. Gabriel, Quares & Brady L.L.P. Mr. Sandweg’s practice focuses on white collar crime and traditional criminal defense. He graduated cum laude, Order of the Coif, from Arizona State University, received his J.D. from Arizona State University, and is an adjunct professor for the Rogers College of Law, University of Arizona.
- **ELDER ABUSE** – H. Micheal Wright, Udall, Shumway, & Lyons, P.L.C. Mr. Wright has over 25 years’ experience and concentrates in medical malpractice, nursing home/elder abuse, personal injury and wrongful death. Mr. Wright is a Certified Specialist in Injury and Wrongful Death, and received his J.D. from the University of Arizona College of Law.
- **COMPUTER FORENSICS** – Scott Greene, Great Scott Enterprises, Inc., principal and chief executive officer, programmer, computer consultant and technical services manager. Mr. Greene has extensive experience in computer forensics, is a guest lecturer at the University of Arizona, presents CLE classes for the Pima County Bar Association, and teaches computer forensics.
- **CRIMINAL LAW** – John R. Sandweg and Isaac M. Gabriel, Quares & Brady L.L.P. Mr. Sandweg’s practice focuses on white collar crime and traditional criminal defense. He graduated cum laude, Order of the Coif, from Arizona State University, received his J.D. from Arizona State University, and is an adjunct professor for the Rogers College of Law, University of Arizona.
- **ELDER ABUSE** – H. Micheal Wright, Udall, Shumway, & Lyons, P.L.C. Mr. Wright has over 25 years’ experience and concentrates in medical malpractice, nursing home/elder abuse, personal injury and wrongful death. Mr. Wright is a Certified Specialist in Injury and Wrongful Death, and received his J.D. from the University of Arizona College of Law.
- **COMPUTER FORENSICS** – Scott Greene, Great Scott Enterprises, Inc., principal and chief executive officer, programmer, computer consultant and technical services manager. Mr. Greene has extensive experience in computer forensics, is a guest lecturer at the University of Arizona, presents CLE classes for the Pima County Bar Association, and teaches computer forensics.
- **CRIMINAL LAW** – John R. Sandweg and Isaac M. Gabriel, Quares & Brady L.L.P. Mr. Sandweg’s practice focuses on white collar crime and traditional criminal defense. He graduated cum laude, Order of the Coif, from Arizona State University, received his J.D. from Arizona State University, and is an adjunct professor for the Rogers College of Law, University of Arizona.
- **ELDER ABUSE** – H. Micheal Wright, Udall, Shumway, & Lyons, P.L.C. Mr. Wright has over 25 years’ experience and concentrates in medical malpractice, nursing home/elder abuse, personal injury and wrongful death. Mr. Wright is a Certified Specialist in Injury and Wrongful Death, and received his J.D. from the University of Arizona College of Law.
- **COMPUTER FORENSICS** – Scott Greene, Great Scott Enterprises, Inc., principal and chief executive officer, programmer, computer consultant and technical services manager. Mr. Greene has extensive experience in computer forensics, is a guest lecturer at the University of Arizona, presents CLE classes for the Pima County Bar Association, and teaches computer forensics.
- **CRIMINAL LAW** – John R. Sandweg and Isaac M. Gabriel, Quares & Brady L.L.P. Mr. Sandweg’s practice focuses on white collar crime and traditional criminal defense. He graduated cum laude, Order of the Coif, from Arizona State University, received his J.D. from Arizona State University, and is an adjunct professor for the Rogers College of Law, University of Arizona.

The applicable standard, he wrote, “must give the benefit of any doubt to protecting rather than stifling speech.” “Where the First Amendment is implicated,” he explained, “the tie goes to the speaker, not the censor.”

Justice Scalia, joined by justices Kennedy and Thomas, concurred in the judgment. They refused to join Roberts’ opinion, however, believing that it did not go far enough: “where they would have overruled McConnell and hold that §203 is facially unconstitutional.”

Scalia wrote that the Court’s post-Buckley cases had gone astray, and that McConnell continued its erroneous ways. He criticized Roberts for continuing the problem by distinguishing this case from McConnell, rather than overruling it: “Though the principal opinion purports to recognize the ‘imperative for clarity’ in this area of First Amendment law, its attempt to distinguish its test from the test found to be vague in Buckley falls far short.”

“It is not as though the applicable standard, he wrote, “must give the benefit of any doubt to protecting rather than stifling speech.” “Where the First Amendment is implicated,” he explained, “the tie goes to the speaker, not the censor.”

Justice Scalia, joined by justices Kennedy and Thomas, concurred in the judgment. They refused to join Roberts’ opinion, however, believing that it did not go far enough: “where they would have overruled McConnell and hold that §203 is facially unconstitutional.”

Scalia wrote that the Court’s post-Buckley cases had gone astray, and that McConnell continued its erroneous ways. He criticized Roberts for continuing the problem by distinguishing this case from McConnell, rather than overruling it: “Though the principal opinion purports to recognize the ‘imperative for clarity’ in this area of First Amendment law, its attempt to distinguish its test from the test found to be vague in Buckley falls far short.”

“Today’s cases make it apparent that the [McConnell] adventure is a flop,” Scalia continued, “and that McConnell’s holding concerning §203 was wrong.” He argued that the Court should have overruled McConnell. “It is not as though McConnell produced a settled body of law,” he opined. “Indeed, it is far more accurate to say that McConnell unsettled a body of law.” Furthermore, “McConnell’s §203 holding has assuredly not become ‘embodied in our national culture’.”

Justices Souter, Stevens, Ginsburg, and Breyer dissented.

A student did not fare as well as his school principal for a subject to district rules.”

The setting is Juneau, Alaska, shortly before the 2002 Winter Olympic Games. The Olympic flame was traveling through town on its journey to the Utah games. It was to travel past the Juneau-Douglas High School. School administrators allowed all students out of school to the street to cheer the torch on.

Joseph Frederick, a JDHS student, didn’t make it all the way to school that day. But he was on the sidewalk across the street from the school during the festivities. Along with some friends, he unfurled a large banner reading “BONG HITS 4 JESUS.”

Principal Deborah Morse rushed across the street and tore down the banner. Frederick asked “What about the Bill of Rights and freedom of speech?” Morse responded that it violated a school policy prohibiting the display of offensive, drug-related material. She suspended Frederick. Affirming the suspension, the superintendent explained that Frederick “was not disciplined because the principal of the school ‘disagreed’ with his message, but because his speech appeared to advocate the use of illegal drugs.”

Frederick sued Morse and the school board under 42 U.S.C. § 1983. The district court ruled for the defendants, holding that no First Amendment violation had occurred. It ruled that Morse had reasonably interpreted the banner as promoting illegal drug use—a message that “directly contravened the Board’s policies relating to drug abuse prevention.”

The Ninth Circuit reversed, holding that a First Amendment violation had indeed occurred. Frederick v. Morse, 439 F. 3d 1114 (9th Cir. 2006). The Supreme Court granted the defendants’ petition for certiorari and, in another five-to-four vote, reversed the Ninth Circuit’s ruling.

The chief justice again authored the principal opinion. He first rejected Fredericks’ argument that this was not a school-speech. He noted it occurred during school hours, was a school-sanctioned social event, “and the school district’s rules expressly provide that pupils in "approved social events . . . are subject to district rules."

He continued: “Teachers and administratoes were interspersed among the students and charged with supervising them,” and “[t]he high school band and cheerleaders performed.” Roberts also noted that Frederick had pointed his banner from across the street toward the school, making it visible to most of the students. Frederick, he concluded, cannot “stand in the midst of his fellow students, during school hours, at a school-sanctioned activity and claim he is not at school.”

Roberts then turned to the First Amendment. Frederick had asserted “that the words were just nonsense meant to attract tel-

ARBITRATION SERVICES
Neutral, Sole or Party Arbitrator
Edward C. Rapp
Superior Court Judge - Retired
20 Years – Superior Court
8 years – Civil Division

Please Call: 602-957-3467 or 602-956-7042
P.O. Box 32596
Phoenix, Arizona 85064-2596

HOUSE REPORTING
...a firm you can trust.
- Locally owned and operated
- Serving the Arizona legal community for over 18 years
- Full service court reporting

Call us for your next deposition.
(480) 829-6232
(480) 775-0414 fax
www.houserreporting.com

ProConsul, Inc.
12,000 Medical & Technical Experts
- Nationwide Service
- Free Resume Builder
- Rigorous Standards
- Fast Inspections
- Customized Searches
- Our Service is a Cut Above
We are listed and recommended by the AM Best Co.
1 (888) 9-EXPERT
(602) 279-2422 Fax (602) 684-9545
1714 E. Bethany Home Road
Phoenix, Arizona 85016
E-MAIL: expertinfo@expertinfo.com

www.ExpertInfo.com

FINANCIAL EXPLOITATION – Suzanna Goldman, The Goldman Law Offices. Ms. Goldman’s practice focuses on elder law, fiduciary services, and alternative dispute resolution. She received her B.A. from St. Mary’s College of Moraga, M.A. from San Francisco State University, and J.D. from Arizona State University.

The Division is honored to have these distinguished speakers. Join us and be a part of the 2007 Arizona Paralegal Conference. Discounted rates are available for members and paralegal students. Sponsors and vendors are invited to participate as well. Detailed speaker bio, conference information and registration forms are available at www.maricopaparalegals.org.
Honors Awarded to Court for Night and Weekend Proceedings

By J.W. Brown

Maricopa County Superior Court’s unconventional night and weekend program for family and juvenile court customers has been recognized with both state and national awards for providing the community with improved access to the courts.

Judge Norman Davis accepted an award for “Justice Achievement” from the National Association for Court Management (NACM) during its annual conference in Chicago last month. During the event, Superior Court administrators participated in a “Knowledge Fair,” which was part of the conference, to inform interested court officials about implementing family and juvenile night and Saturday courts in their jurisdictions. This initiative has become a prototype for other courts interested in adopting the concept.

NACM is an international organization of court management professionals from all levels and types of courts. Its purpose is to improve the administration of justice.

In addition to the national award, Maricopa County Superior Court is among the recipients of the state’s 2007 Achievement Awards, receiving an honorable mention honor for “providing access to swift, fair justice,” with its night and Saturday court calendars. The award recognizes the efforts to make Family Court and Juvenile Court more accessible and responsive to their customers. The award was announced in June by the Arizona Supreme Court.

Judge Davis, the previous family court presiding judge, was the driving force behind the plan to provide families with court hearings during customary non-working hours, in an attempt to give working parents the opportunity to resolve their legal disputes in a manner that is less disruptive to their lives.

In January 2007, Superior Court launched night hours in Family Court on Tuesdays through Fridays between 5 and 9 p.m. and on alternate Saturdays from 9 a.m. to 5 p.m. Juvenile Court also implemented the same night schedule, with weekend hours of 9 a.m. to 5 p.m. every Saturday.

MCBA CALENDAR

All events are held at the MCBA headquarters at 303 East Palm Lane, Phoenix, unless otherwise noted. Also check www.maricopabar.org or call (602) 257-4200.

AUGUST 2007

3 Estate Planning, Probate & Trust Section
7:30 a.m. Telephone Meeting

6 Maricopa Lawyer Editorial Board
5:15 p.m.

MCBA Executive Committee
7:30 a.m.

8 Environmental/Natural Resources Section
12 noon (tentative)

9 Personal Injury & Negligence Section
12 noon (tentative)

Young Lawyers Division Board
12 noon

Paralegal Division Board
5:30 p.m.

13

14 Public Lawyers Division Board
12 noon

16 MCBA Board of Directors
4:30 p.m.

17 MCBA Foundation Meeting
7:30 a.m.

24 MCBA Foundation Planning Retreat
12 noon – 5:00 p.m.

27 Corporate Council Division Board
4:30 p.m. (tentative time)

*Please watch your MCBA E-News for updated information about meetings and events.

Court tomorrow?
Is everything Xact?

- Document Copying (B&W, color, oversized)
- Electronic Discovery and Online Database Hosting
- Imaging and Coding with Blowback Services
- On-site Scanning
- Opposing Counsel Document Services
- Trial Presentation

MEDIATION

...a beneficial collaboration

Your clients trust your judgment; you can trust us to resolve their disputes effectively and efficiently. Together we can make a difference!

Unlimited Resolutions Mediation, Inc.

Principals:
Michelle J. Perkins, Esq. Beverly M. Owens, Ph.D.

480-994-URMe (8763)
www.URMe.net

Mcraa Lawyeer 2007 • 7
Perfecting the Possessive Forms

3. To show the possessive of a plural word or proper name that does not end in the letter “s,” put an apostrophe and the letter “s” on the end of the word. Example: The men’s books are on the table.

4. To show that two or more people or entities jointly own something, put an apostrophe and the letter “s” on each name in the series. Example: The husband and wife’s car is in the lot.

5. To show that two or more people or entities own something that is the same as what the other owns, put an apostrophe and the letter “s” on each name in the series. Example: The husband’s and wife’s lawyers met for a settlement.

6. To show the possessive of a compound word, put an apostrophe and the letter “s” on the end of the last word only. Examples: (singular subject) Her sister-in-law’s case settled or (plural subject) Her sisters-in-law’s case settled.

New Round of Retirements Opens Door to Judicial Appointment Opportunities

By J.W. Brown

Floodgates opened wide as a record number of Superior Court judges retired from the bench in one sweep. The loss of eight judges leaving at the same time has a serious impact because each of them takes with them 20 years of judicial experience and efficiency, gained in an era of growth and innovation.

The departure of veteran judges Dave Cole, Dennis Dairman, Kenneth Fields, Jeffrey Horham, Steve Sheldon, Ron Reinstein, Jonathan Schwartz, and Michael Wilkinson creates an unprecedented challenge for the court and the governor.

While Gov. Janet Napolitano fills the vacancies through the merit selection process, the reality is that replacing the breadth and depth of experience being lost through the retirements is not possible.

Reinstein

For example, Ron Reinstein, whose retirement date was June 30, is a nationally renowned expert in DNA evidence. He is sought nationally and internationally to speak at educational forums and seminars attended by judges, lawyers, doctors and others. He is also an expert in the areas of victims’ rights, criminal law, sex offenders and the death penalty.

Twice honored by the State Bar and once by the Maricopa County Bar as the year’s “outstanding judge,” he has also been recognized by two state attorneys general for annual distinguished service awards. He also received the Sunshine Award from the Society of Professional Journalists, among his many additional honors.

“All good things must come to an end. It’s been a great ride for the most part,” he said in a farewell message to judges, commissioners and court officials. “As for any sage advice I can give you—I hope none of you ever lose your voices or the sense of what is right or wrong in the justice system or on the court.”

In retirement, he joins other judges who have redirected their talents to new careers. He is settling into a newly created position with the Arizona Administrative Office of the Courts/Arizona Supreme Court handling special projects. He will also be doing some consulting on various criminal justice and forensic issues, among other things.

Cole

Dave Cole is heading to a professorship with the Phoenix School of Law, after taking some time off to travel.

Sheldon

Steve Sheldon is going into private practice, joining family law expert Todd Franks, also after indulging in some travel.

“I’ve had a great time being a judge,” Sheldon said. “I loved it. I’m leaving very satisfied.”

Wilkinson and Dairman

Michael Wilkinson and Dennis Dairman are transitioning into true retirement. As Wilkinson describes his future, it will be spent enjoying family life. He foresees days of writing, traveling, reading, “tending to two dogs who want their ears scratched” and spending plenty of time at Brophy College Preparatory watching his son’s softball games.

Fields, Hotham and Schwartz

Kenneth Fields, Jeffrey Hotham and Jonathan Schwartz are available for a post-retirement stint on the bench—helping bridge the gap created by the flood of retirements, including their own. They, and others, are being called back for assignments that may last a few days or as long as many months.

From the onset each agreed to cover their own—vacated—calendars to somewhat soften the blow of eight judges leaving at once. They are expected to fill now-empty positions at least until replacements are appointed, and perhaps much longer, to help with the transition. And, other judges are serving as pro tem judges, including retired Court of Appeals Judge Sarah Grant and retired Superior Court Judge Penny Willrich.

Why Judges Retire

But why are so many judges leaving the bench? It doesn’t pay—financially—to stay after becoming eligible for retirement. After a Superior Court judge has been on the bench for 20 years (or has previous government retirement credits to use toward the 20-year service requirement), they begin to “lose” money.

Upon reaching eligibility, Superior Court judges qualify for 80 percent of their salaries as retirement pay—about $180,000. One recently retired judge said it “costs” a judge to remain on the bench once becoming eligible for full retirement. He noted it doesn’t make financial sense to be able to receive $180,000 without spending another day on the job, yet continue working for the $28,000 difference between retirement pay and the amount paid to continue working fulltime.

And, potential new, lucrative careers—in private practice, education, consulting—serve as a provocative lure for judges already receiving a comfortable annual retirement “salary.”
Trial Practice Tip
It's Persuasion, Not Just the Facts, That Spell Success in the Courtroom

By Jack Levine, Esq.

Although the basic and finer points of substantive and procedural law occupy much of the time and attention of lawyers in their quest to improve their skills, the most important ingredient for success in the courtroom—the ability to persuade—has little to do with knowledge of the law. Of all the human qualities, the ability to persuade is by far the most important for a trial lawyer to possess. One can be a “whiz” at legal research and preparing briefs, motions and other pleadings, but if a lawyer does not possess the ability to persuade (i.e., to get other people to understand, accept and act upon his or her ideas), he or she will never be successful in the courtroom and should consider devoting their efforts to other areas of practice.

Most experienced trial lawyers are in agreement that the skillful advocate is one that is “born and not made.” That certain quality—call it charisma, magnetism, glamour or appeal—is possessed by only a few fortunate individuals. Those who do not possess these valuable characteristics, but nevertheless wish to practice the art of trial advocacy, must work all the harder to master three indispensable principles.

In order to persuade: (1) You must provide a rational appeal; (2) You must stimulate an emotional response; and (3) You must build and maintain trust.

In other words, (1) you must present a logical justification for the jury to believe the facts or conclusions that you are advocating; (2) you must get the jury emotionally involved in your client’s cause; and (3) you must be viewed by the jury as honest, believable, trustworthy and knowledgeable.

One of the secrets of success in persuading a jury (or anyone) is to appeal to their own self-interest. Any good salesperson will tell you that people will not buy a product merely because the seller wants them to. If they buy it at all, it will be because it is perceived as useful, desirable or beneficial to them.

The exact same principle applies to the “selling of ideas” in the courtroom. For example, in a case involving injuries to your client from slipping on the floor of a supermarket, it is essential for the jury to believe that unless they return a verdict in favor of your client, the cleanliness and safety of the supermarket in the community will continue to deteriorate and next time it may be one of them in the place of your client.

Although a jury needs a persuasive message to return a verdict in your client’s favor, at the same time, people are highly suspicious of persuasive messages. This is why establishing your credibility is essential. There are two aspects to credibility. First, you must be a person who deserves their trust and respect, a person with whom they can identify—someone with needs and interests similar to theirs.

You will never persuade people who dislike you, distrust you, or consider you to be a phony. Obviously a jury will be most receptive to persuasion if they feel you are competent, are convinced of the validity and value of your case, are well prepared and if your case is fairly and knowledgeably presented.

Of course, the way you present your case will depend on who your jurors are and what attitudes they hold toward the issues in your case. You must keep in mind their occupations, interests and educational backgrounds. You must assess how much information they may already have on the issues in your case and whether they even care about the issues that you will be presenting.

Of course, you must also know if they are favorably disposed towards your view of the issues or if they are undecided or opposed to them. To the extent possible, this type of information should be obtained during jury selection.

In addition, it should never be forgotten that your physical appearance, posture, gestures, body movements and facial expressions are all critical tools for persuasion. Eye contact is particularly important as this is the cement that binds the effective advocate to the jury.

When you speak, it is with your eyes that you involve your listeners and there is no surer way to break this bond of communication than by failing to maintain good eye contact with the jury.

The old adage that “the eyes are the mirror of the soul” underlines the need to convince jurors with your eyes, as well as with your words. Failure to meet another person’s gaze may be taken to imply disinterest, lack of confidence or insincerity. Only by looking at your jurors as individuals can you convince them that you care whether or not they accept your message. Furthermore, it is only by watching the juror’s reaction to your words that permits you to make immediate adjustments in the presentation of your case.

Next time you are preparing for a trial, rather than spending all of your time doing legal research, reserve some time to think about the principles and techniques of persuasion. You should see a tremendous improvement in your results.

Jack Levine is a past chair of the Trial Practice Section of the State Bar of Arizona and a past president of the Arizona Trial Lawyers’ Association. He has been a frequent lecturer and author on subjects of courtroom strategy and trial techniques. He practices in the areas of personal injury, family, employment and criminal law.

Improvements to Criminal and Civil Warrants

Recently the Clerk’s Office completed the implementation of an electronic seal process for criminal bench warrants and civil arrest warrants. Issuing warrants is an ideal process for automation, but had historically involved applying a raised seal to paper. In fiscal year 2005-2006, over 14,000 warrants were manually created and issued by courtroom clerks. After applying a raised seal, the warrants were hand-delivered to the Sheriff’s Office.

To allow automation, the electronic seal was developed to assign a unique identifier to each eSeal that the clerk can verify was electronically applied to each specific warrant. The Integrated Criminal Justice Information System’s agency developed a “Smart Warrants” program that automatically retrieves the defendant’s name, physical descriptors, case information, and other details and inputs that information onto the electronic warrant.

Previously, the courtroom clerk had to research and input these details manually on every warrant issued. Each step of the warrant process required data entry and separate forms for the creation, filing, and entry of information into the crime information center databases, as well as physical movement of paper documents from courtroom to sheriff. With the volume of warrants issued, the manual process could take a significant amount of time.

Courtroom clerks are now able to initiate completely electronic criminal bench warrants and civil arrest warrants by creating an original PDF version of the warrant that incorporates the unique electronic seal. Once filed by the clerk, the Sheriff’s Office receives notice that a warrant has been issued and the sheriff’s office is able to view the information and the image of the warrant immediately. This eliminates the need to print paper, apply a raised seal, and physically deliver the warrant to the sheriff.

The result is a data exchange that passes timely and accurate information regarding warrants between the court and the sheriff’s office, reducing the potential for people to be released or arrested in error while waiting for paperwork.

In addition to the creation of electronic warrants containing a unique electronic seal, courtroom clerks now have the ability to electronically notify the sheriff of quashed warrants. If the warrant were issued electronically, the electronic quash process locates the original electronic warrant, stamps “quashed” on the PDF original, and is then filed electronically.

One benefit of electronic quashing of warrants is the improved speed it allows in removing warrants from the crime information center databases. The sooner a warrant is recalled, the less potential there is for someone to be arrested on a warrant that appears from the databases to still be outstanding. ■
The Center provides courts with national public trust and confidence in the courts. All. A top priority is building and sustaining initiatives to insure access to justice for helped develop innovative court programs fair and impartial administration of justice.” Mundell said. “I look forward to doing my a three-year term that began June 28.

Rodriguez Mundell

Superior Court PresidingJudge Barbara Rodriguez Mundell has been elected to serve on the Board of Directors of the National Center for State Courts (NCSC). She is serving a three-year term that began June 28.

“The National Center is a wonderful resource to courts and judges,” Judge Mundell said. “I look forward to doing my best to assist in developing new court programs and initiatives that assure the timely, fair and impartial administration of justice.”

Since its inception in 1971, NCSC has helped develop innovative court programs and initiatives to improve access to justice for all. A top priority is building and sustaining public trust and confidence in the courts. The Center provides courts with national educational programs, original research, solutions that enhance court operations with the latest technology and provides information on proven “best practices” for improving court operations.

Sarah Anchors, a May 2007 graduate of the Sandra Day O’Connor College of Law at ASU, has won first place in a national writing competition of the American Bar Association.

Anchors will receive the ABA Tort Trial and Insurance Practice Section legal writing award at the association’s annual meeting, Aug. 9-14 in San Francisco. She wrote the paper, “Mass Market Fraud Theory: Dispensing With Individual Reliance in Class Actions Where Plaintiff Alleges Pervasive Misrepresentations to the Public,” while taking a Mass Torts class from Betsy Grey, a law professor and Faculty Fellow in the College’s Center for the Study of Law, Science, & Technology. After taking the Arizona State Bar, Anchors will join the commercial litigation section of Quarles & Brady LLP in Phoenix.

Michael Jeans, Clerk of the Superior Court for Maricopa County, was recognized by the Arizona Supreme Court with the Administrative Director’s Administration of Justice Award in June. The award is presented to an individual who has made substantial contributions to improving public trust and confidence in the Arizona court system and for outstanding achievement in the administration of justice by improving services to those who use the court system.

A new book touted as a “must read” for anyone dealing with intellectual property includes chapters by Gary Marchant and Dennis Karjala, professors at the Sandra Day O’Connor College of Law, and by ASU President Michael Crow. The lead editor of the book is Anatole Krattiger of The Biodesign Institute at ASU, Intellectual Property Management in Health and Agricultural Innovation: A Handbook of Best Practices offers current information and strategies for using the power of both intellectual property and the public domain.

The two-volume set, published by the Centre for the Management of Intellectual Property in Health R&D and the Public Intellectual Property Resource for Agriculture, was released May 1.

Phoenix attorney Lawrence E. Wilk, of Jaburg & Wilk, P.C., was inducted into the Litigation Counsel of America at the LCA’s Spring Conference and Induction of Fellows in New York. Wilk is a shareholder at Jaburg & Wilk, P.C., a full service law firm with offices in Phoenix and Scottsdale. He has more than 20 years of experience litigating complex bankruptcy, business and financial fraud matters. Wilk received both his B.A. and J.D. from Indiana University. The Litigation Counsel of America is a trial lawyer honorary society composed of less than one-half of one percent of American lawyers.

An associate dean at the Sandra Day O’Connor College of Law at Arizona State University has been appointed to a national council that advises the head of the U.S. Government Printing Office. Victoria K. Trotta, associate dean for Information Technology and the Ross-Blakley Law Library, is among six new members of the Depository Library Council. Trotta was appointed to a three-year term by Acting Public Printer William H. Turri. The 15-member body meets at least twice a year to advise the Public Printer on policy matters relating to the Federal Depository Library Program.

James Kahn of James F. Kahn, P.C. has been appointed adjunct professor of law by the Phoenix Law School.

A decade of work in the field of English legal history earned Professor Jonathan Rose an invitation to deliver a paper at a prestigious conference at the University of Oxford.

Jonathan Rose


Valley Leadership, the premier leadership organization in the Greater Phoenix area, is pleased to announce its Leadership Institute Class XXIX. These established and emerging leaders that have been chosen represent a diverse group of businesses, nonprofits, government and educational organizations.

Lawyer class members include Pamela Gates, Bryan Cave L.L.P., Molly Henze, Gallagher & Kennedy, and Nicole Stanton, Quarles & Brady Streich Lang L.L.P.

OTHER NEWS...

Michelle J. Perkins, Esq. and Retired Justice Sandra Day O’Connor

Recently two Arizona residents, Michelle J. Perkins, Esq. and Dr. Beverly Owens, owners of Unlimited Resolutions Mediation, Inc., traveled to Washington, D.C. to a musical program at the Supreme Court.

During the reception following the performance, that both Ms. Perkins and Dr. Owens were given an opportunity to visit with now-retired Justice Sandra Day O’Connor about mediation. “No one wants to go to court anymore,” she told Dr. Owens. In this rare conversation they spoke about over crowded courtrooms and the escalating costs of litigation, concluding that mediation is becoming increasingly important.

Send your news via e-mail to Isolde Davidson at idavidson@maricopabar.org
Position.

ASSOCIATE ATTORNEY needed for 8-hour, a Voted firm with a general civil practice. Focusing in the areas of regulatory, municipal, utility, natural resources and environmental law. 5+ years experience required. Experience in environmental, natural resources or utility law preferred. The firm desires an attorney who works well in a team environment and who will contribute to a positive atmosphere.

Send resume to Susan D. Goodwin, Cutler, Goodwin, Sullivan, Uddall & Schwartz, 501 E. Thomas Road, Phoenix, AZ 85012 or email to msullivan@shwlaw.com.

BISHOP LAW OFFICE. At state family law firm seeks partner and associate attorneys. At least 2 yrs exp. Excellent writing skills reqd. Fax resume to: 623-748-8012 or email to bill@bishoplawoffice.com.

LITIGATION ATTORNEY. Mann, Brens, Weiner LLP. Small-sized/mid-sized At-firm seeks to an attorney with at least 2+ yrs commercial litigation experience and excellent academic credentials. The firm offers above average salary and objective improvement allowance. Signage on Camelback. Covered parking. Fax resume to: 602-265-6224 or email to tzamora@mbwlaw.com.

LOW & CHILDREN’S, in a small At-firm specializing in insurance since 1990. We seek a licensed attorney with 1-3Yr. Please submit resume and cover letter to dennis.hochschild@cox.net. Fax resume to: 602-808-8915. Please visit our website for more information about the Firm, www.hochschildlaw.com.

PNCUS & ASSOCIATES, PC. A personal injury law firm. Our Tempe office is comprised of nine employees, three of which are attorneys. The focus of our practice is auto accident cases, but we also handle more serious injuries including wrongful death and medical malpractice. This is an entry level position, so no actual experience is required. You will be trained in all aspects of the firm’s legal practice. We do require you to be a fast learner, good with people, self-motivated, and dedicated to your career. We are a small firm and Spanish is a benefit but not required. You MUST HAVE ALREADY PASSED THE BAR. Fax resume to: 480-277-2786 or email to Laurel@pncus.com.


COURTWATCH, continued from page 6

vision cameras.” Roberts acknowledged that “[t]he message on Frederick’s banner is crypto-
tics,” possibly offensive or amusing, depending on the viewer. But he held that Morse could reasonably have believed that others would construct the banner as advocating the use of illegal drugs. And under this construction, he held, Morse could constitutionally repress the message. “We hold that . . . a principal may, consistent with the First Amendment, restrict student speech at a school event, when that speech is reasonably viewed as promoting illegal drug use.”

Roberts distinguished Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), where the Court had upheld the right of high school students to protest the Vietnam War in a non-disruptive way by wearing armbands to school. The Juneau school had a stronger interest, he held, in stifling the advocacy of illegal drugs than the Des Moines school had in stifling a non-
violent political message.

This case was closer to Bethel School District No. 403 v. Fraser, 478 U.S. 675, 685 (1986), which upheld a school’s right to cen-

sor a student’s sexually explicit speech to a high-school assembly.

Justice Scalia, Kennedy, Thomas, and Aline joined Roberts in holding that a school has a legitimate interest in squelching drug-related speech.

Justice Stevens, joined by justices Souter and Ginsburg, dissented. (Justice Breyer filed his own dissent.) Stevens pointed out that when Frederick bared his message, there was an ongoing debate over decriminalization of marijuana use in Alaska. He opined that the government’s interest in promoting drug-free schools did not justify punishing Frederick for making an ambiguous statement, “simply because it contained an oblique reference to drugs.” “The First Amendment demands more,” he wrote, “indeed, more.” “[T]he First Amendment protects student speech if the message itself neither violates a permissible rule nor expressly advocates conduct that is illegal and harmful to students. This nonsense banner does neither, and the Court does serious violence to the First Amendment in upholding—indeed, laud-
ing—a school’s decision to punish Frederick for expressing a view with which it disagreed.” Stevens threw the words from Wisconsin Right to Life back at the Roberts: “THE CHIEF JUSTICE announces today . . . that when the First Amendment is implicated, the tie goes to the speaker.” . . . and that . . . we give the benefit of the doubt to speech, not censorship.” The tie here, he opined, should go to Frederick.

The Morton Group
The Legal Placement Firm
“Take the Right Step”
Reputation ◆ Relationships ◆ Real Professionals
Good help is hard to find... and so is the right firm.
Let The Morton Group do the work for you and help take your career to the next step.
Looking for professionals who:
- Can affect the bottom line
- Will help build a practice
- Are on the partnership track
If new challenges and a different environment are on your mind, give The Morton Group a call.

www.mortongrp.com • 602.279.5662
DENISE E. McCLAIN
Joins Lowry Hill’s Scottsdale Office

Lowry Hill, a comprehensive asset management firm, is pleased to announce the addition of Denise E. McClain as a new financial principal in its Scottsdale office. In further support of the firm’s expanding client base in the southwestern U.S., she brings nearly a decade of solid legal and accounting experience in the areas of estate planning, trusts, corporate law and taxation.

Prior to joining Lowry Hill, Denise was an attorney at Quarles & Brady LLP, as well as Stinson Morrison Hecker LLP.