Meet new MCBA Executive Director Allister Adel

A longtime community leader, Allister Adel brings a unique skill set of enthusiasm, management skills, and knowledge of the law to the role of Executive Director of the Maricopa County Bar Association (MCBA). She formed her own legal and consulting practice upon leaving the Arizona Department of Child Safety, where she was appointed under Governor Jan Brewer's administration to serve as General Counsel in the fall of 2014. Her previous appointment in State government was as the Chief Presiding Administrative Law Judge of the Arizona Department of Transportation Executive Hearing Office in September 2011. The Executive Hearing Office (EHO) is a quasi-judicial body resolving approximately 20,000 cases annually on matters regulated by the Department. Under her leadership, the EHO eliminated a backlog of more than 5,000 cases in six months and implemented an award-winning, efficient and professional business model. Her previous success will serve us at MCBA well in the future!

Despite her many other opportunities and obligations, the one that is most dear to her heart is her family. She and her husband, David DeNitto, enjoy living in Central Phoenix with their two young boys and dogs.

Adel is honored that she was selected to serve as the MCBA's new Executive Director. Of her selection, she said, “I am delighted to be chosen as the next Executive Director of the MCBA and MCBE. I am excited to carry out the strategic plan set by our Board and to be a part of the great things to come from this prestigious association.”

Allister Adel

Helping people is just part of Adel's DNA. She is a member of the Arizona State Bar Committee on Rules of Professional Conduct (Ethics), the City of Phoenix Outstanding Young Man & Woman of the Year Scholarship Selection Committee, The 100 Club of Arizona Board of Directors, and the Mothers Against Drunk Driving Walk Like MADD committee. She will serve as President of Phoenix Rotary 100 in 2017-2018 when her chosen annual club service and fundraising project will focus on Anti-Human Trafficking efforts.

A longtime community leader, Allister Adel brings a unique skill set of enthusiasm, management skills, and knowledge of the law to the role of Executive Director of the Maricopa County Bar Association (MCBA). She formed her own legal and consulting practice upon leaving the Arizona Department of Child Safety, where she was appointed under Governor Jan Brewer's administration to serve as General Counsel in the fall of 2014. Her previous appointment in State government was as the Chief Presiding Administrative Law Judge of the Arizona Department of Transportation Executive Hearing Office in September 2011. The Executive Hearing Office (EHO) is a quasi-judicial body resolving approximately 20,000 cases annually on matters regulated by the Department. Under her leadership, the EHO eliminated a backlog of more than 5,000 cases in six months and implemented an award-winning, efficient and professional business model. Her previous success will serve us at MCBA well in the future!

Adel's experiences with the legal community are as broad as they are deep. It is this sense of well-rounded ability and flexibility that will help her carry out the wishes of the MCBA leadership and membership. She spent much of her legal career as a prosecutor (but boasts defense counsel as some of her closest friends, too!) at the Maricopa County Attorney's Office for more than seven years. The majority of her career was prosecuting DUI-related homicides such as State v. Salvador Vivas-Diaz. In that case, the Defendant was impaired by alcohol when he struck and killed a Phoenix police officer. As a prosecutor, she received awards for distinguished service in the areas of victims' rights and trial victories.

Despite her many other opportunities and obligations, the one that is most dear to her heart is her family. She and her husband, David DeNitto, enjoy living in Central Phoenix with their two young boys and dogs.

Adel is honored that she was selected to serve as the MCBA's new Executive Director. Of her selection, she said, “I am delighted to be chosen as the next Executive Director of the MCBA and MCBE. I am excited to carry out the strategic plan set by our Board and to be a part of the great things to come from this prestigious association.”

Meet the New Executive Director Allister Adel

You are Invited

Meet the New Executive Director Receptions

Tuesday • August 9th
from 7:30 a.m. until 9 a.m.
at the MCBA

Tuesday • August 23rd
from 11:30 a.m. until 1 p.m.
at the MCBA

Friday • September 16th
from 4 p.m. until 6 p.m.
at the Phoenix Country Club

2016 Bench-Bar Conference
Friday • Sept. 30, 2016
1:30 p.m. Registration • 1:45 p.m. Program
Phoenix Country Club
2901 N. 7th St.

2.5 Hours CLE with .5 Qualified for Ethics Credit

Program 1:45 to 5 PM
Reception Will Follow

Do You Want to Learn Practical Tips from the Judges?

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The relationship between the judges on the bench and the members of the bar is an integral part of the legal community.

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Join Us at This Great Event.

Don’t forget to stay for our now much sought-after happy hour networking with the judges.

(Appetizers and a drink ticket are included in the price!)

For more information: www.maricopabar.org/event/2016benchbar
A great team hired a winner

About one month into my term as President, just before the Board of Directors voted to approve a new three-year strategic plan, I was faced with the challenge of hiring the next executive director of the Maricopa County Bar Association (MCBA) and the Maricopa County Bar Foundation (MCBF). I was simultaneously excited and intimidated — I had to install an Executive Director with a fresh perspective to carry out the strategic plan, and I was driven by the gravity of such a significant transition. I looked, but could not find, an instruction manual containing a “how-to” guide for conducting a successful bar association Executive Director job search. Therefore, I referred to the toolkit I use in my “day job” litigating cases, which I found highly applicable.

A successful litigation strategy begins with assembling the right team — lawyers, paralegals, administrative staff, consultants, etc. So I began by forming an all-star Executive Director search team comprised of recent past MCBA presidents (Jennifer Cranston, Judge Jennifer Green and Bill Kastin); all of the current officers of the MCBA (TJ Ryan, Immediate Past President; Norma Izes, President-elect; Judge Geoffrey Fish, Treasurer; and Melinda Sloma, Secretary); Bobby Kether, the current MCBF President; members of the Board of Directors (including Gail Barsky, Tyler Carrell, Commissioner Julie LaFave, Leslie Satterlee and Amanda Sheridan); and key members of the MCBA staff (Laurie Williams, Cynthia Quinnonez and Jennifer Deckert).

My litigation teams work collaboratively to define and carry out our litigation strategy, beginning with the initial pleadings and continuing through trial (remaining cognizant of favorable resolution opportunities throughout settlement or dispositive motion practice). My executive search team operated in similar fashion.

Our “initial pleading” consisted of a job posting describing the desired qualities of our next Executive Director. We expect our next Executive Director to be a strong communicator who is reliable with staff, members and the community at large, to enhance membership value; and to elevate the profile and improve the financial condition of the MCBA and MCBF. We focused heavily on themes like innovation and creativity, responsible fiscal management, technological literacy and personal engagement.

We conducted a broad candidate “discovery” by intentionally casting a wide net in terms of geography and background, positing nationally with the National Association of Bar Executives; with the career services offices of the three Arizona law schools; with the Arizona State University Lodestar School of Non-Profit Management; with the State Bar of Arizona; and through the MCBA’s own channels (i.e., website and the Maricopa Lawyer).

After the application submission deadline passed, much like using “pre-trial motions” to limit the truly disputed issues, we engaged in a time-consuming and demanding process of narrowing down our candidate pool. We saw many fine candidates and were forced to make very significant decisions, and successfully placed our candidate pool in preparation for our “trial,” the final candidate interviews. Of course, without an adversary we had no need to define our neutral decision-maker. As such, I acted as President and surrounded by trusted advisors, issued a “final ruling” — and like the trial judge, assumed the unpleasant task of breaking bad news to unsuccessful candidates and the rewarding task of conveying good news to our top candidate. So along with some heartbreak conversations with otherwise strong candidates, I had the extreme pleasure to extend an offer to Allister Adel to join the staff of the Maricopa County Bar Association and Maricopa County Bar Foundation as our new Executive Director.

I am elated that Adel is our new Executive Director, and I believe our search team hit a home run. This issue of the Maricopa Lawyer introduces her and provides you with a snapshot of her background. In addition to boasting professional credentials that demonstrate that she possesses the experience necessary to successfully lead the administrative functions of the MCBA, I witnessed firsthand during the interview process that she exudes the charisma, charm, enthusiasm and professionalism to facilitate her rapid transition into the face of the MCBA.

Adel already has a head start building relationships with community, business and government leaders that I am confident she will successfully leverage as a pathway to elevating the profile of the MCBA and MCBF. Adel promptly engaged in collaborative discussions with existing MCBA leadership and staff to seek out areas ripe for innovation and creativity to maximize the value of membership and the MCBA’s impact on our community.

The strategic plan adopted by the Board of Directors in February did not contemplate an Executive Director transition. Notwithstanding, Adel has embraced our strategic plan and is committed to carrying it out. She is building lasting relationships with leaders because our community needs us to lead. I expect our members will be impressed by her, and I expect her to accomplish great success as our Executive Director.

I extend my deepest appreciation to those who participated in the Executive Director search process. I extend my deepest gratitude to Laurie Williams, who graciously served as Interim Executive Director for the last several months and who has earned my increased respect. And because I am so pleased with the outcome, I offer this article as a short-form instruction manual for a different president of a different bar association facing the imposing task of selecting a new Executive Director.

In Memory

Margaret Anne Gillespie

October 13, 1955 – May 20, 2016

“...the attorneys and staff at May Potenza Baran & Gillespie, PC, mourn the loss of our good friend and colleague Margaret Anne Gillespie. Margaret was a respected attorney and mentor. She dedicated countless hours to pro bono service and causes, which immeasurably strengthened our community. She exemplified servant leadership. Margaret’s memory lives on in her legacy of love, compassion and service to her family, friends and community. She will be greatly missed.”

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The Maricopa Lawyer welcomes letters to the editors or opinion pieces for publication. Letters and opinion pieces should be typed and preferably submitted electronically. Opinion pieces are limited to 1,500 words and letters to 700 words, and the editors reserve the right to reject submissions or condense for clarity, style and space considerations. Letters must be signed and verify authorship, but names will be withheld upon request. Authors of opinion pieces will have their names published. Letters and opinion pieces should be mailed to MCBA editor, Maricopa County Bar Association, 303 E. Palm Lane, Phoenix, AZ 85003-1532. Phone: (602) 257-4200 Fax: (602) 257-0405 Email: mhaskins@maricopabar.org.
Not-so-well known benefits of bankruptcy

After reading my previous articles, you might think I spend all of my time volunteering. Although I am a firm believer in, and a strong advocate for, pro bono work, I am also a proud member of a successful bankruptcy law firm—Bankruptcy Legal Center™, Law Office of James F. Kahn, PC.

Everyone knows about a straight Chapter 7 “fresh start” bankruptcy, but this month I thought I would shed some light on a few of the not-so-well known benefits that can be found in filing other chapters of bankruptcy. Hopefully this article can help you spot those who could benefit from filing, whether it be clients, friends, family, etc.

Stop a foreclosure sale and bring mortgage payments current over time. Past due mortgage payments can be brought current through a 3-5 year Chapter 13 Plan of Repayment. This can be especially helpful for someone who loses their job for a period of time and gets behind on their mortgage payments as a result, but later obtains gainful employment. The mortgage payments that are due prior to the bankruptcy filing date can be paid over time, while the debtor resumes making normal monthly mortgage payments in addition to the monthly plan payment.

Pay tax liabilities over time, without penalties or interest. The filing of a Chapter 13 Bankruptcy immediately stops interest and penalties from accruing on tax debts and the unsecured portion is paid pro rata with the rest of the secured creditors. The tax debt can be discharged if the taxpayer files for bankruptcy after due prior to the bankruptcy filing date.

Discharge marital property settlement awards in Chapter 13. Debts incurred in connection with a divorce (other than spousal or child support) are dischargeable in Bankruptcy, upon the successful completion of a Chapter 13 Plan of Repayment. Although the Plan duration will be 3-5 years depending upon debtor’s income and budget, the payment stream can sometimes be significantly less than the amount to be discharged, which makes this option very enticing for some. It is important to note (again) that spousal maintenance and child support obligations cannot be discharged in any chapter of bankruptcy.

Get rid of a mortgage! If the fair market value of a parcel of real property is less than the amount due on all senior liens, a junior lien can be avoided through a Chapter 11 case and the debt can be discharged. When the real estate market is distressed, this bankruptcy tool can be extremely useful. In years past, when mortgage values plummeted and numerous homeowners had purchased their homes with 80/20 loans, these “lien strips” were commonplace; they are still used today, but not quite as frequently.

Write a mortgage loan down to current market value of the home. A debtor can bifurcate a mortgage loan into two loans, to separate the secured and unsecured portions from one another and pay them differently. The secured portion of the loan is essentially refinanced at a reasonable interest rate (often over 30 years), and the unsecured portion is paid pro rata with other unsecured debts; any unpaid balance is discharged. It is important to note that this can only be accomplished on a property that is not the debtor’s principal residence.

Write an auto loan down to the vehicle’s current market value. In Chapter 13, under certain circumstances, one can write the amount to be paid on an auto loan down to the fair market value of the vehicle, and reduce the interest rate to be much closer to the prime rate. For example, a debtor who owns a 2010 Subaru Forester with a fair market value of $9,000 could have a loan balance of $15,000 being paid at 18% interest outside of bankruptcy. Filing a Chapter 13 case would allow the debtor to pay the lender only $9,000, with an interest rate of 7%. The ability to essentially refinance an auto loan while in bankruptcy can be very helpful for a debtor who has rolled significant negative equity from a prior vehicle into their current vehicle.

Restore driving privileges. A driver’s license that has been suspended merely for unpaid tickets related to traffic violations or infractions can be reinstated through Chapter 13 Bankruptcy. Criminal tickets (for misdemeanors and felonies), liability for personal injuries caused while driving under the influence, and restitution are not dischargeable in bankruptcy.

Filing bankruptcy is a serious decision; every case is different and a comprehensive review and analysis of all facts and circumstances must be completed before filing a bankruptcy case under any chapter. Nothing in this article should be construed as legal advice. If you or someone you know has questions about bankruptcy, please feel free to contact me at 602.266.1717 or Krystal.Ahart@BankruptcyLegalCenterAZ.com. ■

GET THE MOST OUT OF YOUR MEMBERSHIP

Join a section or division by calling the Membership Dept. at (602) 257-4200.

Writing blogs worth a look

It is back-to-school time for new law students, and I thought I would share the most commonly asked question I receive from those students: how do I become a better writer? Most new students are quick to share that they did not have to write much for their undergraduate degrees, and are worried they did not learn the rules of formal writing. My key piece of advice to them (and to all writers seeking to improve) is to read excellent legal writing—though finding those examples of excellent legal writing is not always so easy to do.

Fortunately, many current legal writing blogs do a thorough job of seeking out excellent legal writing and reporting on it. They also excel at giving style and grammar tips. For example, The Lady (Legal) Writer blog recently wrote about Paul Clement’s (former solicitor general) persuasive use of adjectives and adverbs, and Bryan Garner shared his views on headings and issue statements. The following are my top five legal writing blogs that share examples of excellent (and not so excellent) legal writing.

2. The Lady (Legal) Writer (www.ladylawprose.blogspot.com): Megan Boyd comments on current cases and highlights the related legal writing issues. I especially enjoy the variety of topics she presents and her references to popular culture. Take a look at a recent post about Van Halen and brown M&Ms.
3. Adams on Contract Drafting (www.adamsdrafting.com/blog): I like this blog because Scott Adams focuses on contract drafting and discusses many common boilerplate phrases that many legal writers just cut and paste into documents without giving the words much thought. His book on contract drafting style is also a helpful resource.
4. Legible (www.lawprosec.org/legal-writing): Wayne Schiess is a legal writing professor and writes on both litigation and drafting issues. I especially enjoyed his recent post on the debate between word limits versus page limits.
5. Grammar Girl (www.quickanddirtytips.com/grammar-girl): Although this blog is not focused on legal writing in particular, it offers interesting and short tips on the basics of grammar and style issues. I especially enjoy the posts on misused words. Happy reading! ■

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Call for 2017 Paralegal Division Board members

Have you ever considered being a member of the Paralegal Division Board? Now is your chance to apply for our open positions for the 2017 term, which are as follows:

President-elect: The President-elect shall perform the duties of the President at any time the President is unable to perform such duties and shall serve as Parliamentarian of the MCBA Paralegal Division. They shall also perform such other duties as may be assigned by the President or the Board of Directors of the MCBA Paralegal Division. The President-elect shall assume the office of the President upon the expiration of the term of the 2017 President (January 1, 2018) or if the 2017 President is unable to complete her term.

Note: This is a three-year commitment as this individual will serve as the President-elect in 2017, the Division President in 2018, and the Immediate Past President in 2019.

Secretary: The Secretary shall keep a true and complete record of the proceedings of all meetings of the MCBA Paralegal Division, including all meetings of the Board of Directors of the MCBA Paralegal Division, all Special meetings and all Committee meetings, and shall be the custodian of all books, papers, documents and other property of the MCBA Paralegal Division. The Secretary will be responsible for providing copies of the minutes of all Board meetings to the Board prior to the next Board meeting. The Secretary shall perform such other duties as may be assigned by the President or the Board of Directors of the MCBA Paralegal Division.

Treasurer: The Treasurer shall oversee the financial operation of the MCBA Paralegal Division's annual budget and shall be accountable to the Board of Directors of the MCBA Paralegal Division regarding income and expenses of the MCBA Paralegal Division. The Treasurer shall work closely with the Controller, the MCBA Paralegal Division liaison and the staff of the MCBA to provide for funding of MCBA Paralegal Division activities through an annual budget and to manage funds earned by the MCBA Paralegal Division for use in future MCBA Paralegal Division projects. The Treasurer shall perform such other duties as may be assigned by the President or the Board of Directors of the MCBA Paralegal Division.

Both the Secretary and Treasurer will serve a one (1) year term beginning on January 1, 2017 and ending on December 31, 2017. A person holding one of these positions may be re-elected and serve two (2) consecutive elected terms.

Note: In order to serve as an Officer of the MCBA Paralegal Division, a person must be employed as a paralegal or in a position entailing paralegal duties and a member in good standing for the full term for which elected. No person, while serving as an officer, director, or in any other decision-making position or representative capacity in another local, regional, or national paralegal organization may serve at the same time as an officer of the MCBA Paralegal Division.

The Paralegal Division thanks all those who donated to its Summer Backpack Drive to support The Real Gift Foundation.

2016 Arizona Paralegal Conference
The necessities of networking and expanding your legal knowledge

By Melinda Manchester, Director & Conference Co-Chair Paralegal Division, MCBA

Wow, has it been a year since our last conference? Where will you be on October 14, 2016? The Arizona Paralegal Conference on Friday, October 14, 2016, at the Desert Willow Conference Center in Phoenix. As always, the MCBA Paralegal Board has worked hard and made great strides to provide our division with Networking, Education and Community Service opportunities.

I was recently reading an article by Janine Popiek, “4 Reasons Your Employees Should Attend Conferences.” There are many reasons one should attend a conference, and it is not always about “personal and career development.” The following are four great reasons to attend:

- Learn (Most obvious);
- Network (Meet new people who work in the same industry);
- Content (What content will you bring back?);
- Share (Sending a paralegal to a conference and they learn and network and create content).

This year’s conference gives attendees six hours of continuing legal education credits, including one hour of Ethics, with the ability to earn an additional hour of Ethics through one of our breakout sessions. New this year we have three breakout sessions including all of the breakout sessions. These were added for our more seasoned paralegals and those who want to know more about the trial process. We have a wide variety of topics to meet the needs of practicing paralegals and those studying to enter the paralegal profession.

Our Keynote Speaker, the Honorable Dawn Bergin from the Maricopa County Superior Court, will discuss “The Benefits of Practicing in Commercial Court.” The Commercial Court was established in 2015 as a three-year pilot program to resolve controversies that arise in commercial settings with the objective to have a reduced cost of litigation.

In the first breakout session, we have: “Prepare to Win: Trial Preparation Strategies for Success” (Trial Track session) presented by Scott Claus, Esq. of Dickinson Wright; “The Successful Family Law Paralegal: Tips for Keeping Your Job Secure and Your Boss Happy at Work” presented by Judith Morse, Esq. of Jain, Morse, PC, which will help paralegals understand what attorneys need and how to keep their work product at a level that satisfies their attorneys, thus keeping their own jobs more secure; and “Working in a Disinterested and Harassment Free Workplace” presented by Gina Santilluppo, PHR, SHRM-PC of Christian Dichter & Sluga, PC, which will discuss your position, your intention, the resolution and how to look at ways where you create an inclusive, safe environment while building solid relationships with your co-workers. This session will benefit managing paralegals and those whose duties include legal administration.

Our second breakout session includes: “Best Practices for Addressing Smartphones in Civil Discovery & Reasonable Attorney-Client Communication Security Measures” (Trial Track session) presented by Larry Lieb, OGE, CBE, LCCE, FEXE of Scarab Consulting, which will discuss the increasing role that smartphones play in discovery and litigation; “Community Associations: Hazard or Paradise?” presented by Scott Carpenter, Esq. of Carpenter, Haulewood, Delgado & Bolen, PLC, which will explain the legal ramifications regarding HOA violations, HOA powers, and much more; and “Combating Drug Trafficking in Arizona: Looking at the Tools Used Through a Legal Lens” presented by Paula Allman, Drug Unit Section Chief of the Arizona Attorney General’s Office, which will delve into the long-reaching implications of drug trafficking in our state and country.

Our Ethics session will be presented by John Phelps, CEO of the State Bar of Arizona. Test your understanding of Ethics in this segment entitled, “Ethics Jeopardy.”

Our last breakout session for the day will include: “Technology in the Courtroom” (Trial Track session) presented by Bert Binder, MHRM & Director of Courtroom Technology 2006-2014, who will discuss courtroom technology and how it is best used in Maricopa County, the fourth largest court system in the country; “Recent Changes at the Arizona Corporation Commission and Secretary of State’s Office and How They Affect Your Practice” presented by Patricia Barfield, Director of the Arizona Corporation Commission and Tanya Gibson, Deputy Director of the Arizona Corporation Commission; and Bonus Ethics Session, “Protecting Privileges, Confidences and Work Product from Inadverent Disclosures or Waivers,” presented by J. Scott Rhodes, Esq. of Jennings Strouss & Salmon, PLC.

Our General session, entitled “Unmanned Aerial Vehicles: A Look at Legal Issues” presented by Stephen A. Brookman, Esq. of Perkins Cole LLP, will look at whether the sky really is the limit and how to navigate regulatory and risk management in drone and unmanned vehicle use.

The Conference includes local vendors who assist the legal community by providing
See 2016 Arizona Paralegal page 12

UPCOMING PARALEGAL DIVISION EVENTS

Aug. 8 August Board Meeting
Sept. 15 3rd Quarter Lunch CLE: Legal Writing Workshop (Intermediate–Advanced level course)
Sept. 17 Pick & Sort Event with the YLD–St. Mary’s Food Bank
Oct. 14 17th Annual Arizona Paralegal Conference

For more events, check out our Facebook page at www.facebook.com/mcbaparalegal

MARICOPA LAWYER
17th Annual Arizona Paralegal Conference
The Necessities of Networking and Expanding Your Legal Knowledge

Friday  •  October 14 • 2016
Desert Willow Conference Center  •  Ste. 100
4340 E. Cotton Center Blvd., Phoenix, AZ 85040

Keynote Presentation
“The Benefits of Practicing in Commercial Court”
Honorable Dawn Bergin, Maricopa County Superior Court

1st Breakout Session (Select One)
☐ A) Trial Track: “Prepare to Win: Trial Preparation Strategies for Success”
   Presenter: Scot Claus, Esq., Dickinson Wright
   Presenter: Judith Morse, Esq., Morse Law Group
☐ C) “Working in a Discrimination and Harassment-free Workplace”
   Presenter: Gina Sanfillippo, PHR, SHRM-PC, Christian Dichter & Sluga, P.C.

2nd Breakout Session (Select One)
   Presenter: Larry Lieb, LCE, FEXE, Scarab Consulting
☐ B) “Community Associations: Hazard or Paradise?”
   Presenter: Scott Carpenter, Esq., Carpenter, Hazlewood, Delgado & Bolen, PLC
☐ C) “Combating Drug Trafficking in Arizona: Looking at the Tools Used Through a Legal Lens”
   Presenter: Paula Alleman, Drug Unit Section Chief, Attorney General’s Office

“Ethics Jeopardy”
Presenter: John Phelps, CEO, State Bar of Arizona

3rd Breakout Session (Select One)
☐ A) Trial Track: “Technology in the Courtroom”
   Presenter: Bert Binder, MHRM; Director of Courtroom Technology 2006-2014
☐ B) “Recent Changes at the Arizona Corporation Commission and Secretary of State’s Office and How They Affect Your Practice”
   Presenters: Patricia Barfield, Director, Arizona Corporation Commission and Tanya Gibson, Deputy Director, Arizona Corporation Commission
☐ C) BONUS ETHICS SESSION: “Protecting Privileges, Confidences and Work Product from Inadvertent Disclosures or Waivers”
   Presenter: J. Scott Rhodes, Esq., Jennings Strouss & Salmon, PLC

“Unmanned Aerial Vehicles: A Look at Legal Issues”
Presenter: Stephen A. Brookman, Esq., Perkins Coie LLP

Registration Fees
Early Bird pricing good until 10/7/2016  •  Regular pricing after 10/7/2016
MCBA Member $115/$130  •  Non-Member $230/$245  •  Public/Government $110/$125
Student Member $85/$100  •  Student Non-Member $110/$125
Please call or email Laurie Williams for more information: 602-682-8585 or lwilliams@maricopabar.org

Registration Fees Include
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Clerk’s office earns two national achievement awards

The National Association of Counties awarded the Clerk’s office achievement awards for two programs that improve customer service in Maricopa County. The Clerk’s employee cross-training program won an award in the category of Personnel Management, Employee Training and Benefits. The Clerk’s Interactive Voice Response Call Management System (IVR) won an award in the category of Court Administration and Management.

Cross-training programs

Like the private sector, the Clerk’s office is leading a new kind of workforce. Years ago, more people were attracted to long-term, steady work where their career would develop from entry level to management and retirement with one employer. More often today, employees seek personally meaningful work, schedule flexibility, and new challenges. The Clerk’s office has long offered flexible work schedules and teleworking options. The office remains an attractive employer because of its mission of helping our community access justice. More recently, the Clerk’s office implemented a cross-training program that adds variety and challenges to this important work for courtroom clerks and customer service staff.

The Clerk’s office is the official record keeper and fiduciary agent for the Superior Court in Maricopa County. With more than 650 employees serving more than 157 judges and commissioners at nine locations, training and consistency become very important. On average, it takes four months to sufficiently train a courtroom clerk to work on their own in a judicial officer’s division. Historically, courtroom clerks were initially trained for only one case type.

Once assigned to a division, approximately 80 percent of a courtroom clerk’s time is dedicated to the courtroom, taking notes of court proceedings. This in-court time, while interesting and educational, limits the time they have to obtain additional training. This approach resulted in a slim margin of experienced clerks available to cover court proceedings while new clerks were trained. For greater flexibility and a more versatile, engaged pool of clerks, more training was imperative.

Saturday trainings allowed the time necessary to cross-train clerks on multiple case types. Grant funds allowed the office to provide the training without using general fund dollars. As a result, the office increased the number of courtroom clerks available to cover multiple case types while improving the value of the position through new information, challenges, and variety the training and assignments provide.

Other areas targeted for cross-training were the filing counters, marriage licenses, and passport services, which are available at multiple locations. Increasing customer demand resulted in longer lines and wait times. Cross-training between these service areas created a more unified approach, allowing customers to receive more timely service, while improving the overall judicial process. Once implemented, the average wait time for marriage license or passport customers at the Clerk’s Southeast Adult facility was reduced by approximately 5 percent in February 2016, as compared to February 2015. Over the same time period, customer demand increased by 10 percent.

Interactive Voice Response (IVR) phone system

The Clerk’s office implemented the IVR system in May of 2014 to better respond to an average of 30,000 telephone calls each month. Before the IVR, callers could directly dial more than 70 published desk phones and might then be transferred to one or more of more than 100 other telephone numbers before getting the assistance they needed. Before the IVR, the phone system did not adequately measure call volume, call type, and transfers. This limited the office’s ability to route calls effectively or monitor the quality of assistance.

Partnering with the County and its vendor, programming was the only cost of development for the Clerk’s office. The telephone-button operated menu system that resulted allows callers to select options for routing directly to the appropriate area of the Clerk’s office based on their needs. The new system eliminated over 200 individual telephone numbers and provided the public with one main telephone number to call when contacting the organization: (602) 37-CLERK (372-5375).

Most desk phones were eliminated and replaced with a system that lets staff manage call queues and incoming calls directly on their computers. The new system reduced monthly telephone charges for individual telephone lines, as well as the cost of telephone equipment. Additionally, the IVR system measures and monitors call queues in real time, allowing better use of staff time and collecting statistical data.

The Clerk’s office now adjusts call handling to cover what is needed at any time, based on analysis and activity within the queues. Callers can also get information without speaking to staff, as the menus are available 24-hours-per-day, seven-days-a-week.

Staff are only available during normal business hours, which previously limited what can now be accessed through the IVR. The IVR system has served the primary goal of improving the customer service experience for callers, while improving call management, statistical reporting, and quality assurance.

Whether at a service counter, in a courtroom, or on the phone, the Clerk’s award-winning initiatives strive to make the customer service experience better for Maricopa County’s four million residents and beyond. Unfortunately, the public still expects slow, ineffective service from most government agencies. All Clerk’s office staff take pride in feedback from customers who are pleasantly surprised at getting fast, accurate, respectful results from the professionals in the Clerk’s office.
Of counsel

The State Bar of Arizona Committee on the Rules of Professional Conduct (usually called the “Ethics Committee”) recently issued Formal Ethics Opinion 16-01 regarding “of counsel” relationships. The opinion provides an excellent definition of the “of counsel” role and analyzes the ethics obligations of law firms that have “of counsel” lawyers.

So, what does “of counsel” mean? Neither Arizona law nor the ethics rules define the term “of counsel.” Ethics Op. 16-01 cited to ABA Ethics Op. 90-357 and ER 7.5 cmt. 3 to conclude that “the hallmark of a true ‘of counsel’ relationship is that the relationship is close, personal, continuous, and regular.” The Ethics Committee provided four examples of these relationships:

- a practitioner who practices in association with another firm but on a different basis or in a different practice area than other members of that firm;
- a retired partner who is not actively practicing with a firm but who remains associated with the firm and is available for consultation;
- a lawyer who, in effect, is a probationary partner-to-be; and
- a lawyer who has an anticipated permanent status between a partner and an associate.

Other relationships that are not similarly “close, personal, continuous, and regular” are not truly “of counsel” relationships and that designation should not be used. See ER 7.5 cmt. 3 ("of counsel" designation may be used “only if the relationship is close, personal, continuous, and regular") (emphasis added). Ethics Op. 16-01 provided useful examples of relationships that are not “of counsel” as well: “a relationship involving only an individual case, such as a local counsel relationship; the mere forwarding or receipt of legal work; an outside consultant; or only occasional collaborative efforts between otherwise unrelated firms or lawyers.”

Whether “of counsel” lawyers actually are members of a law firm will be dictated more by a formal agreement of its members than by the ethics rules. However, for purposes of the ethics rules, “of counsel” lawyers will be treated as if they are part of the law firm.

Consequently, as Ethics Op 16-01 concludes, “of counsel” lawyers are not subject to the fee splitting limitations of ER 1.5(e). The limitations in ER 1.5(e) apply only when lawyers are “not in the same firm.” Because of their “close, personal, continuous, and regular” relationship, “of counsel” lawyers are treated as members of the same firm. Therefore, “of counsel” lawyers can share in the fees earned by other lawyers in the law firm without showing proportionality or joint responsibility, or obtain the clients authorization in writing to a fee split.

However, that same “close, personal, continuous, and regular” relationship, means that conflicts of interest are imputed between “of counsel” lawyers and other members of the law firm for purposes of ERs 1.10, 1.11, and 1.12. The Committee explained that “when an association becomes so close that the lawyers are considered to be part of the same firm, ‘each lawyer is vicariously bound by the obligation of loyalty owed by each lawyer with whom the lawyer is associated.’” Ethics Op. 16-01 (quoting ER 1.10 cmt. 2).

The Committee closed by reiterating that labels “will not control.” Regardless of a lawyer’s title, whether he or she is treated as a member of the firm, and which ethics obligations apply, will be determined by the relationship and not by the title.

[Note: As a reminder, ethics opinions can be found at http://www.azbar.org/ethics/ethicsopinions].

Russell York is a partner at Jennings, Hang & Cunningham, LLP, in Phoenix. His practice focuses on professional liability, lawyer discipline and complex civil litigation. If you have a question about ethics or lawyer liability that you would like addressed in future columns, please email rry@jhc-law.com.

Trial Tuesdays CLE recap: Trial Preparation

The first session of the Trial Tuesdays trilogy was called “Trial Preparation” and it was held on April 26, 2016. Superior Court Judge Mark Brain and paralegal Melinda Manchester hosted an especially interesting seminar on preparing for trial, covering what works and what doesn’t, how careful preparation affects trial outcome, organizing exhibits and using ELMO.

Begin at least two months before the trial date, making sure you have your basics at the ready, including calendar deadlines, case and trial agenda, and a draft of your opening remarks.

Next should come witness books, identification, witness lists properly distributed, exam and cross-exam outlines, and depictions properly distributed, followed by exhibits ID, properly exchanged exhibit lists and anticipated motions.

Disclosures, list of motions in limine (with responses), pretrial statements, jury instructions and verdict forms, and draft closing remarks round out the basics for trial preparation.
What do you like most about being in the legal field?

I am fascinated by the variety found in the legal issues that my clients face, and I enjoy the challenging nature of their problems. As a tax and estate planning attorney, each of my clients has unique needs, goals and objectives. After meeting with clients to discuss their situations and learn their needs, I find it rewarding to devise a strategy or create a customized plan to help them navigate the tax code, protect their estates, or work through probate and trust issues. It is rewarding to work together with them to solve problems.

My practice affords me the privilege to continue learning. The tax laws are always evolving, and can be very specific and detailed. Earning my LL.M. in tax at the University of Florida helped me gain the additional insight and knowledge I need to provide the best advice to my clients, and gave me additional perspective that helps keep up with the changing laws.

If you weren’t a lawyer what would you be?

That is a tough question. I like to think I would be a good doctor or physical therapist. I see meaningful similarities between the medical and legal professions. As must a therapist, a doctor works with a patient to understand what ails them and then develops a solution to help them get better. There is something very fulfilling about working with someone in need and helping them create a solution to their problem.

What are your hobbies or interests?

Whenever I have the opportunity, I love to head out on my bike for a ride. I enjoy both my road bike and my mountain bike, for similar yet distinct reasons. Both help me to clear my mind. Both allow me to push myself to go farther or faster than the previous ride. Cycling challenges the rider with distance and speed. Mountain biking rewards the rider with an exhilarating descent after a challenging climb in a wide variety of environments.

I also love spending time with my family hiking and participating in other outdoor activities. It is a great opportunity for us to detach from work and school to connect with each other. With four kids, I also spend a lot of time supporting them in their activities and events. It’s fun to be a part of what they love doing.

What’s the craziest job you’ve had?

I don’t think you could define any of the jobs I have had as “crazy.” While in school I worked at a bread store, as a bagger at Fry’s, and as a delivery person for an HVAC company. All of these jobs required hard work and customer service, both skills that, learned at an early age, now help me to succeed as a lawyer.

Perhaps the “craziest” job I had was when I clerked for an immigration law firm during law school. Not that it was “crazy,” but that it was amazing and remarkable to hear the clients’ stories of how they crossed the border, how they were detained, and what they had to endure. Because I am fortunate enough to speak Spanish, helping them understand what was happening and how we could help them become experiences that I will always treasure.

If you were a character in a movie or TV show, which character would you be?

Who wouldn’t want to be Jason Bourne or James Bond? They are good-looking, smooth, tough guys, and (thanks to the magic of Hollywood) invincible. The story of Jason Bourne’s struggle to figure out his real identity and start a new life separate from his life as a superhuman spy is thrilling. The story is all the more compelling because of the struggles he faced after learning what he had done and who had made him that way.

James Bond, on the other hand, wears the nicest suits and drives the coolest cars in the most amazing locations. And it’s all part of his job to save the world from some really crazy bad guys. Maybe I’m drawn to them because they solve mysteries and work to right wrongs with a touch of coolness that lawyers don’t usually have.
The firm has changed its name from Berk & Moskowitz, P.C. in light of the departure of Frank W. Moskowitz to become a Maricopa County Superior Court Judge.

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Welcome, Sustaining Members!
The MCBA is proud to welcome the following attorneys who have joined the association as Sustaining Members for 2016:

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Bruce L. Bauman
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Terri L. Clarke
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Jennis Hemingway
Leonnesia Herd
Jill M. Hulsizer
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Jack Levine
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Lynda C. Shely
Michael J. Sheridan
Howard A. Snader
Robert E. Thomson
William S. Whitaker
James P. Yeager

(List is as of May 13)

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

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- A small conference room

Just starting out and don’t have office space?

**YOUR MCBA offers:**
- A member’s lounge
- A private office where you can meet clients
- A small conference room
- An address to use for your mail

Have time between court appearances and need a quiet place to go?

**YOUR MCBA offers:**
- A member’s lounge area (with coffee & snacks)
- Private work space
- A small conference room
- Privates offices

**All of this is included in your MCBA membership!**

The MCBA will provide basic office supplies. Use of copier at .03 a copy B&W & .05 for color. Private offices & private work space can be reserved in two-hour blocks. A member’s lounge is always available. Services are offered during MCBA normal business hours 8:30 a.m.-5 p.m. Arrangements can be made for evening and weekend meetings at a cost.

**Need more space...?**

The MCBA also has a board room and CLE room available to rent!

For more information or to make reservations contact Stephanie Ricardes at 602-257-4200 or sricardes@maricopabar.org.
MCBA Books for Lawyers

Guide to Arizona Statutes of Limitation 2011 (2nd edition) The non reference every lawyer really needs to meet critical deadlines and avoid malpractice

This 174-page book (softcover, spiral bound), newly updated through 2011, includes most, if not all, statutes where a time limitation is specified. Compiled, updated and edited by the MCBA Young Lawyers Division, the Guide is intended for use as an aid to Arizona attorneys in all areas of practice. Shipping cost is $5.

The Most Frequently Asked Questions in Environmental Law (2nd edition) Informative, non-technical content is presented in an easy-to-understand manner for use by non-environmental practitioners and non-lawyers. It is also useful for legal professionals who are experienced in environmental law but need a quick reference and research aid for questions in unfamiliar subject areas.

The book has sixteen chapters and 200 double-spaced pages in a three-ring binder. It is written and edited by the MCBA Environmental & Natural Resources Section and can be downloaded online. Shipping cost is $13.

Arizona Litigation Guide 2015 A soup-to-nuts guide on litigation in Arizona, providing an overview of litigation procedure and practice tips (and forms) from experienced attorneys. The book is available in a three-ring binder for easy updating or as a download. Shipping cost is $13.

Order books online at www.maricopabar.org. You may purchase online with Visa, MasterCard or American Express, or download an order form and purchase by check. Sure mailing charges by purchasing books at the MCBA Office at 303 E. Palm Lane in Phoenix.

A Small Donation Makes a Big Difference

Arbitration Fee Donations Help

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

It’s Easy to Contribute

The court has made it easy to contribute with a convenient “pro bono” check-off box located at the bottom of the Invoice in Support of Request for Warrant, a form provided in your arbitration packet. For more information, go to maricopabar.org and click on “About Us” on the top menu bar then “Maricopa County Bar Foundation.”

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Three Ways to Register

**Online**
Register online at [www.maricopabar.org](http://www.maricopabar.org). Click on "CLE/Events" at the top menu and then "CLE Calendar."

**Download/Print Form**
Follow directions for online registration. Then, from the program's online registration page, download a print registration form to mail or fax.

**Phone**
Call Kelly at (602) 682-8888

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

Attendance Policies
**Advance Registration**
Full payment must be received in advance of the program before you are considered registered.

**Late Registration**
Early Bird registration ends five days prior to the program date. Late registration is an additional $15. For example, registrations for a Sept. 17 program must be paid by Sept. 12 in order to receive early bird pricing.

**Waiver**
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 in advance of a program, MCBA cannot guarantee space or availability of materials.

**Cancellations/Refunds**
Refunds, less a $10 fee, will be issued only if the MCBA receives your cancellation, in writing by mail, fax at (602) 682-8860, or email Kelly at kmcmahon@maricopabar.org at least two business days prior to the program.

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

New CLE self study website
Participating in CLE courses just got easier with our new self study website! Go to [www.shop.maricopabarcle.com](http://www.shop.maricopabarcle.com) for downloadable videos and course materials.

August 24 • Noon - 1:30 P.M.
(Lunch included)
Help Me, Help You!
Sponsored by: MCBA Family Law Section
1.5 CLE credit hours available
This CLE will provide lawyers and their office staff insight into the things we do that tend to drive judges and their court staff crazy! This CLE is geared to help create a better understanding of how to interact with judges and their court staff in order to streamline the litigation process and to create a more pleasant relationship between the bar and the bench.
Presenters: Diane Hilty, Judge Poll's Judicial Assistant; Shelby Demnassari, Judge Green's Judicial Assistant (formerly Judge Ronan's Judicial Assistant); and Eileen Clevenger, Judge Jennifer Ryan-Touhill's Judicial Assistant (formerly Judge Padilla's Judicial Assistant)

Cost:

- **MCBA members:** $75/$90
- **Non-members:** $112.50/$127.50
- **MCBA Family Law Section members:** $67.50/$82.50 (use promo code HELP)
- **MCBA Paralegal & Public Lawyer Division members:** $52.50/$67.50
- **MCBA student members:** $15/$30
- **Non-members:** $112.50/$127.50

Limited seating—reserve now!
Early bird pricing ends 8/17/16.

September 21 • Noon - 1:30 P.M.
Nuts & Bolts of Real Estate Valuations in Family Law Cases
Sponsored by: MCBA Family Law Section
1.5 CLE credit hours available
Join Barry Brody, Esq., and Chris Carter-Kent, Realtor and Mediator, for a seminar for an attorney new to the practice of Family Law and those attorneys who need a refresher course. This seminar will explain:

- Valuation methodologies
  1. Appraisals
  2. Comparative Market Analysis (CMA)
- 3. Opinions
- Evaluating the evaluator
- Strengths and weaknesses of each approach
- Admissibility at trial
- Settlement approaches

In many cases, real estate, and particularly the family residence, is the largest asset of a marital community. All too often, inappropriate valuation methods are utilized and one party wins up getting “short-changed.” Attorneys historically have problems understanding valuation methodologies, finding strengths and weaknesses in them for settlement purposes, and become confused and side-tracked attempting to utilize professional opinions at trial. More so, in the settlement discussion phases, many attorneys do not understand the alternative means of disposing of the real estate and how to properly utilize it in settlement discussions. This program will cover those topics and provide a hands-on, nuts and bolts approach to real estate.

Presenters: Barry Brody, Esq., and Chris Carter-Kent, Realtor and Mediator

Cost:

- **MCBA members:** $75/$90
- **Non-members:** $112.50/$127.50
- **MCBA Paralegal & Public Lawyer Division members:** $52.50/$67.50
- **MCBA student members:** $15/$30
- **Non-members:** $112.50/$127.50

Limited seating—reserve now!
Early bird pricing ends 9/14/16.

November 8 • 11:30 A.M. - 1 P.M.
Third-Party Litigation Financing: Legal, Ethical and Financial Impact on Corporations
Sponsored by: Corporate Counsel Division
1.5 CLE credit hours available
Third-party litigation funding is increasingly being used by private and corporate plaintiffs to finance high-exposure cases with anticipated high expenses for discovery and other pretrial preparation and trial. It has changed the defendants’ approach to and evaluation of litigation and settlements. This presentation will cover:

- Definition and scope of third-party litigation financing
- Providers
- Cost to litigants
- Types of cases suitable for third-party funding
- Legal and ethical issues, including champerty, maintenance, conflicts, privilege, etc.
- How it changes the corporation’s defense approach to financed litigation, discovery, trial and settlement

Presenters: Merton (“Mert”) E. Marks, Gordon & Rees, LLP; Neil Mitchell, President of Fulbrook Capital Management, LLC

Cost:

- **MCBA members:** $75/$90
- **Non-members:** $112.50/$127.50

Limited seating—reserve now!
Early bird pricing ends 11/3/16.

2016 Arizona Paralegal Division continued from page 4

ing valuable products and services. They will have information about their respective companies available, and attendees will have several opportunities to speak with them. The vendors and vendors will have a variety of raffle prizes that they will be giving away that day, with our grand prize—a Windows Surface Tablet—awarded at the end of the Conference.

Please visit the Maricopa County Bar Association Paralegal Division website for a complete listing of the conference schedule and the vendors who will be participating at this year’s conference ([www.maricopabar.org/page/22016paraconference](http://www.maricopabar.org/page/22016paraconference)).

Volunteers are needed to make the paralegal conference successful. If you would like to join the Conference Committee to assist us with the preparation, please contact Conference Co-chairs Kate Hofland (Katherine.hofland@azag.gov) or Melinda Manchester (mmanchester@perkinscoie.com). This is a great opportunity to get involved in the Paralegal Division.
Two new positions on the Arizona Supreme Court

Applications are being accepted for two new positions on the Arizona Supreme Court. The Commission on Appellate Court Appointments will review applications, interview selected applicants, and recommend at least three nominees for each position to Governor Doug Ducey.

A copy of the application form can be downloaded at the Judicial Department website: www.azcourts.gov/jnc. Applications may also be obtained from the Administrative Office of the Courts, Human Resources Department, 1501 W. Washington, Suite 221, Phoenix, by calling (602) 452-3311, or by sending an electronic mail request to jnc@courts.az.gov.

Applicants must be at least 30 years of age, of good moral character, and, for the past 10 years, admitted to the practice of law in and residents of Arizona.

The original completed application, one single-sided copy and 16 double-sided copies must be returned to the Administrative Office of the Courts, Human Resources Department, 1501 W. Washington, Suite 221, Phoenix, AZ, 85007, by 3 p.m. on August 8, 2016. The Commission may, at its discretion, use the applications filed for these vacancies to nominate candidates for any additional vacancies known to the Commission before the screening meeting for these vacancies is held.

All meetings of the Commission on Appellate Court Appointments are open to the public.

As of January 1, 2017, the new justices will be paid $157,325 annually.

Judge says farewell

Judge Kristin Hoffman announced her retirement from the bench effective August 31.

Judge Hoffman joined Superior Court as a Commissioner in February of 2001. She served as a Commissioner for more than four years before becoming a judge.

As a commissioner, she spent approximately three years in Family Court and the remaining 20 months in the Regional Court Center.

In September of 2005, Judge Hoffman was appointed as a judge by Governor Janet Napolitano. As a judge, she presided over Civil, Criminal, Family and Juvenile Court calendars.

“Kristin was an exemplary commissioner and judge. For those of us who had the good fortune to work with Kristin on assignments, we know that she was always ready, willing and able to help out by either providing emergency coverage or taking over calendars when a judge had an emergency or was sick and couldn’t make it in. She was a ‘no complaints’ kind of judge who just handled whatever came her way and then moved on to the next project. She was always there to lend an ear when you needed to bounce something off another judge or just needed to vent. Because of her calm, levelheadedness and strong case management skills, she excelled on every assignment she was on,” Presiding Judge Janet Barton said.

3rd Annual Reunification Day

In an effort to honor parents who have successfully reunited with their children who were in foster care, Maricopa County hosted its third annual Reunification Day Celebration at Pilgrim Rest Baptist Church in Phoenix on June 11.

Reunification Day celebrated the successes of 13 families who achieved family reunification.

“All children need a safe, stable home where they receive care, love and nurturing that they need to grow to be healthy, happy and productive adults,” said Presiding Juvenile Court Judge Colleen McNally. “Reunification Day is a day to honor families who have successfully overcome the challenges that brought their children into foster care. These families have demonstrated their strength and resilience and have been successful in demonstrating that they can provide safe and stable homes for their children.”

From July 1, 2014 through September 30, 2015, two-thousand-and-fifty-seven children (2,057) in the foster care system have been reunified with their families. Currently more than 60 percent of the 13,200 children in foster care in Maricopa County have a case plan goal of family reunification.

“Reunification takes work, commitment and the investment of time and resources by parents, caseworkers, foster parents, service providers, advocates and the courts,” said Judge McNally. “This family reunification celebration honors the families, but it also recognizes the community commitment in Maricopa County to supporting families in making changes needed to keep them safe and together.”

Special thanks to many of the Maricopa County Superior Court Reunification Day partners, which include: the Arizona Office of the Attorney General, Maricopa County Office of the Legal Advocate, Maricopa County Office of the Legal Defender, Maricopa County Office of the Public Advocate, the Department of Child Safety, CASA of Maricopa County, Casey Family Programs, Prevent Child Abuse Arizona and Voices for CASA Children.

Maricopa County was just one of many communities across the country hosting a Reunification Day Celebration during the month of June.

Arizona Litigation Guide

Produced by the Maricopa County Bar Association Litigation Section

This 447-page, updated book (in a three-ring binder for easy updating) is a soup-to-nuts guide on litigation in Arizona, providing an overview of litigation procedure and practice tips (and forms) from experienced attorneys.

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1. To order, go to www.maricopabar.org

2. To order more than 3 books, please call.

3. To order by phone, please call Kelly Braniger at 602-682-8588.

Prices include tax but not shipping. Books purchased at the MCBA office at 303 E. Palm Lane, Phoenix, are not subject to the $13.00 per-book shipping cost.
VLP ATTORNEY OF THE MONTH

Probate attorney enjoys pro bono commitment

By Peggi Cornelius, VLP Programs Coordinator

On the day Scott Ferris accepted recognition as the Volunteer Lawyer’s Program’s “Attorney of the Month,” the temperature in Phoenix reached 109 degrees.

Given the summer heat, his analogous response to the news was not one of surprise, but an expected result. Ferris was gracious. He said, “Receiving an award for my work with the Probate Lawyers Assistance Project, is like being rewarded for eating ice cream.”

Ferris was born in Sioux City, Iowa, but having lived in Phoenix since the age of 3, he’s virtually an Arizona native. Growing up as an only child in the aftermath of WWII, he describes a home life reflective of many young American families in the 1950s. “The dry Arizona climate was recommended to relieve my father’s arthritis, and it helped. My parents bought a house in a John F. Long development in Maryvale. Dad worked for First National Bank, and Mom’s full-time occupation was as a homemaker.”

When it was time for college, Ferris attended Arizona State University and financed his education by working in a department store. That employment sustained him through the years of his undergraduate and graduate studies in Communication, as well as law school. His Master’s thesis was in jury behavior, and the M.A. degree was soon followed by a J.D. degree. “I’d heard positive law school experiences from others, and had seen law-related movies and television shows. Becoming a lawyer seemed like a fun adventure. In fact, I did enjoy law school at the University of Tulsa immensely,” he says.

His career had just begun when Ferris met a highly respected probate attorney named Charles J. Dyer. He remembers that time as “life-changing,” because “Chuck and his family basically adopted me, both personally and professionally. His influence set me on the path I love, practicing probate law. After his son, Charles M. Dyer (Mike), went to law school, we formed the firm Dyer & Ferris, LLC.”

Dyer & Ferris, LLC has recently become Dyer Bregman & Ferris, PLLC. Ferris is proud of the growth and believes partners, associates and staff at the firm all take pride in engaging in and supporting one another in community service. He credits new Partner Kelly Kral for developing and continuing to coordinate the Probate Lawyers Assistance Project (PLAP), where he has an ongoing pro bono commitment.

PLAP is co-sponsored by the Estate Planning, Probate & Trust Section of the Maricopa County Bar Association and the Volunteer Lawyers Program. VLP is co-sponsored by Community Legal Services and the Maricopa County Bar Association.

Since its inception in 2011, Ferris has been a frequent participant in three-hour advice clinics at PLAP. He encourages colleagues who may consider volunteering at PLAP by saying, “There are wonderful law student volunteers, many from Arizona Summit Law School, who assist in making lawyer participation easy. MCBA staff members treat us well, and people seeking advice are relieved of fears about the court system or the costs for counsel. With an extremely rare exception, they’re very grateful, and it never gets old or tiresome for me.”

Thank you to volunteers of the probate lawyers assistance project

The Probate Lawyers Assistance Project (PLAP) is an all-volunteer service that began in 2011 and has assisted 1,361 people with probate legal needs. PLAP is a collaboration of the MCBA Estate Planning, Probate & Trust Section and the Volunteer Lawyers Program. The volunteer attorneys who lead the Project are Director Kelly Kral of Dyer Bregman & Ferris and Assistant Director Tracy Marsh of Boland Law Group. PLAP provides 30-minute consultations from experienced probate attorneys who volunteer their services. MCBA and VLP thank the following volunteer attorneys who during the past year helped more than 350 people through PLAP:

- Marlene Appel
- Kent Berk
- Barbara Berman
- Adrian Betts
- Amber Curtis
- Rita Dainiger
- Allison Evans
- Scott Ferris
- Hillary Gagnon
- Lauren Garner
- Marsha Goodman
- Emily Kile
- Kelly Kral
- Michelle Lauer
- Daniel Mazza
- Troy McNemar
- James Rayburn
- Emily Taylor
- Michelle Tran
- Kathryn Warner
- Mike Thompson, and Joseph Tillery.
The law firm of Gallagher & Kennedy announces that Tyler J. Carrell has been appointed by Phoenix City Councilman William Gates to serve on the North Mountain Village Planning Commission. Carrell will serve a two-year term, which began May 2016.

In his role, Carrell will assist in identifying aspects of the City of Phoenix’s General Plan that may require amendment or modification and help develop a long-term plan for the North Mountain Village, located in North Central Phoenix. He also will make recommendations on rezoning requests and provide input on proposed commercial, industrial, medical and retail development in the Village.

Carrell is an associate practicing in the areas of real estate transactions, commercial litigation, and church and ministry law.

Smith Paknejad PLC is pleased to announce that attorney Pouya Paknejad has been appointed as a Judge Pro Tempore for Arizona Superior Court in Maricopa County. His service term in the civil department will run from July 1, 2016 through June 30, 2017.

Judges pro tempore may cover another judge’s calendar when that judge is absent; they are specially appointed attorneys who work tirelessly in the legal community and enhance the public perception of African American lawyers.

Harris’ practice is in the area of public law, providing general legal services to municipalities across the state. Her focus includes municipal law in matters relating to the operations of municipalities, including drafting ordinances, resolutions, easements, administrative procedures and policies. Harris represents clients in negotiating real property transactions, leases, contracts and intergovernmental agreements and has special expertise in procurement law, code enforcement, and public records law. She serves on the firm’s Diversity Committee.

The Henry Tom Outstanding Tax Attorney Award is named in honor of Henry Tom, a practicing attorney who was a leader in his field and an active community member.

Bullock received the Probate Lawyers Assistance Project Attorney of the Year Award for contributing more than 150 total pro bono hours as Assistant Director of the Probate Lawyers Assistance Project (PLAP). PLAP is a pro bono program that provides free or low-cost legal advice to individuals who need assistance with probate court matters. Volunteer attorneys provide advice and guidance regarding guardianships, conservatorships, informal and formal probates and trust matters. It is co-sponsored by the Estate Planning, Probate and Trust Section of the Maricopa Bar Association and Volunteer Lawyers Program of Community Legal Services.

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