A “whistleblower” is someone who reports to management (or in some cases state and federal agencies) that they believe someone in their company is engaged in illegal conduct. Therefore, it is illegal to terminate an employee because he or she reported to management that they believe someone in the company is violating an Arizona statute or the Arizona Constitution. This same law also makes it illegal to terminate an employee because he or she refused to engage in conduct that they believe is a violation of an Arizona statute or the Arizona Constitution. This is sometimes referred to as a “refusal” claim.

There are some important nuances that you need to be aware of in order to make a state whistleblowing claim:

- The employee must raise their concerns with an appropriate member of management.
- The employee must show that their belief that someone in the company is violating an Arizona statute or the Arizona Constitution was “objectively reasonable.” An employee’s whistleblowing claim may be dismissed if no reasonable person could conclude that the individual was engaged in illegal conduct.
- The employee must have actually been terminated. Mere retaliation against the employee is insufficient, although an employee may be able to claim that they were “constructively discharged” due to the employer’s actions.

Arizona has two whistleblower laws; each is very different. The first provides that it is illegal to terminate an employee because he or she reported to management a violation of any SEC rule or regulation. And, there are state laws, too.

For complete election information, go to www.maricopabar.org for a copy of our Bylaws on the Board of Directors webpage.

**CourtWatch**

**By Jeffrey A. Silence**

Joe Arpaio was turned out as Maricopa County Sheriff almost two years ago, but the consequence of his actions is still being felt. Separated by less than a week, two appellate opinions addressed issues arising from his unconstitutional anti-immigration efforts.

The Ninth Circuit recently held that federal immigration officials were precluded from using evidence obtained as a result of a tainted search by Sheriff Arpaio’s deputies in a civil prosecution against an Arizona business. Frimmel Mgmt. v. United States, No. 16-73906 (9th Cir. July 26, 2018).

In July 2013, MCSO deputies raided two local Uncle Sam’s restaurants along with the home of owner of Frimmel Management Company, which provided employees for the restaurants. Basing their search on a reported suspicion that employees had committed identity theft and forgery to get their Uncle Sam’s jobs, they seized employment records. The next day, MCSO provided a summary of the evidence to Immigration and Customs Enforcement officials. It also publicized its raid in a press release stating that ICE holds had been placed on some of the suspects.

Using materials received from MCSO, ICE audited and began an investigation of Frimmel, subpoenaing employment and immigration records. Using documents obtained pursuant to the subpoena, ICE filed administrative charges alleging Frimmel had violated immigration laws.

The State of Arizona also proceeded against Bret Frimmel—the company’s owner—filing criminal charges for violation of Arizona identity-theft laws. The case fell apart when the superior court suppressed the records obtained in the raid. The court cited eight “unreasonable and reckless” omissions and distortions in the affidavits supporting MCSO’s search warrant.

In the federal proceedings, an administrative law judge precluded Frimmel from depo- sing ICE employees to learn why MCSO had sent the search summary to ICE. The ALJ found the affidavit was immaterial whether Frimmel had come to ICE’s attention because of MCSO’s allegedly unlawful actions.

The ALJ later rejected Frimmel’s motion to suppress the government’s evidence. He found no evidence suggesting that ICE’s auditor had “relied on evidence directly obtained from MCSO’s unlawful conduct” and therefore concluded that ICE’s evidence did not constitute fruit of the poisonous tree.

The ALJ also found ICE’s investigation was attenuated from MCSO’s unlawful conduct, because it had been carried out by ICE’s Homeland Security Investigations Unit, an entity wholly separate from MCSO. The ALJ therefore ruled in ICE’s favor. Frimmel sought review from the Ninth Circuit, where it found a more sympathetic ear.

Writing for the court, Judge Dorothy W. Nelson held MCSO had committed an egregious violation of the Fourth Amendment. Egregiousness was the key factor in deciding whether ICE’s evidence had to be suppressed. The Supreme Court held in 1984 that the exclusionary rule does not typically apply in administrative proceedings. But its holding came with a caveat leaving open the possibility of requiring suppression for “egregious violations of Fourth Amendment or other liberties that might transgress notions of fundamental fairness and undermine the probative value of the evidence obtained.”

The Ninth Circuit later ran with that caveat, holding “administrative tribunals are still required to exclude evidence that was obtained by deliberate violations of the Fourth Amendment or by conduct a reasonable officer should know is in violation of the Constitution.” Such
I Approve This Message

With primary season well underway and the general election to follow soon thereafter, we are already beginning to hear these political commercials ending in the now familiar (or infamous to some) phrase: “My name is [fill in candidate name] and I approve this message.” This statement required at the end of every political commercial by a candidate supposedly allows the viewer/listener to feel satisfied the candidate fully endorses the commercial’s content—which these days usually consists of an attack on their opponent accompanied by a soundtrack from The Conjuring leaving one to believe the candidate’s opponent is one of the four horsemen of the apocalypse. I would surmise that a team of lawyers likely concocted this necessity.

Fortunately, or unfortunately if you hold that view, judges in Maricopa County do not have to run for election with the exception of our Justices of the Peace. Whether you are a municipal judge serving one of the many cities in the valley or a member of the Superior Court, you are appointed through a merit system rather than having to go through an election. Each jurisdiction has its own merit selection, but all are similar in nature.

After I graduated law school, I moved to Las Vegas, Nevada, to practice. At that time (and I believe the case still holds true) every level of judge was elected. From the city court judges to the district court judges (their version of our superior court) and even the Supreme Court, each judge ran for the specific office they were seeking. Frankly, I was not ever aware that this type of system existed for judges. I guess I always assumed judges were appointed and, therefore, free from some of the politics of our two other branches of government. I clearly remember the first election cycle I was a part of there. I attended a number of judicial fundraisers and was even given a “magnet board” to place on my car doors in support of Judge X. Needless to say, one can easily see the appearance problems this can produce when judges speak directly from the attorneys that appear in front of them to help with their own election.

One of the arguments on the other side of the issue is judges can be held to account if they are subject to election. This is a valid argument and one in which the system we use in Maricopa County is addressed. In Arizona, there are some counties in which judges are elected and others that use the merit selection process. Counties with populations over 250,000 people use merit selection, while the remainder of the counties use elections. Currently, the counties of Maricopa, Pima, and Pinal use merit selection in appointing judges. In addition, judges of the Court of Appeals and the justices of our Supreme Court are also appointed through a merit selection process. As a trade-off for not having direct election of judges in those counties using merit selection, judges are on the ballot (every four years for Superior Court and six years for Court of Appeals) with just a yes or no retention question for voters. This allows voters to remove a judge if they believe that is proper and at the same time protects judges from the normal campaign activities associated with contested elections. While as with most systems, there are flaws, overall this system has worked for more than 40 years and has produced benches that are the envy of the rest of the country. (OK, so I’m a bit biased here, but really, our courts are continually recognized as the benchmarks other courts aspires to)

The processes of applying to be a superior court and appellate judge have been described in the last couple of Maricopa Lawyer editions. If you missed those, I’ll encourage you to go to our website and read them. Val...
The Importance of Strategy When Representing a Client

In my experience, too little time is spent developing a strategy for the best way to handle a case for a client. Let’s look at a couple of examples to better understand what I mean.

Example 1: A client comes to you to negotiate an Agreement. The client is willing to pay or accept, let’s say, $1,000. So where do you start? Well, you know the client’s bottom line is $1,000. You will need room to negotiate, unless you or your client want to present a “take it or leave it” proposal. Generally, such proposals are not useful. For a $1,000 deal to buy, I’ll start at $800. That’s a realistic offer that displays genuine interest. The other party will probably counter with $2,000, or maybe if it’s an easy deal, $1,500. If the counter is $2,000, you say, “That’s not realistic; give me a real proposal I can take back to my client.” You might get an answer of “I won’t bid against myself.” If that’s the answer, remember you MUST take all offers back to your client. Suggest he or she go to $500. If, on the other hand, you receive a $1,500 proposal, you go to $600. The other party, if they want to make a deal, will come back with $1,500 in the first case and $900 in the second case. You then go up in increments until you are close to the $1,000 target. Try to put yourself in a position to say “Let’s split the difference” and get a slightly better deal for your client. If not, you continue in increments until you reach a deal or see you are not going to, while advising your client at each step of where you are.

Example 2—Litigation: First, you sit down with your client, literally or figuratively, and discuss the economics. How much is realistically at stake? How much will it cost your client? What is the economic situation of the other party? Can they afford to litigate? If so, weigh the pros and cons of each. If you are not sure, consult someone who is experienced. Remember, we have “Colleague Advisors” you can talk to if you need outside help.

Standards and Methods for Removal of a Trustee in Arizona

A trust is an excellent tool in estate planning. Typically, trusts reduce the expense, time and inconvenience of settling a person’s affairs. A properly designed and funded trust allows the settlor (creator of the trust) to transfer property and assets into the trust to avoid probate after he dies. A trust (or co-trustees) is placed in charge of the trust and managing its assets. The assets are then handled according to the terms of the trust. The assets are sometimes distributed outright to the beneficiaries and sometimes held in trust and distributed over time or held for future generations.

However, selecting a proper trustee is a difficult task, especially if there is any influence over the settlor. A settlor may feel obligated to select a family member to serve as trustee, even if the family member is not capable of administering the trust or should not be trusted to handle the trust assets and other confidences. Although a trustee may have seemed to be a proper selection, trust disputes may arise during administration of the trust, prompting a request for the removal of the trustee. Fortunately, in Arizona, trusts are subject to the probate court’s authority if a problem arises. In certain situations, removal of a trustee becomes necessary to properly administer a trust for the benefit of the beneficiaries.

Trustees may be removed pursuant to the terms set forth in the trust. For example, it is not uncommon for the trust maker (who is also a beneficiary) to reserve the right, with cause or reason, to remove a trustee and appoint a different trustee.

The Arizona Trust Code also defines circumstances when a trustee may be removed by the Court.

Who may remove a trustee under Arizona law?

Under A.R.S. § 14-10706(A), the trust maker, a co-trustee, or a trustee beneficiary may request that the Court remove a trustee. A Court may also remove a trustee on its own initiative.

So, under what circumstances may a trustee be removed for cause?

A.R.S. § 14-10706(B) provides the Court with guidelines of when removal of a trustee is appropriate:

• The trustee has committed a material breach of trust;
• There is a lack of cooperation among co-trustees that substantially impairs administration of trust;
• The trustee is unfit, unwilling or persistently fails to administer the trust for the benefit of the beneficiaries and the court determines that removal of the trustee best serves the interests of the beneficiaries;
• The trustee’s removal has been requested by all of the qualified beneficiaries, the court finds that removal best serves the interests of all of the beneficiaries and is not inconsistent with a material purpose of the trust, and a co-trustee or successor trustee is available;
• There has been a substantial change of circumstances.

A trustee may be unfit for many reasons. For example, a trustee may become incapacitated, vulnerable and/or susceptible to undue influence. The Alzheimer’s Association reports that in 1 in 3 seniors will die with Alzheimer’s disease or another form of dementia. With dementia so prevalent today, it is not uncommon for trustees to become untrustworthy and subject to removal. Other trustees do not understand or simply refuse to comply with their duties.

What can the court do in the meantime?

If in re the Matter of the Donald R. Schulz and Juanita Q. Schulz Living Trust; Dated July 25, 1996; An Arizona Trust, the Arizona Court of Appeals found that the Superior Court correctly decided that a co-trustee had not met his burden of proof to remove the other co-trustee. He could not produce sufficient evidence that his co-trustee’s actions fit into any of the circumstances justifying removal set forth in A.R.S. § 14-10706(B).

In this case, a brother and sister were named successor co-trustees of their parents’ trust. Shortly after the Court confirmed the brother and sister as co-trustees, problems began. The tumultuous relationship between brother and sister created conflict and inaction regarding trust issues. Brother argued that sister was unfit, unwilling, and persistently failed to administer the trust for the beneficiary’s benefit and that sister’s lack of cooperation substantially impaired trust administration, both of which are circumstances defined in A.R.S. § 14-10706 as justifying removal. Sister argued that brother had tried to marginalize her involvement with trust management, but she proposed a trust management plan that gave brother sole discretion over the trust’s assets, subject to her consent and oversight. The Superior Court found that brother often purposefully capped situations in which he would not get cooperation from sister and that he would change his position after reaching an agreement. Thus, the record contained ample evidence that both co-trustees were to blame, not just sister alone, and therefore brother did not meet his burden to have sister removed as co-trustee.

What can the court do in the meantime?

Sometimes, circumstances warrant emergency protection of the trust property or other remedies before the Court decides whether to remove a trustee. Pursuant to A.R.S. § 14-10706(C), “pending a final decision on a request to remove a trustee, or in lieu of or in addition to removing a trustee, the court may order appropriate relief under A.R.S. § 14-11001(B) as may be necessary to protect the trust property or the interests of the beneficiaries.”

Such relief includes the power to appoint an interim “special fiduciary” to administer the trust before the Court decides whether to permanently remove the trustee. Specifically, the interim relief may include the following:

1. Compel the trustee to perform the trustee’s duties.
2. Enjoin the trustee from committing a breach of trust.
3. Compel the trustee to redress a breach of trust by paying money, restoring property or other means.
4. Order the trustee to account.
5. Appoint a special fiduciary to take possession of the trust property and administer the trust.
6. Suspend the trustee.
7. Reduce or deny compensation to the trustee.
8. Remove as trustee as provided in § 14-10706.
9. Subject to § 14-10706, void an act of the trustee.

I Approve This Message continued from page 2

ley cities tend to have a similar setup to our continued from page 2

I Approve This Message continued from page 2

I Approve This Message continued from page 2

I Approve This Message continued from page 2

I Approve This Message continued from page 2
Avoid Confusion by Avoiding Contractions

LEGAL WRITING

Tamara Herrera

I fully own being a curmudgeon about one legal writing style topic: contractions. Although I do not mind using contractions in letters and other less formal documents, I avoid using contractions in formal documents like briefs and law review articles. My main concern is that many writers are not consistent when using contractions so the final document looks unpolished. Lately, though, I have focused on another concern: creative (confusing) contractions. Following are a few creative contractions I suggest avoiding no matter how informal the writing.

1. Contractions using “is.” In order to show the contraction of a noun with the verb “is,” the writer uses an apostrophe before the final letter “s.” This construction is the same when the writer is showing possession. Consider the following sentence:
The writer’s working on the draft.

Although “writer’s” is a proper contraction, the reader could easily confuse “writer’s” as being a possessive adjective to the noun “writing.” This construction, though, is one that would confuse the reader because it does not sound right and it is an incomplete sentence. Another confusing construction for many writers is “it’s” versus “it’、“.” The first version is always possessive; the second version is the contraction of “it” and “’s.” Thus, my advice is to avoid contractions that attempt to shorten the word “is.”

2. Contractions not used regularly in speaking. Some contractions just sound off because they are not commonly used. A brief search of grammar and style guides shows that the following contractions should be avoided for this reason: there’re, must’ve, when’r, that’r, and what’r. Some guides also suggest avoiding could’ve, would’ve, and should’ve because these contractions encourage imprecise pronunciations, leading to potential confusion (ex. could of).<ref>

3. Contractions of three words (or more): Although rare, contractions of three words do occur, especially when speaking. The most common compound contraction I hear is “I’ve” for “I would haven’t.” Because it is so rare, writers should avoid using it in any type of writing. ■

How long have you been a member of the MCBA?

I joined MCBA less than a year ago. In this short amount of time, I have gained recognition by other lawyers who are part of MCBA. These lawyers are impressed with my firm’s fast growth and commitment to the continued representation of good people in our community.

Of the Solo and Small Firm, YLD and Criminal Sections?

I have been a part of these sections for less than a year and they are cornerstones of my success because these sections allow me to directly interact and learn from the best lawyers in Arizona.

How long have you been practicing law? Was it your first area of practice?

I began practicing in a clerk/intern/extern capacity from 2015 to 2018. In October of 2018 I got my license and immediately shot out to begin my own practice in Criminal Defense where I have found my passion and plan to continue to grow.

What do you see as the focus for the Criminal Section this year?

2017 and 2018 were big years in criminal litigation in regards to allowing bond/bail for criminal defendants. I expect this litigation will continue because it is part of the foundation of our constitution to allow (innocent until proven guilty) people the opportunity to post a bond and not be refused a bond simply because of the crime they committed or their lack of financial stability.

With some recent rule changes from the AZ Supreme Court, I expect the Criminal Section will begin to focus on restoration of rights for first time felony offenders. It is my hope that these changes will continue to evolve and lower the burden against prior felons to preserve their voting rights and other collateral consequences.

What issues do you see facing attorneys in Arizona?

Arizona lawyers are facing and will continue to face issues with some of Arizona’s ethical guidelines in regards to marketing and reaching prospective new clients. Currently, Arizona is one of the last states in the U.S. to have overly-restrictive measures against online advertising and client generating services. These safeguards were implemented at a time when companies could take advantage of lawyers and clients in a way that limited the representation. Times have changed, and now the primary source of new clients comes from the internet because citizens (millennials and every generation following) who need a lawyer go directly to internet to find a lawyer. We are no longer a society where word-of-mouth marketing and person-to-person referrals can reach every person who needs help. The State Bar of Arizona recognized this and created their own online client generating service called “Find-A-Lawyer” where lawyers can pay a subscription charge and be put in direct contact with clients who are in immediate need of hiring a lawyer. There are other companies who provide this service but are restricted from entering Arizona’s market due to our current ethical obligations. I believe this issue will soon change once we recognize that lawyers should remain focused on helping clients overcome their legal issues instead of worrying about which company is walking the client through the door.

If you hadn’t been a lawyer, what else would you be?

I have been riding motorcycles for over 11 years, so if I had to take a different path before going to law school, I imagine I would have ended up in the motorcycle industry as an engineer or racer.

If you could be any fictional character, on TV/in books/in a movie, who would it be, and why?

The main charter in Ender’s Game, Ender, faces unique challenges as a child by being one of the most brilliant children on Earth. However, I admire him for his later life where he puts aside his fame and glory in order to help those who are in a vulnerable position of powerlessness.

What’s the strangest job you’ve ever held?

When I was sixteen, I worked as a lifeguard at our local pool. It was strange that we got paid to sit in a chair for hours at a time watching patrons swim in the pool, but yet we were not allowed to swim in the pool.

MEMBER SPOTLIGHT

ZACHARY JACOB DIVEBISS
DIVEBISS LAW PLC
MCBA MEMBER SINCE 2017

How long have you been a member of the MCBA?

I joined MCBA less than a year ago. In this short amount of time, I have gained recognition by other lawyers who are part of MCBA. These lawyers are impressed with my firm’s fast growth and commitment to the continued representation of good people in our community.

Of the Solo and Small Firm, YLD and Criminal Sections?

I have been a part of these sections for less than a year and they are cornerstones of my success because these sections allow me to directly interact and learn from the best lawyers in Arizona.

How long have you been practicing law? Was it your first area of practice?

I began practicing in a clerk/intern/extern capacity from 2015 to 2018. In October of 2018 I got my license and immediately shot out to begin my own practice in Criminal Defense where I have found my passion and plan to continue to grow.

What do you see as the focus for the Criminal Section this year?

2017 and 2018 were big years in criminal litigation in regards to allowing bond/bail for criminal defendants. I expect this litigation will continue because it is part of the foundation of our constitution to allow (innocent until proven guilty) people the opportunity to post a bond and not be refused a bond simply because of the crime they committed or their lack of financial stability.

With some recent rule changes from the AZ Supreme Court, I expect the Criminal Section will begin to focus on restoration of rights for first time felony offenders. It is my hope that these changes will continue to evolve and lower the burden against prior felons to preserve their voting rights and other collateral consequences.

What issues do you see facing attorneys in Arizona?

Arizona lawyers are facing and will continue to face issues with some of Arizona’s ethical guidelines in regards to marketing and reaching prospective new clients. Currently, Arizona is one of the last states in the U.S. to have overly-restrictive measures against online advertising and client generating services. These safeguards were implemented at a time when companies could take advantage of lawyers and clients in a way that limited the representation. Times have changed, and now the primary source of new clients comes from the internet because citizens (millennials and every generation following) who need a lawyer go directly to internet to find a lawyer. We are no longer a society where word-of-mouth marketing and person-to-person referrals can reach every person who needs help. The State Bar of Arizona recognized this and created their own online client generating service called “Find-A-Lawyer” where lawyers can pay a subscription charge and be put in direct contact with clients who are in immediate need of hiring a lawyer. There are other companies who provide this service but are restricted from entering Arizona’s market due to our current ethical obligations. I believe this issue will soon change once we recognize that lawyers should remain focused on helping clients overcome their legal issues instead of worrying about which company is walking the client through the door.

If you hadn’t been a lawyer, what else would you be?

I have been riding motorcycles for over 11 years, so if I had to take a different path before going to law school, I imagine I would have ended up in the motorcycle industry as an engineer or racer.

If you could be any fictional character, on TV/in books/in a movie, who would it be, and why?

The main charter in Ender’s Game, Ender, faces unique challenges as a child by being one of the most brilliant children on Earth. However, I admire him for his later life where he puts aside his fame and glory in order to help those who are in a vulnerable position of powerlessness.

What’s the strangest job you’ve ever held?

When I was sixteen, I worked as a lifeguard at our local pool. It was strange that we got paid to sit in a chair for hours at a time watching patrons swim in the pool, but yet we were not allowed to swim in the pool.

CONVENIENT ONLINE VOLUNTEERING

Arizona Free Legal Answers is a confidential question answering system that allows attorneys to give free legal advice online at a time and location convenient for you. Once you are registered as a volunteer, you can log on, decide whether you would like to answer any question and send your response via the website. As the volunteer attorney, you decide when to answer a question and when to end an exchange.

REGISTER AT:
https://onlineajustice.org/Account/UseAgreement or contact Kim.Bernhart@azflse.org for info.

Advertise in the Maricopa Lawyer and reach more than 3,500 attorneys and other legal professionals. Call (602) 257-4200.
ANNUAL MEETING & HALL OF FAME DINNER Thursday, September 13
BENCH BAR CONFERENCE Friday, September 14

ANNUAL MEETING & HALL OF FAME DINNER
Thursday, September 13
3:30 p.m.  Meeting of the MCBA Board of Directors—Members Welcome
4:30 p.m.  Past Presidents Hosted Reception—MCBA Members Only
5:30 p.m.  Check In for Awards Dinner
6 p.m. Annual Meeting & Awards Dinner, honoring:
Hall of Fame Winners: ASU Law Professor Charles Calleros • Hon. David Campbell, US District Court
Barbara Dawson, Snell & Wilmer • Sal Rivera, Rivera Law Group • Jay Zweig, Bryan Cave Leighton Paisner
Judicial Officer of the Year, Hon. Pamela Gates, Maricopa County Superior Court
Member of the Year, Bobby Ketchart, Snell & Wilmer
Public Lawyer of the Year, Patricia Gentich, Community Legal Services

BENCH-BAR CONFERENCE
Friday, September 14
8:30 a.m. Check In – Continental Breakfast
9-11 a.m. Courtroom Advocacy
Opening Statements—Presented by Randy Papetti, Lewis Roca Rothgerber Christie
Judge Panella’s additional comments (Judge Thomason, Judge Gates, Judge Kreamer, and Judge Cohen)
Small Group break-out session to work on Opening Statements
Attendees deliver Opening Statements – Judge Panelists provide feedback
Witness Examination (Direct & Cross) – Presented by John O’Neal, Quarles & Brady
Judge Panella’s additional comments
Small Group break-out session to work on mock examination
Attendees will have opportunity to examine a mock witness – Judge Panelists provide feedback
Closing Arguments – Presented by Tom Ryan, Law Office of Thomas M. Ryan
Judge Panella’s additional comments
Small Group break-out session to work on Closing Arguments
Attendees deliver Closing Arguments – Judge Panelists provide feedback

9-11 a.m. Pro Tem Training
1) A short presentation on the need for pro tems by Departmental Presiding Judges (family and civil)
2) A short presentation on the administrative process (application, training) by
Mel Bailey from Alternative Dispute Resolution (ADR)
3) A Commissioner, Judge, and Pro Tem who are working now will discuss their experiences
4) A panel discussion with all of the participants above on dos and don’ts with questions from the
the audience for the bulk of the time.

11:30 a.m. Check In and Networking
12 p.m. Lunch – Presiding Judge Janet Barton State-of-the-Court
1:30 p.m. Break-Out Sessions with Division Presiding Judges
3 p.m. Plenary Session with Appellate Judges – Led by Judge Paul McMurdie, on how the Court of Appeals
handles cases and its process for deciding them.
4:30 p.m. Cocktail Hour

REGISTER AT MARICOPABAR.ORG

REGISTRATION
Both Days, All Events:
Members $225
Public Lawyers & Paralegals $175
Non member $450
(does not include Past Presidents Reception)

Thursday
Hall of Fame and Awards Dinner $95 • Table of Ten $850
Friday, All Events – Members $150 • Public and Paralegal $95 • Non member $300
Friday Morning Only, 8:30 a.m.-11 a.m. – Members $65 • Public Lawyers and Paralegals $40 • Non member $130
Friday Afternoon Only, 11:30 a.m.-5:30 p.m. – Members $125 • Public Lawyers and Paralegals $65 • Non member $200
For Friday, Judges only pay for attending lunch ($25)

Sponsorships Available – Contact apatel@maricopabar.org
Come Join Us for the 2018 Annual Arizona Paralegal Conference

The Paralegal Division will host its 2018 Annual MCBA Paralegal Conference on Friday, November 9, 2018, at the Desert Willow Conference Center in Phoenix. We are excited to return to this venue. This year’s theme is “Building Relationships by Collaboration, Learning, and Creativity.” The Conference is “Building Relationships by Collaboration, Learning, and Creativity.” The Conference Committee is excited to return to this venue. This year’s theme is “Building Relationships by Collaboration, Learning, and Creativity.” The Conference will focus on three areas: ethics, communication, and technology.

Our Keynote Speaker Panel will discuss “Various Views on Your Client’s ‘Bouziin’ and Crüzit’ Shenanigans,” a panel discussion on DUI and search and seizure law. Presenters: Kristen Curry, Curry, Pearson & Wooten, PLLC; Craig Logsdon, Snell & Wilmer LLP; Gary Sher, Phoenix City Prosecutor’s Office; and Sergeant Kevin Rose, Phoenix Police.

There will be three separate breakout sessions where attendees can choose from three segments. In the first session you have the following, “Warning: The Hidden Dangers of Online Research,” presented by Rich Robertson, CLI R3 Investigations; Bankruptcy and Divorce: When Worlds Collide, presented by Lawrence D. Hirsch, Parker Schwartz PLLC; and “What Makes a Great Corporate Paralegal,” presented by Eliot L. Kaplan, Perkins Coie LLP.

Our second breakout session includes “Dealing with the Rambo: Litigator: Paralegal Tips,” presented by Scot L. Claus, Dickinson Wright; William Furnish, with Osborn Maledon will present an additional ethics hour “Billing and Time Recording” and “When Kids Kill,” presenter by Vincent S. Goddard.

The final breakout session will include a choice between “Jury Selection the Paralegal Way: Optimizing Your Contribution to the voir Dire Process with Karen O. Lisko Ph.D., Senior Litigation Consultant, Perkins Coie LLP; Legal Writing: A Tour of Successful Writing Techniques,” presented by Jennifer Albright, Instructor, Phoenix College and Senior Policy Analyst, Arizona Supreme Court; and Business and Tax Law: “Tax Law Change 2018, 2019 and Beyond,” presented by Steve West, Usdal Shumway PLLC.

Our general session entitled “Advancing Your Notarial Knowledge,” presented by Maria DeLaHoya, Deputy Director Business Services, Arizona Secretary of State’s Office. Our general session on ethics, “Ethics for Paralegals: Client Relationships and Communication.”

The Conference includes local vendors who assist the legal community by providing valuable products and services. They will have information about their respective companies available, and attendees will have several opportunities to speak with them. Some vendors will even give attendees the chance to win a prize for visiting their table. The Division will have a variety of raffle prizes that we will be giving away throughout the day.

This year’s Conference has something for everyone, no matter what area of law you are involved in. The information provided, coupled with the chance to network with other paralegals, as well as local vendors, makes this a great opportunity for everyone who attends. Attorneys should consider sending their paralegals to this event as they will gain valuable information to bring back to the office. I hope to see many of you at the Conference. You don’t want to miss it!

For more information email cle@maricopabar.org. Please mail your registration form with payment to 530 E. McDowell Rd., Phoenix, 85004, credit card registrations can be faxed to (602) 682-8601. Online registrations can be completed at www.maricopabar.org.

It takes many volunteers to make this event a success. If you would like to join the Conference Committee to assist us with the final preparations, please contact Conference Chair Andrea Marshall (amarshall@psa-law.com) and Norma Franco (nj@njfranco.com). This is a great opportunity to get involved in the MCBA Paralegal Division.

Our next meeting is at 5:30 pm. on Monday, October 8, 2018, at Sloma Law Group PLLC, 3030 N. 3rd Street, #600, Phoenix.

WIN A $1,000 SCHOLARSHIP!

Become a Student Member of the MCBA Paralegal Division and Apply for Chance to Win a $1,000 Scholarship!

The Recipient will be selected from students currently enrolled in a Paralegal Program. Funds will be issued to the school to be applied towards the scholarship recipient’s tuition, fees, and/or books.

PARALEGAL SCHOLARSHIP DEADLINE IS SEPTEMBER 15

Eligibility:

• Must be a current member of the Maricopa County Bar Association Paralegal Division;
• Must be an Arizona Resident;
• Must be enrolled for a minimum of 4 semester hours in the school’s paralegal program;
• Must intend to pursue a career as a paralegal;
• Must have an established G.P.A. of 3.0 or higher from courses taken at the school’s paralegal program and be in good current academic standing;
• Must have completed a minimum of 6 credits of paralegal courses at the school’s paralegal program prior to the start of the Fall Semester and have completed a minimum of 12 credits by the conclusion of that Fall Semester;
• Must include in application a current unofficial transcript as well as a copy of Fall class schedule to verify credit requirements;
• Applications must be made on the approved form, must include all documentation listed on the application form, and be signed by applicant.

Applicants must attach all of the following:

• Personal statement (300-500 words) stating how you would benefit from the scholarship and how it would assist you in furthering your paralegal education;
• Current unofficial transcript from your school;
• Copy of your class schedule for the Fall 2018 semester;
• Letters of recommendation from two (2) employers, supervisors or instructors;
• Incomplete applications will not be considered.

Mail applications to:

SLOMA LAW GROUP, PLLC
Attn: Kristi McLaughlin
3030 N. Third St., Ste. 600
Phoenix, AZ 85012
kmclaughlin@slomalawgroup.com

For an application and/or questions:
Contact Kristi McLaughlin at kmclaughlin@slomalawgroup.com

Please Note:
Scholarship funds are sent directly to the school in the recipient’s name in October, 2018.

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

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

It’s easy to join! Call Anjali Patel at apatel@maricopabar.org.
Deadline to Declare Candidacy in Board of Directors Election is Sept. 15

The MCBA is currently inviting members to declare their candidacy for one of five available seats on the board of directors. Each of the five positions consists of a two-year term beginning in 2019.

The terms of Hon. Julie LaFave, Amanda Reeve, Joy Isaacs, Ben Taylor and Tina Ziegler expire on December 31, 2018. An election will be held to fill their seats. A few of this group will likely run for re-election.

Board members attend monthly meetings, liaise with one or more MCBA sections, divisions, or committees, and support the work of the association. They are expected to make every effort to attend the Annual Meeting/Hall of Fame/Bench Bar Conference on September 13 and 14, and other membership events, as well as assist with fundraising and member recruitment. Candidates must be active members in good standing with the MCBA.

Candidates are asked to: (1) Submit a formal letter of candidacy to the board of directors, with the candidate’s signature, addressed to MCBA Interim Executive Director Elizabeth Sheehan either by email (PDF or MS Word document) to bsheehan@maricopabar.org or postal mail to MCBA, 530 E. McDowell Road, Suite 107 Box 415, Phoenix, AZ 85004 no later than 5 p.m., Sept. 15, 2018.

(2) Provide additional required election materials. A 200-word bio and a color jpeg photograph must be submitted to maricopalawyer@maricopabar.org no later than 5 p.m., Sept. 15, 2018. Submitted biographies that exceed 200 words may be edited by staff. Please note that a standard-form resume or curriculum vitae are not acceptable. This bio may include an optional position statement of the candidate’s vision and priorities for the MCBA. Position statements and any other campaign or election materials may not refer to other candidates or include defamatory or inappropriate language, as determined by an ad hoc election review committee appointed by the president of the association.

For complete election information, go to www.maricopabar.org for a copy of our by-laws on the board of directors webpage.
2018 MCBA PARALEGAL CONFERENCE

Building Relationships by Collaboration, Learning, and Creativity

Registration Fees:
MCBA Member - $115
Public/Government Paralegal - $115
Paralegal Non-Member - $230
Student Member - $85
Student Non-Member - $110

For more information call (602) 257-4200 or email cle@maricopabar.org

Your Registration Fee Includes:
Comprehensive Educational Materials
6.0 hours of Continuing Legal Education (CLE) including up to 2.0 hours of Ethics
Full Breakfast, Buffet Lunch, and Refreshments
Interaction with Vendors who serve the Legal Community
A Chance to Win Numerous Door Prizes
Free Parking

NAME: ____________________________________________
EMPLOYER: _______________________________________
EMAIL: __________________________________________
PHONE: __________________________________________
AMOUNT: _________________________________________
PAYMENT METHOD: VISA   MASTERCARD   AMEX   DISCOVER   CHECK
CARD NUMBER: ___________________________ EXP. DATE: __________ CCV: ______
SIGNATURE: _______________________________________

1st Breakout Session (select one)
A) ___ Trial Track - “Warning: The Hidden Dangers of Online Research”
B) ___ Bankruptcy/Family Law - “Bankruptcy and Divorce: When Worlds Collide”
C) ___ Real Estate Law - “What Makes a Great Corporate Paralegal”

2nd Breakout Session (select one)
A) ___ Trial Track - “Dealing with the “Rambo” Litigator: Paralegal Tips”
B) ___ Bonus Ethics - “Billing and Time Recording”
C) ___ Criminal Law - “When Kids Kill”

3rd Breakout Session (select one)
A) ___ Trial Track - “Jury Selection the Paralegal Way: Optimizing Your Contribution to the Voir Dire Process”
B) ___ Legal Writing - “A Tour of Successful Writing Techniques”
C) ___ Business and Tax Law - “Tax Law Change 2018, 2019 and Beyond”

Please mail your registration form with payment to:
530 E. McDowell Rd 107-415 Phoenix, AZ 85004
Credit Card Registrations can be faxed to (602) 682-8601
Online registrations can be completed at:
www.maricopabar.org
COLLECT THOSE JUDGMENTS!
Get them out of your files and generate revenue
Let an AV Rated Attorney with 34 years of experience handle them for you
Get help collecting past due child support and delinquent spousal maintenance

MICHAEL J. FULLER, ESQ.
303 North Third Street, Suite 200, Phoenix, Arizona 85012
602-241-8599
michael@mjfullerlaw.com | www.mjfullerlaw.com
Contingency Fee Splitting available in compliance with Ethical Rule 1.5(e)

Want Security? We Got IT
Let Us Show You Legal IT Done Right

We help law firms manage the security and ethical risks in technology. Total Networks is the only Arizona company that has earned the CompTIA Security Trustmark, showing our commitment to security and compliance best practices. Whether you have outgrown your current provider or in-house staff, or need to improve the performance, reliability and security of your technology, the Total Networks leadership team transforms your experience with technology.

More law firms trust us with their legal IT needs. We proactively collaborate with clients to develop a Smart IT Plan, just for your firm. Our unique approach to your technology ensures more security, fewer IT distractions and increased productivity.

Call us and let us show you Legal IT Done Right

Total Networks
602-412-5025 | totalnetworks.com/legal

Put the Gloves Down!

There’s an Easier Way to Resolve Real Estate Disputes
Special Real Estate Commissioner | Neutral Real Estate Broker Receiver | Commercial and Residential Broker Valuation | Management and Maintenance

With R.O.I., everyone will feel like a champ!

We Handle Litigation and Administration:
Probate, Trust and Estate
Financial Exploitation
Abuse/Neglect
Guardianship/Conservatorship

Refer with confidence

BerklawGroup.com/MCBA

Contentious or Contested Probate or Trust Matter?

Integrity. Dedication. Excellence.

BerkLawGroup.com/MCBA
14220 N. Northsight Boulevard, Suite 135 • Scottsdale, AZ 85260
602.845.8362 • MCBA@BerkLawGroup.com

Want Security? We Got IT
Let Us Show You Legal IT Done Right

We help law firms manage the security and ethical risks in technology. Total Networks is the only Arizona company that has earned the CompTIA Security Trustmark, showing our commitment to security and compliance best practices. Whether you have outgrown your current provider or in-house staff, or need to improve the performance, reliability and security of your technology, the Total Networks leadership team transforms your experience with technology.

More law firms trust us with their legal IT needs. We proactively collaborate with clients to develop a Smart IT Plan, just for your firm. Our unique approach to your technology ensures more security, fewer IT distractions and increased productivity.

Call us and let us show you Legal IT Done Right

Total Networks
602-412-5025 | totalnetworks.com/legal

Put the Gloves Down!

There’s an Easier Way to Resolve Real Estate Disputes
Special Real Estate Commissioner | Neutral Real Estate Broker Receiver | Commercial and Residential Broker Valuation | Management and Maintenance

With R.O.I., everyone will feel like a champ!

We Handle Litigation and Administration:
Probate, Trust and Estate
Financial Exploitation
Abuse/Neglect
Guardianship/Conservatorship

Refer with confidence

BerklawGroup.com/MCBA

Contentious or Contested Probate or Trust Matter?

Integrity. Dedication. Excellence.

BerkLawGroup.com/MCBA
14220 N. Northsight Boulevard, Suite 135 • Scottsdale, AZ 85260
602.845.8362 • MCBA@BerkLawGroup.com

Want Security? We Got IT
Let Us Show You Legal IT Done Right

We help law firms manage the security and ethical risks in technology. Total Networks is the only Arizona company that has earned the CompTIA Security Trustmark, showing our commitment to security and compliance best practices. Whether you have outgrown your current provider or in-house staff, or need to improve the performance, reliability and security of your technology, the Total Networks leadership team transforms your experience with technology.

More law firms trust us with their legal IT needs. We proactively collaborate with clients to develop a Smart IT Plan, just for your firm. Our unique approach to your technology ensures more security, fewer IT distractions and increased productivity.

Call us and let us show you Legal IT Done Right

Total Networks
602-412-5025 | totalnetworks.com/legal

Put the Gloves Down!

There’s an Easier Way to Resolve Real Estate Disputes
Special Real Estate Commissioner | Neutral Real Estate Broker Receiver | Commercial and Residential Broker Valuation | Management and Maintenance

With R.O.I., everyone will feel like a champ!

We Handle Litigation and Administration:
Probate, Trust and Estate
Financial Exploitation
Abuse/Neglect
Guardianship/Conservatorship

Refer with confidence

BerklawGroup.com/MCBA

Contentious or Contested Probate or Trust Matter?

Integrity. Dedication. Excellence.

BerkLawGroup.com/MCBA
14220 N. Northsight Boulevard, Suite 135 • Scottsdale, AZ 85260
602.845.8362 • MCBA@BerkLawGroup.com

Want Security? We Got IT
Let Us Show You Legal IT Done Right

We help law firms manage the security and ethical risks in technology. Total Networks is the only Arizona company that has earned the CompTIA Security Trustmark, showing our commitment to security and compliance best practices. Whether you have outgrown your current provider or in-house staff, or need to improve the performance, reliability and security of your technology, the Total Networks leadership team transforms your experience with technology.

More law firms trust us with their legal IT needs. We proactively collaborate with clients to develop a Smart IT Plan, just for your firm. Our unique approach to your technology ensures more security, fewer IT distractions and increased productivity.

Call us and let us show you Legal IT Done Right

Total Networks
602-412-5025 | totalnetworks.com/legal

Put the Gloves Down!

There’s an Easier Way to Resolve Real Estate Disputes
Special Real Estate Commissioner | Neutral Real Estate Broker Receiver | Commercial and Residential Broker Valuation | Management and Maintenance

With R.O.I., everyone will feel like a champ!

We Handle Litigation and Administration:
Probate, Trust and Estate
Financial Exploitation
Abuse/Neglect
Guardianship/Conservatorship

Refer with confidence

BerklawGroup.com/MCBA

Contentious or Contested Probate or Trust Matter?

Integrity. Dedication. Excellence.

BerkLawGroup.com/MCBA
14220 N. Northsight Boulevard, Suite 135 • Scottsdale, AZ 85260
602.845.8362 • MCBA@BerkLawGroup.com

Want Security? We Got IT
Let Us Show You Legal IT Done Right

We help law firms manage the security and ethical risks in technology. Total Networks is the only Arizona company that has earned the CompTIA Security Trustmark, showing our commitment to security and compliance best practices. Whether you have outgrown your current provider or in-house staff, or need to improve the performance, reliability and security of your technology, the Total Networks leadership team transforms your experience with technology.

More law firms trust us with their legal IT needs. We proactively collaborate with clients to develop a Smart IT Plan, just for your firm. Our unique approach to your technology ensures more security, fewer IT distractions and increased productivity.

Call us and let us show you Legal IT Done Right

Total Networks
602-412-5025 | totalnetworks.com/legal

Put the Gloves Down!

There’s an Easier Way to Resolve Real Estate Disputes
Special Real Estate Commissioner | Neutral Real Estate Broker Receiver | Commercial and Residential Broker Valuation | Management and Maintenance

With R.O.I., everyone will feel like a champ!

We Handle Litigation and Administration:
Probate, Trust and Estate
Financial Exploitation
Abuse/Neglect
Guardianship/Conservatorship

Refer with confidence

BerklawGroup.com/MCBA

Contentious or Contested Probate or Trust Matter?

Integrity. Dedication. Excellence.

BerkLawGroup.com/MCBA
14220 N. Northsight Boulevard, Suite 135 • Scottsdale, AZ 85260
602.845.8362 • MCBA@BerkLawGroup.com

Want Security? We Got IT
Let Us Show You Legal IT Done Right

We help law firms manage the security and ethical risks in technology. Total Networks is the only Arizona company that has earned the CompTIA Security Trustmark, showing our commitment to security and compliance best practices. Whether you have outgrown your current provider or in-house staff, or need to improve the performance, reliability and security of your technology, the Total Networks leadership team transforms your experience with technology.

More law firms trust us with their legal IT needs. We proactively collaborate with clients to develop a Smart IT Plan, just for your firm. Our unique approach to your technology ensures more security, fewer IT distractions and increased productivity.

Call us and let us show you Legal IT Done Right

Total Networks
602-412-5025 | totalnetworks.com/legal
NO SHOWS

If you registered and paid, but could not attend, you may request that materials be sent to you, free of charge, by mail, fax at (602) 257-4200, or email cle@maricopabar.org at least two business days prior to the program.

CANCELLATIONS/REFUNDS

Refunds, less a $25 fee, will be issued only if the MCBA receives your cancellation, in writing, less than five business days prior to the program.

ATTENDANCE POLICIES

WALK-INS

You may register at the door if space is available; the $15 fee will apply. If you do not register at least five business days prior to the program, MCBA cannot guarantee space or availability of materials.

NO SHOWS

If you registered and paid, but did not attend, you may request that materials be sent to you, free of charge (allow 3–4 weeks). If audio media is available, registrations may be converted to a self-study package for an additional $15 charge.

WAYS TO REGISTER

ONLINE

To register, go to www.maricopabar.org/events and select your CLE from the calendar. Follow the link to the registration page. If you need assistance, please email: cle@maricopabar.org

PHONE

Call (602) 257-4200

PROGRAM LOCATION

Please note the location of each CLE as they are being hosted throughout the county.

TUESDAY

SEPT. 4 • 12 - 1:30PM

10,000 Years of Cannabis History and Law and the Ethics for Cannabis Lawyers

PRESENTED BY: MCBA Real Estate Law Section

LOCATION: SACKS TIERNEY P.A.
4250 N Drinkwater Blvd #400, Scottsdale, AZ 85251

SPEAKER(S): Gary Michael Smith, Smith Saks PLC and President of the Arizona Cannabis Bar Association

A mixed-topic CLE on (a) the history of cannabis from ancient times to modern prohibition, (b) ethics considerations when dealing with cannabis clients, and (c) cannabis-specific considerations for real property transactions. Of interest to real property lawyers in particular will be cannabis consideration in leases; perspective of the cannabis landlord (commercial and residential); perspective of the cannabis tenant (commercial and residential); 11 things lawyers must do when dealing with cannabis clients; lease terms; insurance problems; security agreements; etc. Audience participation is encouraged.

THURSDAY

SEPT. 20 • 7:30 - 9AM

ALTCS, AHCCCS, DDD & SSI: An Alphabet Soup of Public Benefit Planning

PRESENTED BY: MCBA Estate Planning, Probate & Trust Section

LOCATION: LITTLER
2425 E Camelback Road, Suite 900, Phoenix, Arizona 85016

SPEAKER(S): Catherine Leas, Bridget O’Brien Swartz, and Emily R. Taylor

This particular CLE will help you learn about ALTCS, AHCCCS, DDD & SSI and distinguish the differences between all of the programs. Our panel will discuss the requirements and benefits of each program to help you and your clients. We will also discuss Crisis Planning and strategies on how to handle various scenarios you may fall into.

FRIDAY

SEPT. 28 • 12 - 1:30PM

Help Me Help You – The Things that Drive JAs and Judges Crazy

PRESENTED BY: MCBA Family Law Section

SPONSORS: Chris Carter Kent, Barbara Woyak, Jason Fial, and Soberlink

LOCATION: JENNINGS, STROUSS & SALMON, PLC
One East Washington Street, Suite 1900 Phoenix, AZ 85004

SPEAKER(S): Chris Lopez, Judicial Assistant to Hon. Suzanne Cohen and Carla Estrada, Judicial Assistant to the Hon. Dewain Fox

This popular CLE will provide lawyers and their office staff insight into ways that we can better our professional rapport with Judges and their staff. Experienced and well-respected Judicial Assistants will provide us with tips and information that will give us guidance and, most importantly, will help to prevent us from doing the things we do that drive judges and their court staff CRAZY! This CLE is geared to help create and better our relationships with the Judges and their staff with an ultimate goal of helping you streamline the litigation process.

WEDNESDAY

OCT. 10 • 12 - 1:30PM

What’s on Your Desk

PRESENTED BY: MCBA Estate Planning, Probate and Trust Section

LOCATION: LITTLER
2425 E Camelback Road, Suite 900, Phoenix, Arizona 85016

SPEAKER(S): Amber Hughes, Moderator

Discuss the issues on your desk with other Estate Planning, Probate and Trust Section members, and offer your experience to others. Bring your own lunch (beverages will be provided) and whatever problems are on your desk right now that you are struggling with, and brainstorm with other Section members.

This is a free event for MCBA Estate Planning Probate & Trust Section members only, offered as one of the benefits of section membership.

Please take a moment to reserve your space by RSVPing.

It's that time of year when we offer incentives for early Membership Renewal

Watch your email for reminders. If you have any questions, email membership@maricopabar.org

We even have a video we can send to help you navigate Member Central.
The (Possible? Future?) Intersection of Attorney Diligence Requirements of ER 1.1 and Blockchain Technology

By Jessica L. Beckwith

Arguably (one of the paramount (and first) Ethical Rules is that duty of competence. ER 1.1 simply states, “a lawyer shall provide competent representation reasonably necessary for the representation.” Comment 6 to ER 1.1 states, “To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and in practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.”

Enter blockchain technology. What is blockchain? Maybe you have only heard of blockchain in the context of bitcoin (which makes sense because, according to Wikipedia, blockchain was invented in 2008 to serve as the public transaction ledger for bitcoin). Merriam Webster defines blockchain as, “a digital database containing information (such as records of financial transactions) that can be simultaneously used and shared within a large decentralized, publicly accessible network.” Fortune.com defines blockchain as, “a way to structure data….”

This coding breakthrough—which consists of concatenated blocks of transactions—allows individuals with coding expertise to code the “terms” of the contract. This leads to a multitude of questions: Do attorneys need to learn how to code? (Probably not, but they may eventually need to hire someone who knows how). Will firms need an interdisciplinary team of software/computer and legal professionals in order to assist their clients in entering smart contracts? If so, how would this interdisciplinary team be compensated? Will attorneys no longer be needed for smart contracting? Or how can an attorney bring value to smart contracting?

There are a plethora of other industries where blockchain technology has already been introduced, such as finance, energy, music, healthcare (for management of patient medical data among other uses), and real estate transactions. This technology has the potential to disrupt the legal industry as well.

My advice is to follow Comment 6 to ER 1.1 and keep abreast of changes in technology that may change the practice of law. Not only is this an ethical duty, but it may allow you to change your business model and better serve your clients.

Jessica Beckwith is an attorney with Lewis Brisbois Bisgaard & Smith LLP. She is an attorney regulation and ethics attorney admitted to practice in Arizona and California. She can be reached at jessica.beckwith@lewisbrisbois.com or 213.680.5100.
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 maricopalawyer@maricopabar.org.

ANNOUNCEMENTS:
AWLA Wine and Cheese Reception
The AWLA Maricopa Chapter's Annual Wine and Cheese Reception will be held on Thursday, November 1, from 5:30 p.m. to 7:30 p.m. at the Desert Botanical Garden, Dorrance Center, 1201 N. Galvin Parkway, Phoenix, AZ 85008. Parking is free. This year's honoree and recipient of the Ruth V. McGregor Award, for her support of women in the law is Lisa Loo, the vice president of Legal Affairs and Deputy General Counsel of ASU, and the 85th president of the Board of Governors of the Arizona State Bar. To register for the event, please visit the AWLA's website at awla.state.org and select the Wine & Cheese Reception on the Event Calendar.

Rules of Civil Procedure Update
Effective July 1, 2018, the Arizona Civil Rules of Procedure were updated to require a tier designation for any case that requires discovery (Rule 26.2). Many litigants are still not designating a tier when filing a complaint and coversheet. For more information, please refer to Rules 8, 16, and 26.2 of the Arizona Rules of Civil Procedure.

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. Tell us about your experiences (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.

September Calendar
Check out maricopabar.org/events and watch your inbox for the latest updates on dates, times, and locations for events and meetings.
Lawyers’ Professional Liability/Malpractice Insurance for AZ Law Firms

**OUR SERVICES**

- 40+ years of experience as brokers/former underwriters
- Locally owned and operated
- We understand this coverage as this is our specialty
- We insure over 850 Arizona law firms
- Retirement/Succession Plan advice
- Hard to insure practice areas
- Claims/Disciplinary Issues
- Access to the top A/A+ rated malpractice insurance carriers

With the expertise at Brock Insurance Services, you’ll get the proper coverage at the best possible rate combined with top-notch service.

Please go to www.brock-ins.com or contact ben@brock-ins.com for more information

12020 E Shea Blvd., Suite 11, Scottsdale AZ 85259 : ben@brock-ins.com : www.brock-ins.com
Sheriff Joe's Actions

CourtWatch, continued from page 1

tained evidence must be suppressed even if it "is highly reliable and probative."

Nelson had little trouble concluding that MCSO's Fourth Amendment viola-
tions were egregious. The detective's af-
davit submitted in support of the search
warrant contained omissions and factual
distortions that were both reckless and ma-
terial. For instance, the detective omitted
information that damaged the credibility of
the MCSO's informants. One had filed her
complaint on the very day her husband was
arrested for stealing from Frimmel. And the
other had evidently been arrested for
stealing from Frimmel. The detective
withheld other information, as well: Both
complainants were anonymous tipsters, as
opposed to confidential informants, and an
IRS investigation had found no wrongdoing
by Frimmel.

The detective had also made false state-
ments. He reported that the second com-
plainant was positive no employees were
required to fill out certain forms, but the
complainant was positive no employees were
required to fill out certain forms.

"As the state court correctly found, all the
foregoing omissions and inaccuracies were
either intentional or reckless given
how significant they were," Nelson wrote.

"The MCSO raids that resulted from these
reckless and material inaccuracies constitute
a Fourth Amendment violation," which was
gregarious because MCSO had acted unreasonably.

Nelson rejected the ALJ's conclusion that
ICE's investigation was attenuated from the
illegal raid. ICE's auditor had acknowledged
he conducted his audit soon after, and based
on, MCSO's press release publicizing the
raid. She concluded MCSO had engaged
in gamesmanship by providing ICE with the
information that significantly directed the
latter's investigation. The audit was there-
to tainted, and no intervening event had
purged that taint.

Finally, Nelson found MCSO's Fourth
Amendment violation sufficiently "flagrant
to call for exclusion. It had "omitted signifi-
cant and material information and distorted
facts in the affidavits, making its conduct an
gregarious Fourth Amendment violation," she
wrote. The evidence "suggest[ed] that MCSO repeatedly engages in egregious
Fourth Amendment violations."

Finally, MCSO's intent in carrying out the
raid was to provide information for
ICE's enforcement purposes. "MCSO had a
policy of sharing information with ICE," Nelson
wrote, "and the only reasonable in-
ference is that MCSO shared this informa-
tion for the purposes of spurring ICE en-
forcement action." Excluding the evidence
would therefore "serve to deter MCSO from
Fourth Amendment violations."

Joining Nelson in ruling the ALJ should
have suppressed the evidence were Judges
William A. Fletcher and Raymond C. Fisher.

Five days after the Frimmel Management
opinion, another Ninth Circuit panel issued
an opinion upholding both an injunction and
a compensation order the Arizona Dis-
trict Court had imposed against Maricopa
County in response to Arpaio's anti-immi-
igration policies. Ortega Melendres v. Maricopa
County, No. 16-16661 (9th Cir. July 31, 2018).

In 2007, a class action was filed alleg-
ing the MCSO, under the guise of enforc-
Volunteer Lawyers Program Thanks Attorneys

The Volunteer Lawyers Program thanks the following 19 attorneys and firms for agreeing to provide pro bono representation on cases referred by VLP to help people with low incomes. VLP supports pro bono service of attorneys because there is a real and pressing 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 Gerrick at VLP at 602-254-4714 or pgerrick@clsaz.org.

Kevin Parker
Snell & Wilmer

David Wilhelmsen
Snell & Wilmer

GUARDIANSHIP OF MINOR CHILDREN:
Stefanie Blahut
Law Office of Stefanie Blahut

London Burns
Kutak Rock

David Sprentall
Snell & Wilmer

WILLS AND ESTATES:
Karen Nagle
Nagle Law Group

The Volunteer Lawyers Program provided $3,285,147 in economic benefit to families through cases completed during 2016. Thanks to all who participated and supported VLP!

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

CLASSIFIEDS
To place a classified ad, please e-mail maricopalawyer@maricopabar.org or call (602) 257-4200.

 LAW OFFICE SPACE AVAILABLE - Attractive conference room size office space available at 722 E. Osborn Rd., located just east of seventh at a rental rate of $800 per month. If interested, call Jack Levine at 602 – 315 – 3200 to schedule an appointment for viewing. The law firm of Perry, Childers, Harland and Hudson, the law offices of Eric Shapiro and Tom Henze are also located in the building.

HIGHLY DESIRABLE Old Town Scottsdale office space. Two offices with shared conference room, reception area, and kitchen area. Ideal for a practitioner with one employee. Call Michelle at 480-516-3806 or email michelle@swand Дмитревичg.com.

GOLF CAR EXPERT WITNESS - Plaintiff and Defense cases. 40+ years in the golf car industry. Experienced in plaintiff and defense cases.

CENTRAL/OSBORN.

FURNISHED OFFICE SPACE AVAILABLE AT

One or two attorney offices to rent, each with adjoining secretarial area and built-in desks/work area. Each office is available for rent, separately or together. Office comes with access to two conference rooms, telephone system, full-size copiers/scanners, hi-speed internet service, limited receptionist service, covered parking, and other amenities.

One office furnished. Professional environment with 4 attorneys already in the building. Close freeway access. Please call 480-820-1421 for more information.

REAL ESTATE SPECIAL COMMISSIONER - Conciegel Realtor, Trained Mediator. Experienced in Court appointments priced from $1000 to $6,000.000. Contact Chris Carter Kent at 480-388-0662, ChrisCarterKent@gmail.com, or ChrisCarterKent.com

EAST VALLEY OFFICE FOR LEASE (Near 101 and Guadalupe). One or two attorney offices for rent, each with adjoining secretarial area with built-in desks/work area. Each office is available for rent, separately or together. Office comes with access to two conference rooms, telephone system, full-size copiers/scanners, hi-speed internet service, limited receptionist service, covered parking, and other amenities.

One office furnished. Professional environment with 4 attorneys already in the building. Close freeway access. Please call 480-820-1421 for more information.

MESA, 1310 E. SOUTHERN AVE, 5,335 SF of rentable office space available for single tenant lease. 10 private offices with class “A” upgrades featuring high-end finishes, custom iron doors and arched doorways, granite desks and countertops, Travertine flooring, chandeliers, kitchen, conference room with flat-screen TVs, mini-fridge and ample covered parking. Perfect for professional office. Visit www.GalleryFlazaAZ.com for photos. Please call 602-380-8080 or email david.singh@ PrudhoProperties.com.

FURNISHED OFFICE SPACE AVAILABLE AT CEN/L/GIBSON:

One or two offices and an assistant’s bay are available for sublease in recently renovated law firm office in Midtown Phoenix. Sublease includes use of receptionist, conference room, kitchen, and copier. For more information, contact Sara Witthof at (602) 535-8486 or switthof@wdlawpc.com.

### PRO BONO PROFILES

Spotlight on Volunteers

Michelle Lauer Honored for Pro Bono Work

By Peggi Cornelius

VLP Programs Coordinator

Michelle Lauer

A common denominator for many people engaged in community service is a commitment that begins with a personal story of compassion. Attorney Michelle M. Lauer draws on the example of the pleasure she derives from pro bono work, saying, “I came from humble beginnings, raised by a single mother. I know how hard my mother struggled without the ability to hire counsel.”

Lauer has recently received recognition for her pro bono work with the Probate Lawyers Assistance Project (PLAP). Begun in 2011, PLAP is a collaboration between the Estate Assistance Project (PLAP). Begun in 2011, her pro bono work with the Probate Lawyers Assistance Project is testament to how even the most challenging cases can become meaningful.

Born and raised in Los Angeles, California, Lauer was motivated to move to Arizona “for the sunshine and affordability.” After completing a Bachelor of Arts in Sociology while working full time as a legal assistant, she returned to California to obtain her law degree at the California Western School of Law in San Diego. She credits her early employers with her decision to attend law school. She explains, “I was the first on both sides of the family to go to college, let alone graduate school. I did not have the exposure to higher education until I worked with outstanding attorneys who encouraged me.”

During law school, she recalls her good fortune at having the opportunity to participate in an internship offered by the government of Chile. “I lived in Santiago de Chile for four months,” she says, “The division of the government for which I worked had the duty of establishing and monitoring the civil rights of Chile’s senior citizens. I developed proficiency in speaking the Spanish I’d learned in class, and I gained knowledge about one of my current specialty areas, Elder Law.”

The year she became licensed to practice law in Arizona, Lauer joined the VLP and began accepting pro bono cases to represent people in being appointed as legal guardians for incapacitated adults. Her VLP case history indicates as soon as one pro bono matter nears completion, she accepts representation in another. She’s been doing so since 2008.

Lauer’s description of her pro bono clients as “big-hearted people” is evidence of her appreciation for the commitment they’ve made to accept responsibility for the wellbeing of those who need them, despite whatever financial hardships are entailed. She says, “It’s extremely gratifying to help clients gain the legal service is a commitment they desire, and I feel fortunate to be able to assist.”

Her law practice at Lincoln & Lauer PLLC keeps Lauer busy and happy, but making time for pro bono work is an integral part of Lauer’s professional life. Besides the gratification of personal gain, Lauer has an additional reason for pro bono work: “I wish it didn’t have to be accepted. It’s an inherent part of helping others without expectation of reward.”

Marsh nominated Lauer for a VLP award honoring her as the “PLAP Attorney of the Year 2017-18.” She says, “Michelle has volunteered at PLAP since 2013. We really appreciate her dedication to helping people and making a difference in their lives. She truly cares.”

Volunteer attorneys are needed to represent low-income consumers in contract matters.

The Volunteer Lawyers Program provided $3,285,147 in economic benefit to families through cases completed during 2016. Thanks to all who participated and supported VLP!

Laura VLP is co-sponsored by the MCBA and the non-profit law firm of Community Legal Services. Through the generosity of volunteer attorneys like Lauer, expert legal advice regarding probate matters is available free of charge or at a modest fee to the general public.

Volunteer attorneys Kelly L. Kral and Tracy M. Marsh coordinate the PLAP. They work with attorneys, as well as participate in them. Kral and Marsh nominated Lauer for a VLP award honoring her as the “PLAP Attorney of the Year 2017-18.” Kral said, “Michelle has volunteered at PLAP since 2013. We really appreciate her dedication to helping people and making a difference in their lives. She truly cares.”

Marsh nominated Lauer for a VLP award honoring her as the “PLAP Attorney of the Year 2017-18.” Kral said, “Michelle has volunteered at PLAP since 2013. We really appreciate her dedication to helping people and making a difference in their lives. She truly cares.”

The MCBA and the VLP thank the following attorneys and support volunteers for their generous contributions to PLAP services from July 1, 2017 through June 30, 2018:

PLAP ATTORNEYS

Marlene Appel
Kent S. Berk
Barbara R. Berman
Rita A. Daninger
Michael J. Doyle
James A. Fassold
Scott R. Ferris
Lauren E. Garner
Marsha Goodman
Thomas F. Hickey
Amber D. Hughes
Michelle M. Lauer
James E. McDougall
Kevin P. McFadden
T. Troy McNemar
Joshua D. Moya
James T. Rayburn
Emily Taylor
Katie L. Warner

PLAP SUPPORT VOLUNTEERS

Mike Adams
Anthony Aurienma
Troy Calandra
Steven Cundiff
Allaura Dabbiene
McKernan Gambee
Katie Hastings
Sarah Lemley
Sara Lenz
Rachael Mitchell
Philip Monela
Brianna Niro
Krystie Reeves
Elaina Rooper
Tonya Scruggs
Ryan Spear
Gabriel Vadzus
Emily Zobel

To place a classified ad, please e-mail maricopalawyer@maricopabar.org or call (602) 257-4200.

Volunteer attorneys are needed to represent low-income consumers in contract matters.

The Volunteer Lawyers Program provided $3,285,147 in economic benefit to families through cases completed during 2016. Thanks to all who participated and supported VLP!

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

Volunteer attorneys are needed to represent low-income consumers in contract matters.
THE PREFERRED CHOICE
For more than a decade, LawPay has been the go-to solution for the legal industry. Our simple online payment solution helps lawyers get paid faster. LawPay lets you attach a secure payment link to your email, website, or invoices so that clients can pay with just a click. Our solution was developed specifically for law firms, so earned and unearned fees are properly separated and your IOLTA is always protected from any third-party debiting. Simply put, no online payment processor has more experience helping lawyers than LawPay.

EASY FOR YOUR CLIENTS, A NO-BRAINER FOR YOUR FIRM.

LawPay
AN AFFINIPAY SOLUTION

SECURE credit card processing for law firms
IOLTA COMPLIANT
Approved Member Benefit of 47 STATE BARS
Trusted by over 50,000 lawyers
Powering payments for 30+ TOP PRACTICE MANAGEMENT SOLUTIONS

Bar-Approved Member Benefit

Contact our legal payment experts at 877-959-2339 or visit lawpay.com/mcba