Section and Division Schedule

The Corporate Counsel Division provides an opportunity for both in-house and outside counsel to network. The division hosts monthly CLE luncheon meetings and annual membership events. The Corporate Counsel Division meets the third Tuesday of every month at 4:30 pm. Meetings are typically held at the MCBA offices, but may rotate to other venues.

The Paralegal Division provides an opportunity for paralegals to participate in activities and interact in support of the paralegal profession. The division hosts quarterly meetings where paralegals can earn CLE credit. Both CLA and PACE review courses are conducted through the division. Other opportunities include a job bank service, a mentoring program and scholarships for students. The division supports the community through projects such as an annual toy drive. The division hosts an annual state-wide Paralegal Conference. The Paralegal Division meets the second Monday of every month at 5:30 pm. Meetings are held at the MCBA offices.

The Environmental and Natural Resources Law Section provides opportunity for discussion on the full range of environment, energy and natural resources issues, including enforcement trends, insurance issues, emerging regulatory issues, legislative initiatives, litigation trends, etc. See Schedule page 14.

Court Space Planning: Charting Our Future

Marcus W. Reinkensmeyer—Court Administrator
Special Maricopa Lawyer

Working closely with county management, the Judicial Branch of Arizona in Maricopa County is moving forward with planned regional courthouses and programming for a new downtown criminal courts tower.

These major projects are all in support of the county’s Master Plan, which projects a county population of 4.7 million residents by the year 2015. To serve this vast community, the Superior and Justice Courts are projected to have 241 judicial officers and over 6,000 court and probation personnel.

Already, the county has completed projects that provide new court centers around the Valley, and are planning to provide better service to the growing population. The focus of ongoing planning for new facilities is to meet the needs of the rapidly growing population.

Among the new projects in varying stages of becoming reality include:

• Criminal Justice Tower, downtown Phoenix —Planning for the proposed criminal courthouse is well underway. Judges, attorneys and court managers are meeting with county officials and Gould Evans—DMJM architects regarding workload and staffing projections, operational requirements, courtroom design scenarios and site selection. The programming phase of the project is to be completed and presented to the Board of Supervisors next month. Assuming that the project moves forward as projected, it is targeted for completion in 2011 or 2012.

• Southwest Regional Court—The County has purchased a 45-acre land parcel at Van Buren and 103rd Avenue. The regional court at this site is to include 12 Superior Court divisions, five Justice of the Peace Courts, three Regional Court Center/Early Disposition Courts and Adult and Juvenile Probation Offices. The site will also have a Sheriff’s Office substation. The target date for completion of construction is June 2009, with move-in scheduled for August 2009. This facility completes the county’s plan to have a Regional Court Center in each of the county’s four geographic corners—northeast, northwest, southeast, southwest—as well as downtown Phoenix.

• Southeast Regional Court expansion - This project entails a major expansion of the Southeast Regional Adult Court facility, as well as a new parking ramp. The Southeast Court facility was the first Regional Court Center that the county built. That was nearly 20 years ago. The new expansion will house a three-court Regional Court Center/Early Disposition Court, four Justice Courts, large Adult and Juvenile Probation Offices and County Assessor’s Office. The target date for construction completion and move-in is August 2009.

• The County Board of Supervisors has approved funding for a new downtown Early Disposition Court/Regional Court Center and justice agency offices in the basement of the Central Court Building, 201 W. Jefferson. Procurement is underway and the project is to be completed in June 2008.

• The new San Tan Regional Court, 201 E. Chicago Street, Chandler - opened on Monday, March 26, with four Southeast Valley Justice Courts. The courts that relocated from rental space to the county-owned court center include Kyrene, San Marcos, San Tan and University Lakes Justice Courts. An ribbon-cutting celebration, featuring court, county and city officials is being held Tuesday, April 3 at 10 a.m.

• The three downtown DUI Courts, grand jury and court security offices have moved into the One West Madison Building, which was vacated by the relocation of four Justice Courts that previously were housed there and are now in the Downtown Justice Center.

The Board of Supervisors and county management is to be commended for their foresight and strong support in meeting our long-term court space needs. Thanks also go to our judicial officers, attorneys and court staff for their participation in these space planning efforts.

See CourtWatch page 6.

Inside...

Superior Court Gets Two New Judges, page 4
Bluebook’s Coming of Age, page 9.
Sign up for upcoming MCBA CLE seminars, page 16.

Vo

Volume 26, Number 4

APRIL 2007
Official Publication of the
MARICOPA COUNTY BAR ASSOCIATION

www.maricopabar.org

CourtWatch

Daniel P. Schaack

“Curiouser and curiouser!”

That’s how the October 2006 CourtWatch described the opinion of a panel of the Ninth Circuit in an Arizona death-penalty case, Comer v. Schriro, 463 F.3d 934 (9th Cir. 2006). Well, it’s gotten even more curiouser.

In a campground at Apache Lake, Robert Charles Comer shot Larry Pritchard and stabbed him in the eye. Pritchard died. Comer then assaulted Jane Jones and Richard Smith, who were camping nearby. He forced them out of their tent at gunpoint and bound them with wire and duct tape. He raped Jones, forcing Smith to watch. The two later escaped.

Convicted of first-degree murder, armed robbery, aggravated assault, kidnapping, sexual abuse, and sexual assault, Comer was sentenced to die for the murders. The Arizona Supreme Court affirmed, State v. Comer, 165 Ariz. 413, 799 P.2d 333 (1990).

Comer challenged his conviction through habeas-corpus proceedings in the federal courts. Denied in the district court, he appealed. Before his appeal was decided, he tried to withdraw it; his attorneys objected. The Ninth

See CourtWatch page 6.
The Importance of Networking

Judge Araneta
MCBA President

While attending our recent Paralegal Career Day on Saturday, APRIL 3, 2007, I was reminded about the importance of networking. The Division sponsors this event every spring, and for those that missed it, the day was filled with speakers and presentations about promoting ourselves in the legal profession, information and ideas on preparing effective resumes, and information about being a paralegal.

When I was enrolled in a paralegal program, one of my assignments was to gather 15 names of legal professionals for networking purposes. I was shocked – how could I gather that many names! Although I had heard of networking, my first mission was to look up the definition. Networking, I learned, is:

Practice of gathering of contacts: the process or practice of building up or maintaining informational relationships, especially with people whose friendship could bring advantages such as job or business opportunities.

Although beneficial for paralegal students, networking is advantageous to all of us at any level of our careers. Networking can yield assistance and guidance from your peers when you need information, advice, or even documents on various things you are working on – from the proper procedures to follow to certain forms required. Networking is a great way to keep up with rule changes and current trends affecting paralegals and attorneys. Many job openings are discovered through networking. So where and how do we network?

There are networking opportunities when you attend continuing legal education seminars with legal professionals including paralegals, attorneys, judges, law office administrators, legal professors, and law office recruiters. Networking opportunities abound wherever you meet people, particularly when you share a common interest, such as the legal profession. Membership in a paralegal organization is yet another resource for networking, as well as attending events sponsored by the Paralegal Division, including Paralegal Career Day, quarterly Division meetings, and the Arizona Paralegal Conference (scheduled this year on September 28, 2007 at the Heard Museum). Please join us and see what networking opportunities await you, and discover other membership benefits as well. You can visit our website at www.maricopaparalegals.org for more information.

Paralegal Certification – Is It Right for You?

Monica Rapps, CP
Paralegal Div. President

A colleague once told me she was insulted when it was suggested that she become certified or registered. Her reasons were valid: her education, experience, work product, and work ethic should be enough to determine her qualifications. The reality is a trend toward paralegal certification, registration, regulation, and specialization. It is likely that paralegals will need to achieve one or more of these to remain competitive.

Certification or registration, although not required in Arizona, is another measurement for the legal community to ascertain a paralegal’s competency. It reflects a paralegal’s dedication to the profession and continuing education (due to minimum CLE requirements).

There are several reasons that paralegals want to be certified or registered: (1) several states have paralegal certification programs available including California, Delaware, Florida, Louisiana, Ohio, and Texas, with some states contemplating regulation; (2) certification or registration may result in higher salaries and revenue, and (4) certification or registration can increase a paralegal’s marketability.

Paralegals become Certified Legal Assistants (CLA) or Certified Paralegals (CP) by passing the Certified Legal Assistant exam from NALA, or Registered Paralegals (RP) by passing the Paralegal Advanced Competency Exam (PACE) from the National Federation of Paralegal Associations (NFPA). Each program has educational and work experience requirements for exam eligibility.

The Paralegal Division offers review classes to assist paralegals preparing for the CLA exam, and seeks interested paralegals for the PACE review course. Please contact Nancy Youngerman at claf@maricopaparalegals.org or pace@maricopaparalegals.org for more information.

Information about Division events is available at www.maricopaparalegals.org.

What can YLD do for you?

Jennifer Ratcliff
YLD President

SERIOUSLY. This is not another shameless attempt to publicize YLD projects. I sincerely want feedback from anyone who reads this column – I want you to let me know what you want out of the Young Lawyers Division.

According to our Mission Statement, YLD is supposed to be focusing on the specific needs of young lawyers. Are we meeting your needs? Please, let me know.

We have community service projects such as the Ask-A-Lawyer and Phone-A-Lawyer fairs, the Mothers Day Drive, and the Student Outreach program. But are there other or better ways to serve the community? Do you have a service project just waiting for the right group of motivated young attorneys to organize and implement it? If so, then let me know.

We also provide networking opportunities such as the Barristers Ball and the Race Judicata, but could we be doing more? Do you want the YLD to sponsor more social activities? What kind? Where? Let me know.

We used to offer quarterly Continuing Legal Education, but scaled back due to lack of attendance. Perhaps the time has come to resurrect such programs. Are there issues unique to young lawyers that could be addressed by a YLD presentation? I can think of a few examples:

The Importance of Networking

The Importance of Networking
The MCBA Lawyer
Referral Service is taking more calls than ever and needs experienced attorneys to ensure clients receive quality representation.

LRS allows you to build your clientele as well as refer cases outside of your practice area.

To join the MCBA Lawyer Referral Service, please contact Linda Pena at (602) 257-4200 x117 or lpena@mcbabar.org.

Save The Date!
Please mark your calendars for the MCBA’s annual Film Fest. This year’s film fest will be held June 4 – 8, 2007. More information, including available seminars and times, will be available soon.

Get involved!
The MCBA has many sections and divisions for our members to be involved in. All of the sections and divisions are excellent networking opportunities. For more information about section/division meeting times, see page 1.

Get your CLE Credits
The end of the educational year is rapidly approaching. Make sure you have all of your MCLE requirements-attend an upcoming MCBA CLE Seminar! Seminar information, times, and pricing as well as a registration form can be found on page 16.

As Chair of the 2007 Barristers Ball, I would like to acknowledge the contributions of the following individuals and businesses: Matt Mansfield (Ball Co-Chair), Erin McGuinness (Ball Silent Auction Chair), Jennifer Green, Julie LaFave, Paige Martin, Danica Hernandez, Sara Ray, Ilkon, who provided the printing services for the Ball, the Ball’s Platinum Sponsor, Westlaw, the Ball’s Silver Sponsors, Harris Private Bank, Phyllis Hawkins & Associates, Inc. and Grant Thornton, the Ball’s Bronze Sponsors, Glennie Reporting Services and Driver and Nix Court Reporters and all of the table hosts and individual attendees. Thank you again for your incredible support—we could not have done it without you!

Finally, those interested in joining the 2008 Barristers Ball Committee, please contact Matt Mansfield at (602) 262-5822. Please refer to the Maricopa Lawyer in the upcoming months for announcements regarding next year’s Ball and the selection of next year’s beneficiary.

By Jeff Kuykendal
Maricopa Lawyer

Start Here.
Go Anywhere.

Paralegal Studies Program at Phoenix College
Train to become a paralegal in a program that offers quality instruction with real world applications.
- ABA-Approved
- Day and evening courses
- Affordable tuition
- Fully accredited
- University transfer options
- Experienced attorney and paralegal instructors
- Financial aid available for those who qualify
- Conveniently located near the downtown legal community

Call (602) 285-7833 or visit phoenixcollege.edu/legalstudies
Superior Court Gets Two New Judges

By J.W. Brown
Maricopa Lawyer

A former state legislator and a partner in a Phoenix law firm with more than 18 years experience are the newest judges to be appointed to Superior Court by Governor Janet Napolitano. They fill the vacancies created by the retirements earlier this year of Judges Colin F. Campbell and Barry Schneider.

State legislator William “Bill” Brotherton Jr., joins the bench on Mon., May 14, with a Family Court assignment at the Northwest Regional Court Center in Surprise.

Sam Thumma, an attorney practicing in Maricopa County since 1992, and partner at Perkins Coie Brown & Bain, joins the bench on Tues., May 29. He will preside over a Juvenile Court Calendar at the Durango facility.

Brotherton served two terms in the Arizona House of Representatives and two terms in the Arizona Senate, immediately prior to his appointment to the bench. He also is an attorney who has worked in private practice for 19 years. Also joining the bench is Sam Thumma, an attorney practicing in Maricopa County since 1992, and partner at Perkins Coie Brown & Bain.

“Bill has a very long history of great public service,” Governor Napolitano said of Brotherton, who is a partner with the law firm of O’Steen & Harrison. “His extensive experience makes him an ideal candidate for the Maricopa Superior Court.”

The governor credited Thumma for “his extensive knowledge of the method and application of law…I believe he will be an excellent jurist,” she said.

Brotherton’s areas of practice include personal injury and product liability. He received his bachelor’s degree with high distinction from Grand Canyon College and his law degree from University of Arizona College of Law in 1987.

He served as a member of the Governor’s Juvenile Corrections Task Force and Governor’s Council on Faith and Community Initiatives. He also has volunteered for Habitat for Humanity and as a Little League coach.

Thumma is experienced in the areas of business litigation, professional liability, tort law, contract disputes and product liability. He earned his law degree in 1988 from the University of Iowa College of Law with high distinction. He received his bachelor’s degree from Iowa State University in 1984. He clerked with Arizona Supreme Court Justice Stanley G. Feldman and before that with Judge David R. Hansen of the U.S. District Court for the Northern District of Iowa.

He has taught several law courses at Arizona State University’s College of Law and has served on a number State Bar committees. He also has been a member of a number of sub-committees of the American Bar Association.

Thumma has also served a leadership role with the American Red Cross, both locally and nationally. He was honored for his work in May at the Red Cross’ 125th Anniversary event in Washington D.C.

2007 Mock Trial Tournament

The Maricopa County Regional Tournament of the Arizona High School Mock Trial was held March 2nd at the Maricopa County Superior Court. Twenty-eight high school teams from Maricopa County participated. Teams were coached by local attorney volunteers and faculty sponsors. The competing teams were judged by more than a dozen experienced attorneys, judges and legislators, in courtrooms at the downtown Courthouse. Other volunteers included local paralegals, court and administrative staff.

Six local high school Mock Trial teams advanced to the State Tournament, held March 24, 2007 at the Sandra Day O’Connor Federal Courthouse. Maricopa County advancing teams included Central High School’s Silver Team, Chaparral High School’s Red Team, Desert Mountain High School’s Aquitas Team, and Xavier College Prep’s East, West and South Teams. The six teams, like other winning Mock Trial teams from across Arizona, were judged to have the most convincing courtroom presentations. The State Tournament winner will be eligible to advance to the National Tournament, to be held this year in Dallas, Texas in mid-May.

The Arizona Foundation for Legal Services & Education and the Young Lawyers of Arizona sponsor the Arizona High School Mock Trial Program. Interested high school students, grades 9-12, with able assistance from their teachers and numerous volunteers, learn about our legal system by assuming simulated roles as attorneys, parties and witnesses in a simulated trial. Representative David Lujan, who has been one of the attorney coaches for the Central High School teams for the past eight years, explained the rewards, “It’s a really worthwhile program because the students have a lot of fun while at the same time developing great skills that they will be able to use throughout their lives, regardless of whether they go on to become lawyers…. I think the high school mock trial program is terrific!”

The backbone of the local program is the participation of our Maricopa County volunteer judges, attorneys and paralegals who help to coach the students or judge the competitions. A number of the Mock Trial teams also participate in the courtroom artist competition, where an artistically talented student sketches during the Mock Trial courtroom scene and submits a drawing to be judged on artistic criteria.

Anyone interested in volunteering as an attorney coach or learning more about the Mock Trial Program can call the Arizona Foundation for Legal Services & Education 602-340-7361, or visit the web site at www.azflse.org/moctrivial.

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


CREDITS: Certified Management Consultant Nationally recognized professional speaker Published author

INDEPENDENT: Not affiliated with any computer company

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

Business Automation
Business Automation Associates, Inc.
Phoenix, Arizona

After 32 Years, Judicial Merit Selection Keeps Going Despite Attacks

2007 will likely see a larger number of trial judge vacancies in Maricopa County than in recent years. Most vacancies, if not all, will be due to retirements. Already in the first three months of 2007, there have been three vacancies to fill – Judges Campbell, Schneider and Franks. By year’s end, there may be a total of 8 to 10 judicial vacancies. Therefore, 2007 will also see the Maricopa County Trial Court Nominating Commission (MCTCNC) go about its job of screening, interviewing and nominating the best judicial candidates for selection by the Governor. The MCTCNC continues to do its job, and do it well, despite annual state legislative proposals to abolish judicial merit selection or render it nearly meaningless.

Attorneys in Maricopa County who began practicing law after 1974 may take for granted judicial merit selection. All of the present judges on the Maricopa and Pima County trial courts, the Court of Appeals and the Arizona Supreme Court are the products of the judicial merit selection system which began in 1974.

In 2004, Ken Sherk, former president of the MCBA and the State Bar wrote an article in the Maricopa Lawyer entitled “Merit Selection After 30 Years: A Proven Success But With Ever Present Detractors.” He described the continuous legislative proposals since 1974 that have attacked the merit selection system. In 12 of the 19 years between 1978 and 1996 there were legislative proposals to abolish merit selection entirely. In the 2004 legislative session, there were many legislative proposals which would weaken or bypass judicial merit selection. If passed, the proposals would: (1) require senate confirmation after merit selection appointment by the governor, and senate re-approval every 4 years thereafter; (2) require judges to disclose their party affiliation on the ballot in retention elections; and (3) allow the governor to ignore the persons nominated by the merit selection commissions and choose any person of his or her choosing subject to senate confirmation. Fortunately, none of the proposals passed.

During this 2007 legislative session Senate Concurrent Resolution 1012 was introduced which provides: (1) gubernatorial appointment of any lawyer to superior court in Maricopa or Pima Counties without regard to the recommendation of the merit selection commissions; (2) senate confirmation for superior court judges only; (3) contested elections for superior court judges after merit selection appointment instead of retention elections; and (4) raising the county population threshold to 500,000 for counties that would have merit selection. It appears that proponents of the Resolution will wait until 2008 to attempt to place the same or similar proposals on the 2008 election ballot.

Ultimately, the goal of judicial selection is to select able and competent judges who will consciously try to make their best decisions based on what is right under the law. In her 2006 article, “The Threat to Judicial Independence” in the Wall Street Journal, retired Supreme Court Justice Sandra Day O’Connor responded to escalating criticism of judges. She referred to Alexander Hamilton’s belief in Federalist No. 78 that the judiciary needed to be distinct from the legislative and executive branches because that was the best way to guarantee “a steady, upright, and impartial administration of the laws.”

Maintaining an independent judiciary does not mean judicial decisions are immune from criticism. Judges, myself included, do err in decisions, but that is why we have review by the appellate courts. In deciding cases impartially, judges are sometimes required to make unpopular decisions. They should not be required to stand for senate confirmation or reconfirmation for those decisions.

The volunteer lay person and attorney members on the judicial merit selection commissions are an integral part of the selection process. Their dedication and work may largely go unnoticed except by those involved in the process. With apologies to those excluded, (I only obtained a list of attorney members from 1978 onward) the attorneys listed below have served or currently serve on the Maricopa County Trial Court Nominating Commission. They are: David Brauer, Lawrence Fleming, David Tierney, Tom Henze, Jessica Funkhouser, Peter Guerrero, H. Leslie Hall, Lonnie Williams, Edward Novak, Daniel Ortega, Jr., Anne Kleindienst, John Aguirre, Margaret Steiner, Urcinio Salaiz, Patrick McGroder, III, John Tuchi, Donna Elm, Helene Flenlon, James Blair, Jr., Jennifer Hunter, and Michael Leal.

The dedicated work of these past and current attorney members has furthered the quality and independence of the trial bench in Maricopa County. I commend these attorneys for their service. If there are more attacks to abolish or weaken judicial merit selection, I hope that members of the MCBA and State Bar of Arizona will support judicial merit selection.

Clients want their problems solved. Happy clients refer new clients. Get your clients into mediation and you, too, will see the rewards.

AREAS OF MEDIATION

Family Law
Construction Law
Commercial Law
Employment Law

OUR TEAM
Michelle J. Perkins, Esq.
Bevery M. Owees, Ph.D.
Alona M. Gottfried, Esq.
Chris Monaco, Ph.D.
Lisa M. York
Construction Expert Mediator

Unlimited Resources Mediation, Inc.
2919 North 73rd Street, Scottsdale, AZ 85251
Phone: 480.994.URMe (8763) Email: info@URMe.net
www.URMe.net

Conditionally Speaking

Including conditions in legal writing is nothing new. Including succinct, clear conditions is a newer struggle. A broad range of usage questions arose with the advent of the plain English movement in legal writing in the 1970s and 1980s, including the clearest way to phrase a condition. The typical phrases used to indicate a condition are “on the condition that” or “with the condition that.” Although these phrases are easy to read, how does a legal writer know which one to choose? More importantly, how does a reader know the difference between the two phrases in a contract, for example? The problem with these phrases is that seasoned legal writers disagree as to whether these phrases have the same or different meanings. To avoid this potentially confusing choice, Mary Bernard Ray and Jill Ramsfield, in their plain English reference book Legal Writing, Getting it Right and Getting it Written, suggest replacing either phrase with a more accurate word choice from the following list.

if
but only if
only if
but only if when
only when

Simply put, the choice is between using “if” and “when.” The word “if” is the proper choice when the legal writer wants to indicate that there is uncertainty whether the condition will occur.

If the party A does not deliver the goods by May 6, party B will file a lien.

The word “when” is the proper choice when the legal writer wants to indicate that the condition will occur at some time in the future.

When the contractor completes his testing, the owner will pay the second installment.

Thus, when legal writers start replacing unnecessary phrases with more accurate, simple words, their readers will not struggle as much to understand legal documents, and I will be out of a job. ■
Circuit remanded the case to the district court, ordering it to determine whether Comer was competent to fire his attorneys and waive his right to further appeal. The district court was also to decide whether the conditions of his prison confinement affected the voluntariness of his decisions.

After extensive hearings, the district judge issued a detailed opinion finding Comer competent and his decision to withdraw his appeal voluntary. The Ninth Circuit panel affirmed those findings. But the panel refused to dismiss the appeal.

“Permitting a state to execute a capital defendant without a full adjudication of his previously filed habeas corpus claims would undermine the Eighth Amendment,” wrote Judge Warren J. Ferguson, joined by Judge Harry Pregerson. They held that Comer’s case had to be reheard en banc. It ordered that the panel opinion not be cited as precedent. Comer v. Stewart, 471 F.3d 1359 (9th Cir. 2006).

In March, the en banc court issued its opinion overturning the panel’s decision. Comer v. Schriro, No. 98-99003, 2007 WL 764434 (9th Cir. Mar. 7, 2007). The interplay of opinions in the matter presents an interesting view of the tensions between the factions on the court.

The court’s per curiam opinion is straightforward. It analyzes the issues and rejects the panel’s previous decision without even mentioning it.

The court first adhered to a straightforward interpretation of Gilmore v. Utah. “If Comer is competent to waive further proceedings, then we need not, and indeed cannot, decide whether any of Comer’s claims have merit or are procedurally barred because there is no dispute remaining between the parties.”

So the court turned to the district court’s determinations, asking whether that court had clearly erred in finding Comer competent and whether Comer’s decision to waive his appeal was voluntary. In a terse couple of paragraphs, it thus rejected the panel’s conclusion that federal courts must step in to examine death penalty cases, even where the defendant does not wish to appeal his death sentence.

The en banc court wasted no time in reviewing and depublishing the court of appeals’ decision. This opinion is the special verdict, a copy of which was further published. The en banc opinion did directly address Pregerson’s dissent, it did tacitly respond. The court noted that a doctor had checked on Comer’s condition at the sentencing hearing and had pronounced him competent and conscious throughout all of the court proceedings.

The per curiam opinion did what neither Ferguson’s or Pregerson’s opinion did: reveal the circumstances that resulted in Comer’s bizarre appearance at the sentencing hearing. Comer had refused to voluntarily participate in the proceedings and had pronounced him competent and conscious throughout all of the court proceedings.

The court turned to the issue raised by Comer’s habeas counsel—that harsh prison conditions had rendered Comer’s decision involuntary. The court made short work of this argument. The district court had appointed an independent psychiatric expert to examine the prison conditions. He testified that the conditions, while harsh, were not the most significant factor in Comer’s decision. Comer agreed, noting that when he behaved himself, “the conditions get ‘unharsh.’”

The court thus concluded that Comer was competent and had voluntarily waived his right to further appeal. It therefore granted his motion to dismiss the appeal.

Judge Harry Pregerson dissented “for the reasons carefully and eloquently set forth in my brother Judge Warren Ferguson’s majority opinion.” Noting that the en banc court had withdrawn Ferguson’s opinion, Pregerson reproduced it in whole in his dissent.

Pregerson added that a reversal would not entail extensive proceedings in state court because the due process violation occurred after the guilt and penalty phases of the trial. “The due process violation occurred at the sentencing hearing held by the Arizona trial judge who imposed the penalty of death on a man who was naked, bleeding, shackled, exhausted and semiconscious.”

Pregerson concluded by noting that Comer had acceded to Arizona’s desire to execute him. “There is little question that this will happen,” he continued. Judge Ferguson’s opinion only requires that the sentence of death be pronounced to an understanding human, not to a discarded piece of flesh.

Although the per curiam opinion did not directly address Pregerson’s dissent, it did tacitly respond. The court noted that a doctor had checked on Comer’s condition at the sentencing hearing and had pronounced him competent and conscious throughout all of the court proceedings.

The per curiam opinion did what neither Ferguson’s or Pregerson’s opinion did: reveal the circumstances that resulted in Comer’s bizarre appearance at the sentencing hearing. Comer had waived his presence for the guilt phase and the sentencing phases of the trial, but Arizona law requires that the defendant be present when the sentence is pronounced.

Consistent with previous lack of interest in the trial, Comer refused to voluntarily attend the sentencing hearing. He barricaded himself inside his cell and threatened jail officers with a ten-inch Shank. To disarm Comer and extract him from the cell, officers sprayed him with a fire hose; even then, Comer fought back.

A prison doctor who witnessed the incident testified that the situation was potentially lethal: Comer was “willing and able” to seriously injure others. The district court concluded that Comer had given officers no choice but to remove him by force.

When Comer arrived in court, the judge asked another doctor to check on his condition. That doctor pronounced him conscious and aware of the proceedings.

Finally, the per curiam opinion answered one of Ferguson’s and Pregerson’s contentions about the sentencing hearing. Pregerson and Ferguson could not be confident that Comer’s physical appearance did not affect the trial judge’s decision in sentencing him: “It is hard to believe,” Ferguson wrote and Pregerson quoted, “that any human being, no matter how well-trained to be impartial, would be entirely unaffected by the dehumanizing impact of Comer’s appearance in the courtroom.” The per curiam opinion responded in a footnote, quoting the superior court: “There were no arguments to be heard or evidence to be taken at the sentence imposition hearing; it was the time for the [sentencing] Court’s rendition of the special verdict, a copy of which was furnished to both counsel.”

Thus ends Comer’s Byzantine trek through the courts. Maybe.

In November 2006, CourtWatch reported on Hamblin v. State, No. 1 CA-CV 05-0059 (Ariz. App. Sep. 29, 2006), where Division One extensively analyzed proximate cause. That opinion is no more. On February 28, 2007, the supreme court denied a petition for review and depublished the court of appeals’ opinion.
Book Review

Arizona Securities Fraud Liability

By: Francis J. Balint, Jr.
Maricopa Lawyer

I’m old enough to remember when about the only practitioner’s books on Arizona law were Morris Udall’s treatise on evidence and Charles Smith’s manuals on community property and civil trial practice. Over the years, the number and quality of Arizona-based manuals has steadily grown.

The just-published second edition of Arizona Securities-Fraud Liability is a welcome example. It provides a thorough (no case seems to have been overlooked) analysis of Arizona investment-fraud liability. The book covers all claims that are commonly litigated in securities fraud cases, including statutory claims under Arizona’s Securities Act, Investment Management Act, and Consumer Fraud Act, as well as the common-law of fraud, negligent misrepresentation, and fiduciary misconduct. The emphasis is on securities litigation, but anyone litigating fraud claims will find the book useful. Nearly every aspect of common-law and statutory fraud under Arizona law is discussed.

The authors share a wealth of experience. Richard Himelrick practices with Tiffany & Bosco, where his practice centers on securities cases, which he has been trying since 1976. He was part of the litigation team that recovered over $200 million for investors after the collapse of the Baptist Foundation of Arizona. Brian Schulman is a former General Counsel to the Arizona Securities Division. He is currently of counsel to the Phoenix office of Greenberg Traurig and was also a participant in the Baptist Foundation litigation.

The book covers basic material as well as the nuances of securities fraud litigation. One can find, for instance, discussion of emerging issues such as:

1. the dischargeability of securities fraud liability in bankruptcy court;
2. concurrent jurisdiction in Superior Court over claims under the federal Securities Act of 1933; and
3. post-sale liability for fraudulent inducement to hold losing investments.

Where Arizona authority is lacking, citations are provided to federal and out-of-state cases that involve similar issues. Administrative precedent interpreting the securities laws by the Arizona Corporation Commission is supplied as well. Citations to law review articles and treatises direct the reader to more in-depth coverage.

An overarching theme in the book is that liability under Arizona’s Securities Act is broader and more liberal than that under the federal securities laws. Arizona’s securities statutes create express damage actions, while federal claims under Rule 10b-5 are implied causes of action that have been heavily influenced by common-law fraud concepts. In contrast, liability under the Arizona Securities Act is a matter of statutory construction, which is guided by a legislative directive instructing courts to adopt a liberal, remedial reading. Even decisions of the U.S. Supreme Court do not bind Arizona courts on questions of Arizona securities law.

The authors cover the history of Arizona’s securities statutes, beginning with the State’s first blue-sky statutes through the most recent amendments in 2003. The discussion of statutory securities fraud under § 44-1991(A) is divided into four parts: (1) elements of § 44-1991(A), divided into 11 parts ranging from materiality, causation, and standing, to pleading requirements, (2) defenses, (3) remedies, and (4) secondary liability (responsible corporate-officer liability, and controlling-person liability).

The book also covers complementary claims for relief under Arizona common law, the Consumer Fraud Act, and Arizona’s Investment Management Act. Discussion of these claims is divided along the same four lines as the discussion of the Arizona Securities Act: (1) elements of the claims, (2) defenses to the claims, (3) remedies, and (4) secondary theories of liability.

A new chapter surveys the types of transactions that constitute securities. The material covers all aspects of defining securities including, for example, the treatment of limited liability company interests as securities, differences between Arizona and federal law regarding the characterization of promissory notes as securities, and legislative changes leading to the treatment of viatical-settlements as securities.

It is encouraging to see the number of Arizona-specific manuals increasing. Himelrick and Schulman’s book is a valuable contribution to the field. The authors intend to keep the book current. A third edition is planned in which new chapters covering registration exemptions and civil liability for failure to register will be added. The book is available through the State Bar of Arizona.
### MCBA Calendar

This calendar includes CLE seminars presented by MCBA as well as MCBA meetings, luncheons and events and those of other voluntary bar associations and law-related organizations. The divisions, sections and committees listed here are those of the MCBA, unless noted otherwise. Everything takes place at the MCBA office, 3003 N. Central Ave. Suite 1850, Phoenix 85012, unless noted otherwise. Other frequent venues include the University Club, 59 E. Monte Vista, Phoenix; Arizona State University Downtown (ASUD), 502 E. Monroe, Phoenix; and the Arizona Club, 38th floor, Chase building, 201 N. Central Ave., Phoenix. For more information about MCBA events or to register for any of the MCBA seminars, contact the MCBA at 602-257-4200 or visit www.maricopabar.org.

### APRIL 2007

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Maricopa Lawyer Editorial Board Meeting (A), 5:15pm</td>
</tr>
<tr>
<td>4</td>
<td>Family Law Meeting (Fresh Start), 5:30pm</td>
</tr>
<tr>
<td>5</td>
<td>Construction Law Meeting/Lunch Presentation (LL Conference Room, Phoenix Corporate Center), 12:00pm</td>
</tr>
<tr>
<td>9</td>
<td>YLD Meeting (A), 12:00pm</td>
</tr>
<tr>
<td>10</td>
<td>PLD Meeting (A), 12:00pm</td>
</tr>
<tr>
<td>11</td>
<td>EC Meeting (A), 7:30am</td>
</tr>
<tr>
<td>12</td>
<td>Personal Injury &amp; Negligence Section Meeting (A), 12:00pm</td>
</tr>
<tr>
<td>17</td>
<td>VLP (B), 12:00pm</td>
</tr>
<tr>
<td>19</td>
<td>MCBA Board Meeting (A), 4:30pm</td>
</tr>
<tr>
<td>20</td>
<td>Foundation Meeting (A), 7:30am</td>
</tr>
<tr>
<td>23</td>
<td>Task Force (Fennemore Craig), 12:00pm</td>
</tr>
<tr>
<td>27</td>
<td>CCD Luncheon (University Club), 11:45am</td>
</tr>
</tbody>
</table>

---

**Mark your calendar!**

The **MCBA Public Lawyers Division will be holding a 3 hour Ethics CLE event on June 12, 2007. The event, which will be comprised of 3 one hour Ethics seminars will be held at the University Club.**

More information will be available soon.
Bluebook’s Coming of Age

by Joan Dalton
Maricopa Lawyer

The Bluebook citation manual is the leading style guide for the legal industry. Authored by the Columbia Law Review Association, the Harvard Law Review Association, the University of Pennsylvania Law Review, and the Yale Law Journal, it was officially adopted by most law journals in 1949. Since its creation, the style manual has been revised eighteen times because Bluebook citation rules are often amended to reflect changes in research practices, legal scholars like Christine Hurt, University of Illinois College of Law professor, trace Bluebook citation changes to developments in legal research and citation practices.

In The Bluebook at Eighteen: Reflecting and Ratifying Current Trends in Legal Scholarship (March 2006), Hurt’s Research Paper No. 06-17 illustrates that the eighteenth edition is no exception to the style guide’s role in ratifying change. But changes appearing in the eighteenth edition, writes Hurt, also reflect that the once singular Bluebook style guide must now contend with a competitor: the ALWD Citation Manual: A Professional System of Citation (authored by the Association of Legal Writing Directors & Darby Dickerson).

One of the most criticized Bluebook citation rules is the font style distinctions that legal writers must adhere to when citing academic legal articles (normal font with both italics and large and small caps) as opposed to court documents (normal font and either underline or italics). Hurt says that this distinction “is a vestige of an era in which scholarly manuscripts were published on a printing press and practitioner documents were produced by a typewriter.”

And when practitioners complained that Bluebook was too focused on scholarly articles, the Bluebook authors responded by creating a section of the Bluebook specifically for practitioners, i.e., the “Practitioners’ Notes.” Seemingly not appealed by the “Practitioners’ Notes” section, still more complaints surfaced that too much flipping to other parts of the Bluebook from the Practitioners’ Notes was required.

The two distinct font styles complaint also was emblematic of the view held by many law school legal writing professors that the Bluebook was too difficult to teach first-year law students. Spotlighting the problem even more, when the ALWD Citation Manual surfaced in 2000, it addressed this complaint by establishing the long-awaited single typeface convention for all legal documents, thus eliminating the font style distinction between law review articles and other types of writing.

While the eighteenth edition of Bluebook does not do away with the two font style conventions, the latest edition changes the “Practitioners’ Notes” to an expanded 41 page format (less flipping—more fundamentals, including tables) and changes the name from “Practitioners’ Notes” to “Bluepages.”

Bluebook Bluepages Rule 13 (“B13”) does attempt to alleviate confusion over typefaces by informing legal writers that the Bluepages serve as a “comprehensive how-to guide for basic legal citation, written entirely using the simplest and most common typeface conventions.” B13 further explains that the “more complex array of typeface conventions” found elsewhere in the book are exclusively for use in law reviews and other journals. B13 clarifies that “[i]n every other type of legal writing, you will use the simple conventions used throughout the Bluepages.”

The new Bluepages also contain a table providing jurisdiction-specific citation rules (e.g., jurisdictional rules addressing the citation of unpublished opinions) that takes precedence over Bluebook rules. Hurt thinks that the totality of changes included in the new Bluepages are indicative of the Bluebook authors trying to be more responsive to teaching first-year law students.

The clearest example of the Bluebook ratifying changes in research practices, writes Hurt, is in the area of Internet research. Hurt asserts that the new Bluebook edition addresses three important change areas: citing to material found on websites; citing working papers that are posted on the Internet, and Rule 18.2.4 establishes a citation format for citing to weblogs.


The new Bluebook presents a much clearer rule for citing to electronic and Internet sources, says Hurt. “Instead of framing the citation rule as a writer citing to a [traditional] source that happens to appear on the Internet … the [] new format has the writer citing to the content of the website as the source.” In so doing, Bluebook Rule 18.2.3 now provides direction on how to cite directly to Internet sites: 1) when cited material does not exist in a traditional printed format or on a widely available commercial database; or 2) when a traditional printed source exists but cannot be found and is so obscure that it is practically unavailable. Similarly, new Bluebook Rule 17.3 provides a citation format for citing to unpublished works designated as working papers that are posted on the Internet, and Rule 18.2.4 establishes a citation format for citing to weblogs.

Virginia A. Mathis, recently retired Federal Magistrate Judge, has become of counsel to the firm.

For the past 11 years, Ms. Mathis served as a U.S. Magistrate Judge for the District of Arizona. Prior to that, she worked for the U.S. Department of Justice in the U.S. Attorney’s Office and as the first U.S. Trustee for Arizona. In the U.S. Attorney’s Office, Ms. Mathis headed the Financial Institution Fraud Unit and served as the Chief Assistant. Ms. Mathis will focus her practice on complex commercial litigation matters and will provide mediation and arbitration services.
ASSOCIATE ATTORNEY - Mid-size, mid-town, AV-rated Phoenix firm seeks two attorneys with excellent writing skills; one with a minimum of five years of experience to deal with complex estate planning matters and business transactions; and the other having a minimum of three years of commercial or estate litigation experience. Send resume with letter to Shirley Lichtry at Frazer, Ryan, Goldberg, Arnold & Gittler, LLP, 3101 N. Central Ave., Suite 1600, Phoenix, AZ 85012-2615 or email to slichty@frgaglaw.com.

IN SEARCH OF EMPLOYMENT ATTORNEY, currently in Federal Court as the Plaintiff. Phone 602-864-7991.

DODGEANDERSON, a mid-sized, Phoenix based full service AV rated law firm, seeks partner level attorneys with a minimum of 8 years experience in the following areas of law: Creditors & Bankruptcy, Trusts and Estates, Wills and Probate, Commercial Litigation, Tax Law, Zoning and Development, Construction Law. Candidates must be licensed in Arizona and have a quantifiable book of business. Ownership in the firm is available. Qualified candidates are encouraged to contact: Jess A. Lorona, DODGE ANDERSON, MARBLEON, STEINER, JONES & HOROWITZ LTD., 3303 North Central Avenue, Suite 1800, Phoenix, Arizona 85012, Telephone: (602) 277-3000, Facsimile: (602) 277-7478, Email: Jess.Lorona@azlawyers.com. All responses will be held in strict confidence.

PHOENIX COLLEGE, a member of the Maricopa Community Colleges, is accepting applications for a one-year-only faculty position in the Department of Legal Studies Paralegal Studies Program for the 2007-2008 academic year. Applications will be accepted from 04/16/07 through 5:00 p.m. on 04/27/07. For information on the application process visit www.maricopa.edu/hrweb/ or call 480-731-8465. Fax: 480-731-8599. MCCCD is an AA/EEO Institution.

MACK & ASSOCIATES, P.C. ASSOCIATE ATTORNEY - Phoenix based firm specializing in Real Estate and Commercial litigation. We seek an attorney with a strong work ethic, excellent academic credentials and exceptional writing skills with 2 or more years of litigation experience to join our rapidly growing team. Competitive salary and benefits. Salary: Competitive. To Apply: Submit resume, cover letter and references to Jack Mack & Associates, P.C. Attn: Meryl Krich 2398 E. Camelback Road, Ste. 190 Phoenix, AZ 85016 Fax: (602) 778-9947, Email: mkrich@mackzlaw.com

ENTRY LEVEL DR attorney with 1 to 3 years experience. Must be a self-starter and be able to work in a fast-paced environment. Salary is negotiable depending on experience and position has a lucrative bonus program. Medical insurance premium is covered 100% by employer. Please fax resumes to 480-897-7788 or e-mail to acrosby@azarizonaful.com.

ASSOCIATE - Ballard Spahr Andrews & Ingersoll, LLP is seeking an associate with at least two years of experience in corporate law that includes corporate governance, mergers and acquisitions, general corporate and securities law, to join our growing Phoenix ofice. The qualified candidate will join our sophisticated practice and work alongside our team of collegial, client-service-oriented partners. Excellent academic credentials and strong communication skills are required. Ballard Spahr Andrews & Ingersoll, LLP has over 500 attorneys practicing in 10 offices throughout the United States. Qualified candidates should submit their resume, law school transcript and professional references to: Catherine S. Davis, Ballard Spahr Andrews & Ingersoll, LLP 3300 North Central Avenue, Suite 1800 Phoenix, AZ 85012-2518 Fax: 602-997-3128, e-mail: dvasc@ballardspaht.com.

ASSOCIATE ATTORNEY - Small/mid-size Biltmore area firm seeks to hire an attorney with 2+ year's worker's compensation, social security disability. Medical malpractice, and/or personal injury experience. Must possess strong communication skills; be detail-oriented, and able to multi-task. Great opportunity for exposure to significant case management responsibilities. Salary commensurate with experience. Benefits. Reply in confidence to: johnnwbreston@mcm.com

LITIGATION ATTORNEY, Small commercial and construction litigation firm, seeks associate with 2+ years litigation/experience. Should be team player with superior writing ability, capable of handling files under supervision, arbitrations and court appearances. Please submit resume and writing sample in confidence to: PARKER LAW FIRM-P.O. BOX 63098-PH OENIX, AZ 85292-ATTN: CYNTHIA.

TRANSACTION ATTORNEYS - Gammage & Burnham, P.L.C., a mid-size, full service law business firm, seeks talented transaction attorneys to join our growing corporate and real estate practices. Experience in both corporate and real estate law preferred but not required. 2-5 years experience at an AV rated firm and excellent academic credentials. Located in downtown Phoenix, we offer great compensation & benefits, and an outstanding work environment. Please submit resume, 2 examples of work product and transcript in confidence to: Marsha Kendall, H.R. Director, Gammage & Burnham PLC, Two North Central Avenue, 18th Floor, Phoenix, AZ 85004 or email mkendall@gblaw.com.

GENERAL COUNSEL – DIOCESE OF PHOENIX. The Office of General (Legal) Council deals with many areas of civil law including but not limited to: mergers and acquisitions, real property transactions and compliance, employment, litigation, contacts, property, estates, insurance, transactional documents and torts. The ideal candidate will possess knowledge, skills and abilities in many of these areas acquired from professional experiences within a law firm, corporate or non profit entities. Counsel is frequently the project manager on numerous activities having a significant legal presence. In that capacity Counsel deals with outside counsel, other department heads and Diocesan personnel. Prudent judgment and a practicing Catholic’s knowledge of church structures and Catholic teaching are important aspirations. This position as well as the principal legal advisor to the Diocese of Phoenix in its mission to serve the Body of Christ. The Diocese of Phoenix includes the Catholic parishes, schools, high schools, cemeteries and other institutions that fall under the corporation sole as well as the numerous people, clergy and lay alike, who live, work and worship within these institutions. Candidate must have a JD Degree and five years professional experience; attorney in good standing licensed to practice law in the U.S.A.; and active practicing Roman Catholic in full communion with the Church. Hiring salary range $77,234 - $94,404 DOE. Please send cover letter and resume to: Hu man Resources, Diocese of Phoenix, 400 E. Monroe Street, Phoenix, AZ 85040 or fax to: (602) 354-2428; e-mail applicants@diocesephoenix.org

ASSISTANT CHIEF COUNSEL - CITY OF PHOENIX. Opens January 8, 2007. $82,514 - $130,000. Appointment can be made above $82,514 with experience. Must have a JD degree and five years of legal experience. Experience in the areas of civil litigation, including extensive experience at the trial level, is required. Must possess excellent verbal and written communication, litigation and negotiation skills, and the ability to represent the City in all aspects of the litigation process in a wide variety of areas. Must work well in a team environment and be detail oriented. Submit resume, writing samples, and references via e-mail to Firm@BerkMoskow.com.

GENERAL COUNSEL – DIOCESE OF PHOENIX. The Office of General (Legal) Counsel deals with many areas of civil law including but not limited to: mergers and acquisitions, real property transactions and compliance, employment, litigation, contacts, property, estates, insurance, transactional documents and torts. The ideal candidate will possess knowledge, skills and abilities in many of these areas acquired from professional experiences within a law firm, corporate or non profit entities. Counsel is frequently the project manager on numerous activities having a significant legal presence. In that capacity Counsel deals with outside counsel, other department heads and Diocesan personnel. Prudent judgment and a practicing Catholic’s knowledge of church structures and Catholic teaching are important aspirations. This position as well as the principal legal advisor to the Diocese of Phoenix in its mission to serve the Body of Christ. The Diocese of Phoenix includes the Catholic parishes, schools, high schools, cemeteries and other institutions that fall under the corporation sole as well as the numerous people, clergy and lay alike, who live, work and worship within these institutions. Candidate must have a JD Degree and five years professional experience; attorney in good standing licensed to practice law in the U.S.A.; and active practicing Roman Catholic in full communion with the Church. Hiring salary range $77,234 - $94,404 DOE. Please send cover letter and resume to: Hu man Resources, Diocese of Phoenix, 400 E. Monroe Street, Phoenix, AZ 85040 or fax to: (602) 354-2428; e-mail applicants@diocesephoenix.org

ASSISTANT CHIEF COUNSEL- CITY OF PHOENIX. Opens January 8, 2007. $82,514 - $130,000. Appointment can be made above $82,514 with experience. Must have a JD degree and five years of legal experience. Experience in the areas of civil litigation, including extensive experience at the trial level, is required. Must possess excellent verbal and written communication, litigation and negotiation skills, and the ability to represent the City in all aspects of the litigation process in a wide variety of areas. Must work well in a team environment and be detail oriented. Submit resume, writing samples, and references via e-mail to Firm@BerkMoskow.com.

BISHOP LAW OFFICE. AV-RATED SCOTTSDALE FIRM SEEKS experienced and well-qualified attorney licensed to practice law in Arizona with 1-3 years experience. Please send resume, writing sample, and a list of references via e-mail to Firm@BerkMoskow.com.

AV-RATED SCOTTSDALE FIRM SEEKS a civil litigation associate licensed to practice in Arizona with 1-3 years experience. Please send resume, writing sample, and a list of references via e-mail to Firm@BerkMoskow.com.

LITIGATION ATTORNEY - Mann, Berens & Wisner, LLP, an AV-rated, small/mid-size firm, seeks to hire an attorney with 2+ years commercial litigation experience, preferably construction and bankruptcy exp. Excellent academic and professional credentials required. Forward resume and writing sample to: Hiring Partner Richard S Wisner, 2929 N. 7th Street, Phoenix, AZ 85006 or email to rwisner@csuglaw.com.

ARE YOU INTERESTED IN TEACHING? Would you like to sharpen your presentation skills and help others in the process? Kaplan Test Prep is seeking individuals who want to help future law students overcome one of the most significant hurdles in their admissions process: the LSAT. We are currently seeking bright, engaging presenters to teach for us. We offer paid training and the nation's premier curriculum. Attend an open house to learn more, 310 S Mill Ave, Tempe AZ 85281. Contact billie.gelber@kaplan.com with questions.
sophisticated practice with informal, small-firm environment. Direct client contact. Must have strong communication and writing skills and be licensed to practice in Arizona. Compensation commensurate with credentials and experience with attractive bonus system. Send resumes, in confidence, to: Administrator, Poli & Ball, PLC, 2999 N. 44th Street, Suite 500, Phoenix, AZ 85018, fax: 602-840-4411, or e-mail: steckler@poliball.com

LEGAL STAFF ATTORNEY: The City of Mesa is accepting applications for the position of police staff attorney. The salary range is $89,689.60 to $120,473.60. The Police Staff Attorney provides the Police Chief legal advice on administrative and operational issues and supervises the Legal Advisor and Risk Management Bureau within the Police Department. See job announcement for minimum qualifications at www.cityofmesa.org/jobs. This position opens on January 8th and is open until sufficient applications are received.

PERSONAL ASSISTANT/CONCIERGE. Specializing in services to the overworked overwhelmed and stressed out professionals in the legal field. Want to escape every day burnout for a vacation, but too many things to do? Stress level building in the office with too much work to handle, but not enough to hire a new employee or time to spend training one that may not work out or fit in? Consider the cost of wages, benefits, and training time. We can help. Our services are available to individuals, small offices to large firms. Why take time from a paralegal, legal secretary or assistant to make your travel arrangements, plan a party, document delivery, take care of your weekly/monthly firm luncheons, board meetings, or tee time with clients? Are you a full service, can do, girl Friday, mobileNotary, virtual assistant, and more? Call 623-337-1036 or visit www.dreamweaverconcierge.com. We specialize in helping legal professionals enjoy life. License, Bonded, Insured

NEED A COURT REPORTER? Give me a call – reasonable rates, fast turnaround. B.J. Brown Reporting, 480-451-3714 or email BCBOURTRPT@AOL.COM. Over 30 years experience. Certified – CSR, RPR.


PROBATE: INVENTORIES, APPRAISALS, REAL & PERSONAL PROPERTY LIQUIDATION AND INHERITANCE FUNDING. Local or out of state personal representative Phoenix Metropolitan Area simplify your business! Charlie Walker Prudential Arizona Properties 1st Choice in Arizona Real Estate Member Better Business Bureau


HOURLY OFFICE SPACE. $20.00 per hour for beautiful furnished office and Conference room at the Mirage Executive Suites, water features and soothing Tuscan décor. Business identity packages available starting at $ 60.00 per month. See us at 10575 N. 114th Street, Suite 114. Scottsdale AZ 85259 (480) 344-7700 or at www.mirage-suites.com.

JAMES J EVERETT & ASSOCIATES, PC has office space available. Firm practices in Tax, Estate Planning, Corporate and Asset Protection Planning areas. Looking for competent Attorney(s) to rent space. Likely referrals. Located in Class “A” Building, at 11811 N Tatum Blvd, in Paradise Village Office Park. Amenities include: beautiful offices, large conference room, phone systems, covered parking, receptionist, copier, fax, postage, etc. Congenial office atmosphere. Rent is $1500.00 per month for a windowed office and $1000.00 per month for an interior office. If interested, Please call 602-230-2212.

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


HOUSE 4- SALE W/ GUEST HOUSE, workshop, completely remodeled, move in condition. Simis, Madison Meadows School District, walk to All Saints School. 6625 N. Third Drive—desirable family cul-de-sac of 31 single family homes. $ 995, 000.00, 6625 N. Third Drive, (602) 274-3139.

GORGEOUS 1330 SQUARE FOOT TOWNHOME FOR RENT. $1100 per month. 5 minutes from Central corridor. 3 BR, 2.5 bath, 2 car garage. Built-in office includes Queen size Murphy bed. Rustic oak flooring throughout, granite countertops, maple cabinets, soaring 16 foot ceiling entry, sky-light, shutters, tile baths, laundry, pool. Call Lora at (602) 249-2428.

SERVICES

EXECUTIVE SUITES IN MESA for attorneys. Professional offices on 4th floor in historic downtown Mesa. 480-240-4808

16TH STREET/GLENDALE Office Suites Available 3/1/07

THREE DARLING GARDEN SUITES with private entry, receptionist area & private offices. Suites ranging from 495-1500 sqft. Contact Andrea (602) 413-5397.

LAW OFFICE. 12’ x 12’ $600/month, includes conference room, kitchen area. Estate planning - tax attorney scaling back and transitioning to financial planning. Referrals available. 8283 N. Hayden Rd., Scottsdale, Elaine at 480-515-9800

SCOTTSDALE OFFICE AVAILABLE for sharing with 5 AV rated attorneys. Potential referrals. Use of conference room, receptionist, copier, and fax. Contact Bob @ 480-990-1133.

GREAT TEMPE OFFICE, SECOND FLOOR window offices in beautiful suite available for sublease from AV attorney. One large attorney office with French doors overlooks courtyard and fountain. Two standard window offices and two secretarial areas also available. Charming professional building. Collegial atmosphere. Ideal setup for solos includes covered reserved parking, signage, conference room, digital copier, fax, phone system, voice mail, kitchenette, Westlaw, private bathroom, supplies. Referrals available. Baseline & McClintock; easy access from nearby US60 and Loop 101. Contact Jeff at 480-820-4505 or jeff@sochoenlaw.com.

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

OTHER

SOUTH MISSION BEACH SUMMER RENTAL. 3bd.2ba. All amenities, please call Alex @ 619-702-6076 or 619-300-6268.
Quality of the Electronic Court Record

S
ince the conversion of the official court record from paper to electronic in Maricopa County on January 1, 2007, there has been much interest in the process of maintaining an electronic court record (ECR). Approximately 426 new adult cases are initiated at the Clerk’s Office in the Superior Court for Maricopa County each business day. A top priority for the Clerk’s Office is to maintain the integrity of the ECR with over 237,000 documents filed each month.

Quality control plays a major part to ensure documents filed with the Clerk are properly safeguarded and accessible to all users of the ECR. The Clerk’s Office developed a series of quality control steps based on best practices and industry standards related to imaging. There are five basic steps or safeguards to ensure images are associated with the correct cases in the ECR.

Immediately after scanning, staff view the document file stamp, case number, and image clarity of each scanned page. Each document is then audited a second time by reviewing the barcode used in the scanning process to the first page of the document to ensure there are no missing first pages. Scanned images are located in a software product called OnBase, and those images can be accessed through the integrated court information system (iCIS). iCIS is the Superior Court’s case management system and is the product a participating governmental customer sees when viewing documents from their PC, or what a public customer sees at the public access terminals located at Clerk’s Offices throughout the Valley. A third quality control check is performed by validating that the image in OnBase is associated with the correct case number in iCIS. Additional independent audits further bolster the accuracy of the ECR.

Two independent audits help identify any missing or incomplete information in the ECR. The case management system (iCIS) generates a bi-monthly report to ensure that a docket entry has an icon which links to its corresponding image in the ECR. Finally, staff in the electronic document management department review each person’s scanning work by conducting a monthly audit. These

See Clerk’s Corner page 15

Legal Briefs

Senate confirmation expected for Ninth Circuit nominee

The United States Senate Judiciary Committee approved President Bush’s re-nomination of Idaho Judge N. Randy Smith for a judgeship on the Ninth Circuit Court of Appeals. He was confirmed by the full Senate on February 15, 2007.

Smith, a state judge in Idaho for 12 years, was previously nominated to fill a seat vacated when Judge Stephen Trott took senior status. However, controversy ensued when Senator Diane Feinstein objected to Smith’s filling a seat vacated by Trott, who was the U.S. Attorney in Los Angeles at the time of his appointment by President Reagan in 1988. Feinstein objected to an Idahoan nominee filling a California position on the court.

Judge pledges assistance for immigration reform

Mary M. Schroeder, United States Court of Appeals Chief Judge for the Ninth Circuit Court of Appeals, says she looks forward to working with the 110th United States Congress and pledges assistance to lawmakers taking on issues affecting the federal judiciary, especially immigration reform. Noting that “[i]mmigration reform is a complex subject with major implications for the federal courts” Schroeder said that the Ninth Circuit’s administrative caseload has “rise[n] nearly 500 percent in the past six years” due to immigration matters.

ABA okays use of metadata

A recent ethics opinion issued by the American Bar Association approves the e-discovery search for and use of electronic information attached to documents that reveal the history of a document’s construction. Referred to as “metadata,” this hidden information might include the author, the company or organization name, the name of the network server or hard disk in which the document is saved, the names of previous document authors, document revisions, template information and hidden text, the date the document was created, the date and time the document was last modified, and any comments that were added by users along the way. Although parties may agree to exclude metadata from produced documents, in the absence of such an agreement the parties must produce documents with the metadata. Additionally, ABA Formal Ethics Opinion 06-442, Review and Use of Metadata (2006), says that the ABA Model Rules contain no prohibition from mining and using metadata embedded in opposing counsel’s documents.

Pentagon official apologizes

Cully Stimson, United States Deputy Assistant Secretary of Defense for Detainee Affairs, apologized publicly for suggesting that corporate clients shun law firms whose lawyers represent Guantanamo detainees voluntarily. In a letter to the editor appearing in the Washington Post on Wednesday, January 17, 2007, Cully said that he regretted that his comments “left the impression that I question the integrity of those engaged in the zealous defense of detainees in Guantanamo. I do not.”
T here was no easy route in 1914 from St. Johns, Arizona, in Apache County, to Phoenix. Similarly, there was no easy route for Greg Garcia from the St. Johns Academy to the defense counsel’s table in the Maricopa County Courthouse. When Garcia made his way to Maricopa County, he either had to take the difficult southern route through the Salt River Canyon, Globe and the Apache Trail, or make his way north to Flagstaff, through Oak Creek Canyon and over the mountains to Prescott and finally down the Black Canyon Road to Phoenix. Either way, the trip took several days and required overcoming some severe obstacles.

Court Reporter to Attorney

The twenty-one-year-old Garcia studied shorthand at the Lamson Business College, located at the northeast corner of 1st Avenue and Adams, in 1914. For the next five years he proved himself to be an exceptionally skilled court reporter. During this period, Garcia likely got to know Pedro “Pete” Noriega Estrada. Estrada, a native of Tempe, was the interpreter for the Maricopa County Superior Court. Eventually, Estrada became the Maricopa County Law Librarian, but in 1915, he was the organizer of the Tempe Lodge No. 1 of La Liga Protectora Latina, a popular mutual aid society, established to help protect Mexican laborers from prevalent anti-immigrant backlash.

In May 1919, after reading the law in the St. Johns offices of A.S. Gibbons, Greg Garcia was admitted to the bar. By 1920 he had returned to Maricopa County; apparently its first Hispanic attorney. During the next decade and a half, Garcia seems to have been the sole member of the Hispanic bar in Phoenix. Garcia joined Anselm Y. Moore in their offices on the fourth floor of the Fleming Building at 16 N. 1st Avenue and developed a practice that focused on criminal law and international law (including Mexican commercial law as it applied to local business).

In one of his early cases, Garcia defended Maximilliano Ramirez for allegedly pistol whipping an Anglo American named Gray Rankin. Ramirez was charged with assault with a deadly weapon for the July 21, 1921 incident. After several hearings and limited motion practice, Garcia was successful in having the charges dismissed by the court for lack of evidence.

Over the next year, Garcia became a frequent participant in the proceedings of the Superior Court, both as a retained counsel, and as a court-appointed defense lawyer. His practice steadily grew along with his reputation for ability, hard work and “honorable methods.” By 1923, he had his own practice, located on the first floor of the Mon- hani Building at 13 N. 1st Avenue in Phoenix. Garcia became a member of the Maricopa County Bar Association and served as the Supreme Attorney for La Liga Protectora Latina.

Garcia became a member of the Maricopa County Hispanic Bar

As a member of the La Liga Protectora Latina and colleague of Pete Estrada, it is likely that young attorney Garcia followed the athletic exploits of Pete’s younger brother Rafael Estrada. “Captain” Estrada was one of several Hispanic athletes to attain widespread campus popularity during his tenure at the Tempe Normal School (now ASU) in the early 20’s. Rafael lettered in football, basketball and baseball, and helped establish the TNS Bulldogs (later Sun Devils) as a regional athletic powerhouse.

After graduating from TNS in 1923, Rafael Estrada became a respected teacher and coach. In 1936, he enrolled in the University of Arizona law school and eventually became general counsel for the Alianza Hispano Americana, the largest Hispanic mutual aid society in the U.S. It was in this capacity, that in 1951, Estrada, co-counseling with his mentor, Greg Garcia, filed Gonzalez v. Sheely against the Tolleson Elementary School District. Through this, civil rights pioneers succeeded in persuading the Federal Court, based on equal protection and due process arguments, to strike down “separate but equal” education practices justified by the school district based on alleged English language deficiencies. This landmark case, several years before Brown v. Board of Education, mandated desegregation of Arizona’s public schools for Hispanic children.

Growing Bar

While at the U of A law school, it seems likely that Raphael Estrada may have met another aspiring Hispanic attorney, Albert M. Garcia from Yuma. Albert had worked for Yuma County in 1929 to 1932 and then became the Deputy County Recorder for Yuma County from 1932 to 1936. In 1937, he graduated from the law school and was appointed Arizona’s first Hispanic Assistant Attorney General.

Within weeks of graduation, Moore moved the AG’s office in Phoenix, Garcia was working on his first appeal. In Valdez v. State, Mr. Valdez had been convicted of ‘burglariously’ entering a Jerome auto shop. The appeal focused on whether Mr. Valdez’ prior conviction in California for burglary should have been considered by the court in sentencing. Garcia succeeded in persuading the appellate court that the lower court properly increased Valdez’ sentence due to the California conviction.

Albert Garcia remained at the AG’s office until he joined the Army in World War II. After the war, Albert opened a private practice in Phoenix at 122 W. Washington. Garcia’s wife Maria was also a prominent Hispanic advocate in the community. She wrote articles in the Spanish-language newspaper, El Mensajero; helped found the Phoenix chapter of the League of United Latin American Citizens (LULAC)—an Hispanic civil rights organization founded in Texas in the 1920’s; and was active in the Latin American Club, the Alianza Hispano Americana, and other community organizations.

In about 1939, another member of the St. Johns Garcia clan began practicing law in Maricopa County. Attorney James H. Garcia joined Albert in his Washington Street practice after the War. By the late 1940’s the Hispanic legal fraternity of Maricopa County included Greg Garcia, Albert Garcia, James Garcia and Raphael Estrada. This group was joined in 1948 by Arthur Van Haren, Jr.

Van Haren, the son of a Mexican/Span- ish mother from Tucson and Mexican/Dutch father from Florence was born in Superior, and gained fame as one of Arizona’s top navigators. After World War II by towing 12 enemy planes. After the War, he graduated from the U of A law school and settled in Phoenix. He served Maricopa County as a deputy County Attorney, counsel to the County Planning and Zoning Commission and as a Phoenix City judge. Van Haren’s family is reportedly one of the first Hispanic families to be approved for a home loan north of Van Buren street. Previously, a combination of restrictive residential covenants and discriminatory lending practices prohibited Hispanics from owning homes north of this boundary. Future Senator Barry Goldwater is given credit for helping Van Haren break this barrier and buy a home at 344 E. Osborn Rd.

Maricopa County’s first Latina attorney, and only the second female Hispanic attorney in the U.S., began practicing in Phoenix in 1947. Ms. Anita Lewis was the daughter of John Lewis, an early Phoenix notary, realtor and paralegal working with mostly Hispanic clients and his wife Enriqueta, who was active with other Hispanic women in the Arizona Voters League. Anita was the only woman in her U of A law school class, and upon graduation, conducted a general practice from her office on the fourth floor of the Arizona Title Building at 32 N. 1st Avenue. Ms. Lewis focused much of her practice in family law and was a pioneer advocate against domestic violence. She opened her own home to women in need of shelter and used her legal skills and personal resources to help abused women start new lives.

Continuing Legacy

The first Mexican-American appointed to the Federal bench, Valdemar A. Cordova, grew up in a barrio near Grant Park in South Phoenix in the 1920’s and 30’s. Cordova dropped out of high school to join the Army Air Corps during World War II, was shot down over Germany and was a POW until the war ended. After the war, Cordova completed high school, obtained an undergraduate degree and graduated from the U of A law school as its student body president in less than five years.

Early in his career, Cordova became a protege to the grandfather of the Hispanic legal community in Maricopa County, Greg Garcia. In 1953, while discussing a case with Cordova, the 60-year-old Garcia collapsed into the younger lawyer’s arms and died in their offices on the fourth floor of the Goodrich Building at 14 N. Central Avenue. Cordova became a Phoenix City Councilmember in the mid-1950’s; was twice a Superior Court judge, from 1965-1967 and from 1976 -
Partners Help Assure Courthouses Serve Everyone
By Hon. Barbara Rodriguez Mundell
Special to Maricopa Lawyer

It takes a community to plan a criminal court tower. And through a series of forums that the court is hosting, we are listening to input from a variety of court customers and others, sharing their expertise in this important planning process.

In designing the new criminal court tower in downtown Phoenix, we hope to incorporate space within the facility for programs throughout the entire criminal process that are critical in providing swift justice, making victims whole, reducing recidivism and making our community a safer place to live.

The court tower project provides an excellent opportunity to also build on the successes achieved in the Regional Court Centers, Early Disposition Court and Initial Pre-Trial Court, where the parties and stakeholders can come together early in the process to work out equitable and speedy settlements in appropriate cases.

Over the past several weeks, we have gathered input from other court systems. Visitors were made to New York and Pennsylvania to see newly completed court facilities and learn what types of services, amenities and space was included to provide for the needs of court visitors—including jurors, crime victims, the disabled, attorneys and the media.

Since returning from the on-site visits, court, county officials and design experts have met with a variety of community representatives who have shared their ideas on ways to assure the new court building provides accommodations for visitors with special needs. These brainstorming sessions aren’t finished yet. As they continue into April, we are hosting a half-day Leadership Forum to discuss program planning and restorative justice with key people, including County Board Chairman Fulton Brock, County Supervisor Mary Rose Wilcox, County Manager David Smith, Assistant County Manager Peter Ootanne, Sheriff’s Office Chief Deputy David Hendehosch, Clerk of the Court Michael Janes, Chief Assistant County Attorney Sally Wells, Chief Adult Probation Officer Barbara Broderick, Chief Juvenile Probation Officer Carol Boone and others.

We have learned many things already. Victims’ advocates said crime victims should be free from intimidation, harassment or abuse throughout the criminal justice system. They said victims would benefit from secure parking and court entrances to reduce close encounters with the defendant in their case. They also said victims would benefit from a private, closed-door setting to take a break away from court hallways, meet with prosecutors, make phone calls and have internet access.

Individuals with disabilities said ideally, the court would be universally accessible in a manner that everyone can go through the process without challenges. Specific requests were made for electronic signs, direction maps with big letters and Braille, flashing lights at doors and alarms, information banners, a public announcement system with captions, infrared hearing enhancers, flooring that is slip or skid resistant.

Members of the media also were invited for their input, which focused on technology and courtroom configuration to make it more efficient for them to gather their stories and get them to their audiences as rapidly as possibly.

Our forums and planning sessions will continue until the site is selected from six possibilities and the details of what will be included in the court tower are determined.

Critical to this very important project is the leadership and support of the Board of Supervisors and Office of Budget Management. We thank them for providing us the opportunity to work with them, their experts and the community to create an outstanding court facility, projected to open in 2010.

Plan on joining us at the grand opening! Judge Mundell is the Presiding Judge of Superior Court in Maricopa County.
Judge Pamela Franks Retiring from the Bench

By J.W. Brown
Maricopa Lawyer

Another veteran Superior Court judge has retired from the bench.

Judge Pamela Franks, who has served on the bench since 1989, retired on March 22.

In her 18 year career on the Superior Court bench, Judge Franks served a significant amount of her tenure in Juvenile Court: from 1991 to 1993, from 1998 to 2001 and since 2003 to present. From 1998 until 2001 she was the Juvenile Associate Presiding Judge.

She also served as Probate Presiding Judge from 1995 until 1998. Other assignments make up the remainder of her time on the bench, including two years in the Civil Department, two years in Family Court and two years in Criminal Court.

Judge Franks clerked with the Arizona Supreme Court upon graduation from the University of Arizona College of Law. She worked for then Justice Frank X. Gordon Jr. It was he who swore her in as a judge 10 years later.

From the Supreme Court clerk job, she went into private practice in 1979 with the firm of Henry, Kimerer and LaVelle. Two years later, she became a public lawyer, working seven years as an assistant federal public defender. She returned a short while to her earlier firm, that became Allen, Kimerer and LaVelle. And within a year, she was appointed to the bench.

Judge Franks is a fellow of the Arizona Bar Association. She is a member of the National Association of Women Judges and the Arizona Women Lawyers Association.

Judge Franks' swearing-in by then-Arizona Supreme Court Chief Justice, Frank X. Gordon Jr.

Clerk’s Corner

continued from page 12

two processes, combined with built-in quality control procedures for scanning, improve the accuracy of the ECR.

Consistent quality control measures resulted in a 99.9% accuracy rate of the ECR in the Clerk’s Office for the last half of 2006 (July – December). For Clerk’s Offices maintaining a paper record, the national standard for accuracy is 99.5%. Any process is subject to human error, and while the Clerk’s Office is pleased with its high accuracy rate, the volume of filings received leads the Office to continue developing better ways to manage the court record to further improve accuracy.

Cl

creative • intuition

graphic design • web design • everything design

Good graphic design can have a powerful, positive impact on how your firm is perceived. You need solution driven designs that project a very clear messages that back-up your brand values. Creative Intuition can help your law firm with all its design and marketing needs.

Call and ask about our custom marketing packages

480-220-7293 • www.cistudio.com

Advertise with the Maricopa Lawyer!

New hire/promotions? Job openings?

Share your firm’s legal news by advertising in the Maricopa Lawyer, the official publication of the Maricopa County Bar Association.

If your firm has 100 percent attorney membership in the Maricopa County Bar Association, you receive a substantial advertising discount.

Contact Kathleen Brieske for more details at kbrieske@mcbabar.org.
REGISTRATION: Mail registration with payment to the MCBA or phone/fax/on-line with credit card information. Full payment must be received before you will be registered. All registrations not paid in full in advance will be assessed a $15. Late fee on the day of the seminar. If space is available you may register at the door, however, a $15.00 late fee will be assessed. If you do not register two days in advance we cannot guarantee space or materials on the day of the seminar. CANCELLATION: Refunds, less a $10.00 fee, will be issued only if the CLE dept. receives your written request 2 business days in advance. If you have a paid registration but did not attend you may request materials sent to you free of charge. If audio tapes are available, no shows may be converted to a self-study package for an additional $15.00 charge. If you have a disability please call ahead so we can accommodate your needs.

Sign Up for An Upcoming CLE

○ April 26:
Take Charge of Your Career—Understanding Lawyer Competencies
Faculty:
Paul Burton, Vision Mechanix
3 hours CLE
1:00p – 4:00p
ASU Downtown, 502 E. Monroe, Building C, Phoenix
Cost:
MCBA members, $90.00
Non-members, $150.00

○ April 27:
The Corporate Counsel Division Presents: The Do’s and Don’ts of Responding to Software Compliance Audits
Faculty:
Sean D. Garrison, Partner, Lewis and Roca LLP
1 Hour CLE
11:45a
University Club, 39 East Monte Vista, Phoenix
Cost:
MCBA CCD members, $25.00
MCBA members, $30.00
Non-members, $50.00

○ May 2:
MCBA Law Week 2007
Liberty Under Law: Empowering Youth, Assuring Democracy
Faculty:
Lynda Shely, The Shely Firm, PC
1 Hour CLE
4:00pm – 5:00pm (Registration begins at 3:30pm)
Happy Hour following seminar
5:00pm – 7:00pm
McCormic & Schnick’s (Camelback Esplade, 2575 E. Camelback Rd., Phoenix
Cost:
MCBA members, $40.00
Non-members, $50.00

○ May 10:
The Lawyer Referral Service Presents: Litigation Ethics: In and Out of the Courtroom
Faculty:
Amber L. Meid, Mied Law Group, P.C.
Leah Pallin-Hill, Leah Pallin-Hill Mediation and Arbitration Services, P.L.L.C.
Joe Saienni, P.C.
2 Hours Ethics
10:00am – 12:00pm
ASU Downtown, 502 E. Monroe, Building C, Phoenix
Cost:
LRS Panel members, $50.00
MCBA members, $60.00*
Non-members, $100.00*
*CLE fee will be waived if you join as a first time LRS Panel member at or before the event

○ May 16:
Tips From the Trial Trenches 2007
Faculty:
Michael C. Manning, Stinson, Morrison Hecker LLP
3 Hours CLE
2:30pm – 4:30pm, reception to follow
Phoenix Country Club, 2901 N. 7th Street, Phoenix
Cost:
MCBA Members, $90.00;
Non-members, $150.00

○ May 24:
Staying Out of Hot Water: Preventing Bar Complaints and Malpractice Claims
Faculty:
John C. Doyle, Doyle-Best, P.C. and Lynda Shely, the Shely Firm, P.C.
2 Hours CLE
9:00am – 12:00pm
ASU Downtown, 502 E. Monroe, Building C, Phoenix
Cost:
MCBA members, $90.00
Non-members, $150.00

Name: ______________________________________________________
AZ Bar ID #: _________________________________________________
Firm: _______________________________________________________
Address: ____________________________________________________
City: _________________________________________________________
State: _______________________________________________________
ZIP: _________________________________________________________
Phone: ______________________________________________________
E-mail: _____________________________________________________

Payment information. (Make Checks payable to the MCBA)
○ Enclosed is my personal Check for $__________________________

Please charge my:
○ Visa ○ MasterCard  Total charged to my C.C. $ _______________
Card # ___________________________ Exp. _______________
Name of card _____________________________________________
Billing address _____________________________________________
Signature _________________________________________________

Mail registration form to:
MCBA
3003 North Central Ave, Suite 1850
Phoenix, Arizona 85012