What the court taketh away, the court giveth back

In a split decision, a Ninth Circuit panel held last year that Tucson’s method of electing its city-council members is unconstitutional. *Public Integrity Alliance v. City of Tucson*, No. 15-16142 (9th Cir. Nov. 10, 2015). The en banc court recently rejected the panel’s opinion and has restored Tucson’s election system. *Public Integrity Alliance v. City of Tucson*, No. 15-16142 (9th Cir. Sep. 2, 2016).

City-council elections usually fall into one of two types: Members are elected either at-large or by separate districts. Tucson is different. Its 1930 city charter adopted a hybrid system, applying characteristics of both types.

The city is divided into six wards, each of which has one seat on the council. Members serve staggered four-year terms; three are elected every odd-numbered year. Candidates are nominated from the wards in partisan primary elections in which only ward residents may vote. The winners in the primaries proceed to the general election, in which all voters may vote for one candidate from each ward on that year’s ballot. Thus, while candidates emerge from the wards, each council member represents the entire city.

A group called the Public Integrity Alliance and five individual voters sued the city. They contended that its hybrid system violates the principle of one-person, one-vote because citizens have no say in nominating the candidates from other than their home wards. When the district rejected their argument, they appealed.

The majority on the three-judge panel concluded that the primary and general are components of a single, unitary election. It pointed to *Gray v. Sanders*, where the United States Supreme Court stated that “all who participate in the election are to have an equal vote.” The panel relied on *Gray* to hold that the Tucson system violates the Constitution because it “give(s) some of a representative’s constituents — those in his home ward — a vote of disproportionate weight.”

The en banc court’s opinion, written by Judge Marsha S. Berzon, rejected both the panel’s reasoning and its reliance on *Gray*. She added that although primaries have “great significance to the ultimate choice in a general election and thus directly implicate the right to vote,” that “does not mean that primaries and general elections must be identically structured and administered.”

Berzon noted that greater restrictions are permitted in primary elections because they differ from general elections. “A primary election select[s] the candidates from other than their home wards. When the district rejected their argument, they appealed. The majority on the three-judge panel concluded that the primary and general are components of a single, unitary election. It pointed to *Gray v. Sanders*, where the United States Supreme Court stated that "all who participate in the election are to have an equal vote." The panel relied on *Gray* to hold that the Tucson system violates the Constitution because it "give(s) some of a representative's constituents — those in his home ward — a vote of disproportionate weight." The en banc court’s opinion, written by Judge Marsha S. Berzon, rejected both the panel's reasoning and its reliance on *Gray*.

Berzon's opinion rejected the panel's reliance on *Gray*: "We decline to take a single sentence in a decades-old vote dilution case concerning a single stage of an election, read it without regard to the issue before the Court in that case, and transform it into a new voting rights principle requiring a two-stage election to cover the same geographical base at each stage," she wrote.

She added that although primaries have “great significance to the ultimate choice in a general election and thus directly implicate the right to vote,” that “does not mean that primaries and general elections must be identically structured and administered.” She pointed to “decades of jurisprudence” that has “permitt[e]d voting restrictions in primary elections that would be unconstitutionally in the general election.” Indeed, in *Ziozis v. Symington*, the Ninth Circuit upheld a law barring Arizona voters from voting in a political party’s primary unless they were registered with that party.

Berzon noted that greater restrictions are permitted in primary elections because they differ from general elections. “A primary determines which candidates will compete in the general election, a critical stage and one fully subject in its own right to constitutional scrutiny … but a stage as to which
An honor and a privilege

Dating back to last fall, I have represented the MCBA at investiture ceremonies for judges and commissioners of the Maricopa County Superior Court bench; at my last count, I had scheduled to speak at 15 investitures to the newest of these judicial offices. Early on, I openly accepted the challenge to highlight a different aspect of the MCBA — to promote the great work of the association and to hold the attention of those who regularly attend investiture ceremonies. By the time I presented last gavel, I realized that my challenge was readily achievable because of the sheer volume of impressive MCBA activities. For example, I addressed long-standing offerings, including the Lawyer Referral Service (a program designed to pair paying clients with lawyers in the relevant practice area), continuing legal education courses, the Barristers’ Ball (celebrating its 25th anniversary on March 4, 2017) and our publications (many reflecting several editions). I stressed the important role of service to our members by identifying community service projects, pro bono opportunities by and through our support of the Volunteer Lawyers Program and the efforts of the Maricopa County Bar Foundation, and also outlined certain initiatives and programs that reflect a new era for the MCBA.

With all of these attributes, it has been truly an honor and a privilege to serve as the 2016 president of the MCBA.

During 2016, we accomplished great progress. In February, the board adopted a strategic plan designed to enhance the MCBA’s relevance, improve the MCBA’s visibility and enrich our community; and while we have achieved many of our stated three-year goals during this calendar year alone, there is still more to do. The board approved a policy on taking formal positions on issues that are important to our members, thereby allowing the MCBA to speak with a single, unified and powerful voice. We hired a new executive director, Allister Adel, under whose administrative leadership I am confident the MCBA will thrive; and she has, in turn, developed a sophisticated and motivated staff to strengthen performance. We have embarked on new and/or renewed relationships that deepen our role in, and provide resources to, our community. We have also implemented, and continue to implement, improvements in our facilities, our technology and our finances that will benefit the MCBA now and for years to come.

I cannot accept full credit for these accomplishments. I paraphrase General Douglas MacArthur and Ronald Reagan, a leader is only as strong as those around him. I cannot accept full credit for these accomplishments. I paraphrase General Douglas MacArthur and Ronald Reagan, a leader is only as strong as those around him. I therefore take this opportunity to publicly thank those who contributed so much of their time and energy in 2016 in support of another successful year at the MCBA.

I spent countless hours focusing on the present and future of the MCBA with the members of the executive committee. We will sorely miss the vision and creativity of Immediate Past President TJ Ryan, who has served in a leadership capacity for nearly 15 years. I do hope he remains available to periodically advise and consult. President-Elect Norma Izzo is poised to make 2017 an even better year when she assumes the role of president, and she will make an immediate impact through her focus on attorney well being and her encouragement of collaborative success. The Honorable Geoff Fish, our treasurer and finance committee chair, contributed so much more than his able financial management, including institutional wisdom and humor. Secretary Meilinda Sloma brought a solid, fresh perspective that enabled us to project the needs of our members even further into the future. Thank you, each one of you, for your hard work and dedication.

The 2016 board of directors tackled many difficult issues this year, each of which I believe has strengthened our organization. We engaged in spirited, respectful discourse reflecting a variety of perspectives. I appreciate your sacrifices and commitment to make this a special year.

Our committees, sections and divisions accomplished a great deal in 2016; thank you. From community service projects to CLEs and beyond, you added tremendous value to your colleagues and to our community. Special thanks to the inspiring committee, section and division leaders, who assumed a great responsibility that is often under-recognized. There are a handful of exemplary volunteers whose efforts stood out this year in particular. Past Presidents Jennifer Crainston, Judge Jennifer Green and Bill Kastin agreed to co-chair the Executive Director Search Task Force, volunteering their time and energy toward developing job search criteria, sifting through resumes and conducting interviews in an effort to facilitate our executive director transition. Based on the results, it was time and energy well spent and I cannot thank you enough. Cari Gerechick and Judge Patricia Norris also deserve a special shout-out and thanks for providing significant support in connection with our Law Day activities centered around the Miranda decision’s 50th anniversary.

Of course, the volunteers require incredible support of the paid staff of the MCBA, without whom none of the MCBA’s programs would survive. Enormous thanks, and kudos, to the entire MCBA staff. Thank you all for allowing me to serve as president of this fine organization. I am proud of what we accomplished in 2016, and am optimistic for the future of the MCBA.
Thank you, for everything you do

As this is the last opportunity I will have to reach the MCBA membership through this article, I would like to send a sincere thank you to the board members who have tirelessly served the MCBA throughout this calendar year. Their unrelenting commitment to the YLD’s various committees and projects resulted in successful events all throughout this year, including the Barristers’ Ball, numerous legal information clinics at Fresh Start Women’s Foundation, review of and revisions to the Statute of Limitations book published by the MCBA, TED Talks, the Race Judicata, and so much more.

The Barristers’ Ball, the MCBA’s annual gala, is organized and put on by the Young Lawyers Division. The 2016 ball was a wonderful event, thanks to an extremely hardworking and dedicated team, which was chaired by Loren Suddes, who received significant assistance from Kimberly Davis and Jennifer Elias. Throughout much of this year, Jennifer has worked hard to ensure the 2017 Barristers’ Ball is bigger and better (if that’s even possible!), as it is the 25th anniversary of the event. Jennifer has received great assistance from the 2017 Barristers’ Ball Committee, including Loren Suddes, Jilyane Acevedo, Emma Isakson and Amanda Bremes.

This year, the MCBA began holding TED Talks events, and the first event was held in May. Popular TED Talks were selected by (very hardworking) MCBA staff and moderated by YLD board members Tyler Carrell and Nicole True. Both did an excellent job keeping the conversation lively and interesting, to the point where everyone in attendance thoroughly enjoyed their evening. A second event took place in September; Nicole True moderated that event as well and it was equally stimulating.

In 2011, YLD board members compiled, updated and edited a Statute of Limitations book outlining most, if not all, Arizona statutes which specify a time limitation. Throughout 2016, several board members, including Rachel Phillips, Nicole True, Brian Petersen and Ryan McBride, reviewed and updated the book. The updated version is expected to be published in early 2017 and will be available on the MCBA website.

Also all throughout 2016, board members Brian Petersen and Jennifer Elias organized and participated in legal clinics at Fresh Start Women’s Foundation, a nonprofit organization focused on helping adult women focus on key areas of their lives, with a wide range of services, classes and workshops designed to teach self-confidence, life skills and career development. They provided valuable information to women in need and will continue to do so in 2017.

The Race Judicata is the YLD’s annual 5k run/1-mile walk. It is held at Kiwanis Park in Tempe and a great deal of planning is required to ensure every aspect of the race goes off without a hitch. For the past two years, the YLD has been fortunate to have a tri-chair for this race, composed of Joy Isaacs, Kimberly Davis and Rachel Phillips. These ladies were assisted greatly by Janette Corral, Ryan McBride and Alexia Peterson.

Due to board members’ efforts to collect necessities items in October and early November, two local domestic violence shelters (Chrysalis and UMOM) each received very large donations of shampoo, conditioner, body wash, soap, feminine products, Q-tips, lotion, diapers, wipes, deodorant, etc. Donations came in from board members and their families, friends and colleagues, and were supplemented with about $1,500 in proceeds from the Race Judicata.

To next year’s YLD president Kimberly Davis — you will do a fantastic job with the myriad of required duties ... in reality, you already are! I will be there for you at every step of the way, as I am sure you will for your predecessor. I am proud of you, and I look forward to what you have in store for the Young Lawyers Division in 2017.

A special, heartfelt thank you goes out to each and every one of the 2016 YLD board members. Although not everyone received a special mention in this short article, each of you is a valuable member of the board and I appreciate everything you have done and will continue to do to support the YLD and the MCBA. Thank you for your hard work and for putting up with my repeated requests to “do more” for, and on behalf of, the Young Lawyers Division. You did so with a smile and outperformed my expectations in every way.
Quo Vadis?

When I turned 18, a friend gave me a hot air balloon ride as a birthday gift. It was a great experience and I even got to be part of the chase team for another group. Since it was my first time, I was treated to the traditional shower of champagne poured over my head afterwards. I will never forget that day. The balloon I rode in was called “Quo Vadis?” which in Latin means, “Where are you going?” I found this name interesting at the time and still remember it today, some 25 years later. I find the phrase to be very fitting as I write this article, my last as president of the Paralegal Division, and look forward to the upcoming year and all of the exciting things that lie ahead for the division.

When I reflect back on all of the great things we have done to revitalize the Paralegal Division over the past 20 months — from our community outreach events to our new network of friends, including those from other local legal organizations, and our substantive CLEs, which included our very successful Paralegal Conferences, both this year and last — I know it could not have been accomplished without the hard work and dedication of the division board members and volunteers, the input and guidance from our past presidents, the ongoing support of the MCBA board of directors and the participation of our division members. I thank each and every one of them for contributing to the success of the division.

The question “Quo Vadis?” comes with both a reminder and a promise. It reminds us to learn from the past and create a promise for the future. At the end of this month, I will pass the proverbial torch to Nilda Jimenez, who will take over as the division’s president. Nilda has been working very closely with me since I took office last year and has worked hard to help rebuild the division. She has lots of great ideas for next year that she will share with you in her January article. I know that the division will be in very capable hands and I look forward to Nilda’s leadership and seeing all of her wonderful ideas come to fruition in 2017. We also have new people joining the board and I know they will be great additions to the group.

I hope that all of our paralegal and student members will consider getting involved next year. There are many opportunities to volunteer, whether you have a lot of time to give or just a little. New faces bring new ideas and opportunities, which help the division grow and become even more successful. I can speak from personal experience that my involvement with the MCBA has benefited me both personally and professionally. I have had the privilege of meeting and working with some of the best leaders in the legal profession. I have also made some lifelong friendships that I cherish. So I ask you, “Quo vadis?” Hopefully your answer will be that you are ready to start your own legal journey by taking an active role in the Paralegal Division and seeing how this wonderful group of people can change your life for the better.

It has been such a pleasure to serve as your president. Thank you for this great opportunity. I wish you all the happiest of holidays and a healthy and prosperous 2017!

Our December meeting will take place on Monday, Dec. 12, 2016, at 5:30 p.m. at the MCBA Office. We will have a Bring-a-Gift, Take-a-Gift gift exchange ($10 maximum value) for those who wish to participate. Refreshments will be served. For those planning to attend the MCBA’s Holiday Party on Dec. 14, 2016, please be sure to wear a Santa hat for your group photo.

PARALEgal DIVISION CALENDAR

Dec. 12, 2016 December Board Meeting
Dec. 14, 2016 MCBA Holiday Party
March 25, 2017 Paralegal Career Day
March 30, 2017 Legal Professionals Mixer
Sept. 8, 2017 18th Annual Arizona Paralegal Conference

Check out our Facebook page for news and other division events at www.facebook.com/mcbaparalegal

Strengthens your argument by avoiding these traps

A new lawyer recently asked me how she could improve at identifying and then attacking counter-arguments in briefs. Specifically, one of the partners in her firm had called her counter-arguments “over the top” and “pushing the boundaries of belief.” My answer to her was short and to the point: Only attack the specific law, the specific facts and end up seeming over the top. Here are two traps to avoid when you are on the attack:

1. Use of a straw man argument. A straw man argument is one in which the writer oversimplifies an opponent’s point and then attacks this new, overgeneralized point. You may have noticed straw man arguments from the recent election cycle. Consider this sentence from a recent political ad: “Clean energy proponents support putting all coal miners out of jobs.” This sentence is a classic example of a straw man argument because it ignores the nuances of the clean energy proponent’s position, which I found by researching its website: That not all coal mines need to be closed and that the industry needs to prioritize re-education and re-employment of coal miners. In short, the straw man is a logical fallacy.

I see straw man arguments in two main areas of legal writing: (1) taking a quotation out of context and (2) making a slippery slope policy argument. As for the slippery slope, if you read an argument that begins “everyone knows” “most argue” or “people are saying,” you know that a straw man argument will soon follow and that this straw man is predicting destruction and mayhem.

Everyone knows that without tort reform, the rule of law collapses. My advice is to avoid the above phrases in legal writing if you want your writing to be taken seriously.

2. Use of a post hoc argument. In its full Latin glory, “post hoc, ergo propter hoc” means “after this, therefore, because of this.” Put another way, a post hoc argument assumes that because one event followed a first event that the first event was the cause of the second event. I frequently see this logical fallacy in causation arguments. Make sure to avoid over-simplifying how something occurs. Baby steps are key to avoiding logical fallacy.
Executive Committee comments on State Bar’s proposed Public Service Center

The State Bar of Arizona’s President, Lisa Loo, recently issued the following announcement that is republished here with the permission of the State Bar of Arizona:

Fellow Members,

This past September, the Arizona Supreme Court amended the rule that governs the State Bar, namely Rule 32. One of the more significant changes to Rule 32 is in the statement of the Bar’s mission. Specifically, it says:

“The State Bar of Arizona exists to serve and protect the public with respect to the provision of legal services and access to justice. Consistent with these goals, the State Bar of Arizona seeks to improve the administration of justice and the competency, ethics, and professionalism of lawyers practicing in Arizona.”

New Rule 32 clearly places a renewed emphasis on access to justice. Our Court has made it very clear that the Bar has a responsibility to help bridge the gap between those who need legal services and those who can provide them. In some cases this involves providing services to those who fall below the poverty line. But in many other cases it means helping those who don’t qualify for legal aid to find a path to solving their legal problems.

To immediately address this primary responsibility, we’re currently looking at creating a Public Service Center that we believe could not only help those who need legal service, but also attorneys looking for new clients. While much discussion has been focused on those living below the poverty threshold, the reality is there’s a broad spectrum of people in Arizona who either can’t afford, or don’t believe they can afford legal services. Our proposed center will find new and innovative ways to connect those in need with those who can provide the services, and will do so within our existing budget. The Center will work with existing legal aid and referral services as well as other community partners to increase opportunities for the public and our members to connect. We don’t have all the answers yet, but I and our Board of Governors believe the creation of a team and infrastructure within the Bar will find real solutions to bridging the justice gap.

The Bar is still a member organization, and we intend to maintain the many programs that support and enhance the practice of law throughout Arizona. Improving the public’s access to justice, however, isn’t an option under the new Rule 32. While the Bar has always worked to help those with legal needs, it is now a priority. Our job today is to find the best way to help both the public and our members.

Please feel free to let us know your thoughts regarding this initiative. You can email us at PublicServiceCenter@AZBar.org

Sincerely,

Lisa Loo
President

The MCBA’s Executive Committee recognizes the proposed Public Service Center is a matter of great importance to the MCBA and its members. Indeed, the MCBA has received numerous inquiries from its members raising a variety of concerns about the new proposed Public Service Center. Accordingly, the Executive Committee notified President Loo of a number of areas that require further exploration and resolution, such as: (i) conflict of interest and other ethical challenges; (ii) use of mandatory dues to fund revenue-generating activities of only certain licensed attorneys; and (iii) competition with existing, successful lawyer referral services. President Loo reacted positively, and welcomed the MCBA’s participation in the State Bar committee that is exploring the proposed Public Service Center.

The Executive Committee anticipates that the MCBA and State Bar, as well as other stakeholders, will work cooperatively to develop a program that resolves the community’s concerns while accomplishing access to justice goals.
CLE Review

Legal Writing: Advanced Tips to Improve Clarity and Precision

By Norma Franco

On Sept. 15, the MCBA Paralegal Division sponsored an advanced legal writing CLE presented by Tamara Herrera, Clinical Professor of Law and Coordinator of the Legal Writing Curriculum at Arizona State University. Herrera is even more widely known for her monthly column in our own Maricopa Lawyer. This presentation focused on writing with clarity and precision, and included principles to follow, pitfalls to avoid and numerous real-life examples.

Clarity

Clarity is clearness of understanding and freedom from ambiguity, which is imperative in legal writing. To improve clarity, a number of principles were provided for a writer to keep in mind as they draft and revise their material.

**Principle 1: Use clear sentence structure**

Lead with the subject and verb, avoid long subjects, and eliminate or move long phrases or clauses that separate the subject and verb. 

Example: The agreement whereby she would support him while he wrote a textbook, in return for which he would support her once it was finished, was held enforceable.

Better: The court enforced the couple’s agreement. 

Avoid unnecessary passive voice and nominalizations. For clarity, avoid using synonyms throughout the document. End sentences effectively as well. Related ideas should be put into parallel construction. Resumptive or summative modifiers can be very effective.

**Principle 2: Be concise**

Eliminate anything that is unnecessary. If a phrase can be replaced with a word that is just as effective, replace it. Consider the audience and eliminate any unnecessary explanation and detail. Look for redundant terms and eliminate them. Avoid unnecessary adjectives and adverbs.

Example: It is necessary to understand that in previous times, the principle of the existence of reasonable expectation of privacy with respect to trash or garbage that was shredded into small pieces prior to its being disposed of by the defendant seemed to be a legal assumption on the part of federal courts of appeal.

Better: The federal court of appeals presumed a defendant has a reasonable expectation of privacy in …

**Principle 3: Eliminate syntactical errors**

Make sure any modifiers are placed so that they clearly modify the correct word or phrase. Make sure that it is clear what antecedent a pronoun refers to.

**Principle 4: Use correct punctuation**

**Principle 5: Ensure paragraph unity**

To ensure paragraph unity, have only one topic per paragraph and introduce it in the first sentence of the paragraph.

**Principle 6: Ensure paragraph cohesion**

Cohesive patterns to be used in a paragraph include AB/BD/CD and AB/AC.

Example AB/BC/CD:

Compensatory damages can be sought in both claims. These damages are to compensate you for wages lost when you were dismissed and for your current and future medical needs. We will need your doctor to testify about your current and future medical needs.

Example AB/AC:

The employee handbook of Company A did not provide for family leave. The employee handbook of Company B, however, did provide for family leave.

**Principle 7: Use transitional expressions and complex sentences. Use transitions from sentence-to-sentence and paragraph-to-paragraph.**

The following constructions are suggested to add dependent information: although, since, because, when, while and if.

Precision

Precision is the quality of being precise and accurate, and the key to drafting well is control. Some common pitfalls to avoid include incompleteness of information, semantic ambiguity, too much vagueness, syntactic ambiguity, contextual ambiguity and misuse of words of authority.

**Additional resources**

The following resources were recommended: Writing for Law Practice, Second Edition by Fajans and Falk, The Redbook by Bryan Garner, Aspen Handbook for Legal Writers by Deborah Bouchoux, Plain English for Lawyers by Richard Wydick and Getting it Right and Getting it Written by Mary Ray and Jill Ramsfield.

The MCBA would like to thank Tamara Herrera for her presentation and for her continued support every month.
What happened this year?

This was a year of rebuilding at the clerk’s office. From internal operational changes to rule changes to construction in and around courthouses, 2016 was a year of improvements. See below for what you might have missed or what is still changing.

Rule changes

A Supreme Court Task Force worked throughout 2015 restyling the civil rules of procedure. The final version of those rules was approved this year and goes into effect Jan. 1, 2017. Likewise, a Supreme Court Task Force has been working through the criminal rules of procedure this year and will submit a rule change petition in January. Be on the lookout for those proposed changes and the comment period that will follow.

Filing documents

Practitioners were reminded that parent information program certificates had to be efiled by the providers directly and not by counsel or the parties and that the civil filing cover sheet was updated. Reminders went out for things to keep in mind when scanning documents for filing and to keep proposed orders and judgments separate when filing. Many attorneys changed firms and either retired or semi-retired, motivating the clerk’s office to remind attorneys and firms how to update their addresses to ensure no-

Improvements in and around the clerk’s offices

Internally, the clerk’s office improved its training and opportunities for courtroom clerks and was recognized with a national award for its efforts. The clerk’s offices and public space at the Northwest Regional Court Center were updated and improved. Meanwhile, the streets and overpass near the Regional Office are being improved by the Department of Transportation. In February, the office collaborated with the justice courts downtown to be open on Valentine’s Day weekend, resulting in over 100 couples getting married as part of the weekend’s options. Later in the year, the office opened a limited-service juvenile file counter downtown to assist with an increasing demand for juvenile court proceedings.

Staying informed

The clerk’s monthly newsletter, The Brief, is distributed by email around the first of every month. Law firms and associations generally receive The Brief at one email address and then distribute internally. Review the archive of monthly newsletters anytime at http://www.clerkofcourt.maricopa.gov/atty_news.asp.

The clerk’s website has a section for news and announcements and the office has a social media presence. The clerk is on Twitter at @MaricopaClerk and on Facebook at www.facebook.com/maricopaclerk. Look for more information and practice tips throughout 2017. Best wishes throughout the New Year.

Welcome, Sustaining Members!

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

| Ms. Krystal M. Ahart | Mr. Jack Levine |
| Ms. Barbara B. Berman | Mr. Justin S. McKay |
| Mr. Garvey M. Biggers | Mrs. Carla MiraMontes |
| Mr. Bryan J. Blehm | Mr. Charles F. Myers |
| Ms. Laura K. Chapman | Ms. Michelle N. Ogborne |
| Comm. Terri L. Clarke | Mr. Rich J. Peters |
| Mr. James C. Dutson | Mr. Donald W. Powell |
| Mr. James R. Harrison | Mr. James R. Rayburn |
| Ms. Dennis Hemingway | Ms. Shawnna R. Riggers |
| Ms. Leannisa Herd | Ms. Lynda C. Shely |
| Ms. Jill M. Hulsizer | Mr. Michael J. Sheridan |
| Hon. Carey S. Hyatt | Mr. Howard A. Snader |
| (Ret.) | Ms. Carol A. Soderquist |
| Ms. Nikki J. Johnson | Mr. Robert E. Thomson |
| Mr. James F. Kahn | Mr. William S. Whitaker |
| Hon. Ronce F. Korbin Steiner | Mr. James P. Yeager |

(List updated Nov. 14, 2016)

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.
MEMBER SPOTLIGHT

SHAWN J. DOW
Pincus & Associates, PC, Managing Attorney
MCBA MEMBER SINCE 2009

What made you renew your MCBA membership for 2017?
I find that by being a member, I am able to keep up-to-date about my fellow attorneys and stay current on what is happening in the legal community.

What do you like most about being in the legal field?
The most rewarding aspect of my job is being an advocate for the general public. I find working with clients from start to finish on the process is immensely rewarding.

What is your No. 1 hobby or interest?
My No. 1 hobby is golf; however, recently I have found it difficult to commit to playing 18 holes on the weekend. Because I live very close to South Mountain, I often trail run — especially during the fall months when the weather cools. I also enjoy reading books on history and politics, which came in handy this year, given it was an election year.

What’s the craziest job you’ve had?
The craziest job I’ve had besides being a personal-injury attorney would have to be the part-time job I had during college. I was a poolside bartender at The Arizona Grand Resort … enough said.

If you were a character in a movie or TV show, which character would you be?
I’d have to say Ethan Hunt, the main character in the “Mission Impossible” series. I mean, you get to travel around the world and participate in seemingly impossible spy missions — who wouldn’t enjoy that!

Shawn J. Dow
Pincus & Associates, PC, Managing Attorney
MCBA MEMBER SINCE 2009

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

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Formed client conflicts of interest

I’ve recently been asked on several occasions to provide advice regarding former client conflicts of interest, so I thought this would be a good time to discuss how those conflicts of interest are analyzed and how they differ from current client conflicts of interest.

The analysis of a former client conflict of interest differs greatly from current client conflicts of interest. Whereas lawyers owe ongoing duties of loyalty, diligence and communication to current clients, the primary obligation owed to former clients involves protecting the confidentiality of information learned during the course of representation. Current client conflicts of interest are controlled by ER 1.7 and ER 1.8, whereas conflicts of interest regarding former clients are controlled by ER 1.9.

ER 1.9 is broken down into three subparts. Two parts of ER 1.9 (subparts (a) and (b)) apply to lawyers who personally represented a former client, and the third part (subpart (b)) applies to lawyers who were previously associated with a firm who represented a client. Let’s briefly discuss these situations in turn.

ER 1.9(a): Lawyer formerly represented client in the same or a substantially related matter

A lawyer formerly represented a client cannot represent another client with materially adverse interests “in the same or a substantially related matter” without the informed consent of the former client. ER 1.9(a). In other words, a lawyer cannot switch sides in the same case. But even when the cases are not the same, the lawyer will be prohibited from representing a materially adverse client when the cases “substantially related.”

There are two general requirements for a conflict under ER 1.9(a). First, the interests of the two clients must be “materially adverse.” If the current and former clients are litigation opponents, or are on opposite sides of a transaction, their interests would almost certainly be considered “materially adverse.” Additionally, a material adversity will usually exist when a former client will testify against the current client or when the lawyer would need to impeach a former client to advance the interests of the new client.

In the criminal law context, the interests of a criminal defendant and those of witnesses who will testify against that defendant typically are “materially adverse.”

Second, the representations must be in the same or a “substantially related matter.” A matter is “substantially related” if it involves “the same transaction or legal dispute” or if there is “a substantial risk that confidential factual information from the former representation would materially advance the interests of the new client.” ER 1.9(c).

It is not necessary that the confidential factual information actually have been obtained — only that it would have “normally been obtained in the prior representation…”. Id. In general, there is a conflict of interest if factual information that would have been relevant in representing the former client would materially advance the new client’s interests adverse to the former client. This creates a conflict of interest because the duty to protect the former client’s confidential information is at odds with the duties of loyalty and diligence owed to the new client.

Even when a conflict of interest exists under ER 1.9(a), the new representation is permissible if the former client gives informed consent, confirmed in writing. ER 1.9(b).

ER 1.9(c): Restrictions on use of information learned in former representation of client

Regardless of whether an ER 1.9(a) conflict exists, lawyers generally are prohibited from using any information learned during the course of that representation to the former client’s disadvantage. Of course, such information could be used if otherwise allowed by the ethics rules (e.g., use by a lawyer in making or defending against a claim, or to prevent a client from committing a crime or fraud) or when the information has become generally known. ER 1.9(c).

Is arbitration of skilled nursing facility disputes headed into the sunset?

By Hon. Edward O. Burke (Ret.)

Beginning Nov. 28, 2016, a body of Arizona law on the enforceability of pre-dispute arbitration provisions in skilled nursing facility contracts may be headed into the sunset due to new federal regulations proposed by the Centers for Medicare and Medicaid Services (CMS). Section 483.70(n) of the regulations prohibits skilled nursing facilities from compelling pre-dispute arbitration clauses, but prohibits skilled nursing facilities from using them in the future as a condition of participating in the Medicare and Medicaid programs.

The regulations state that to continue receiving Medicare and Medicaid funds, skilled nursing facilities must not enter into an agreement for binding arbitration with a resident until after a dispute arises between the parties. Thus the regulations prohibit the use of pre-dispute binding arbitration agreements in contracts entered into after Nov. 28, 2016.

In addition to that overarching requirement, the regulations also require skilled nursing facilities to explain arbitration provisions to their residents in a form, manner and language that they understand, and that the residents be informed that they are waiving the right to judicial relief for any potential cause of action covered by the agreement. Further, an agreement for binding arbitration cannot be contained in any other agreement.

Among the nearly 1,000 comments CMS received on the proposed regulations was a letter from 16 state attorneys general stating that pre-dispute arbitration agreements were harmful to residents in skilled nursing facilities because of the coercive nature of having the resident sign an agreement during the admission process before a dispute has arisen, the cost of arbitration to the residents and the secrecy of the arbitration process.

CMS contends that there is significant evidence that pre-dispute arbitration agreements have a deleterious effect on the quality of care for Medicare and Medicaid patients, which clearly warrants their regulation for the following reasons:

1. It is almost impossible for residents and their representatives to give fully informed, involuntary consent to arbitration before a dispute has arisen.

2. Residents should have a right to access the court system if a dispute with a facility arises.

3. The rule does not affect already existing pre-dispute arbitration clauses, but prohibits skilled nursing facilities from using them in the future as a condition of participating in the Medicare and Medicaid programs.

4. The regulations CMS received lead them to the conclusion that pre-dispute arbitration clauses are by their very nature unconscionable.

5. The literature suggests evidence that pre-dispute arbitration agreements were detrimental to the health and safety of SNF (skilled nursing facility) residents because of the unequal bargaining power between the resident and the facility; inadequate explanation of the arbitration agreement; the inappropriateness of presenting the agreement upon admission which is an extremely stressful time for residents; and negative incentives on staffing and care which result in not having a substantial jury verdict for standard care.

6. The disadvantages to the residents in arbitration, i.e., lack of judicial review, lack of choice of arbitrators, the venue for the claim, lack of discovery and damage, and punitive damages.

In response to comments that it should not be interfering in a matter that is a private contract, CMS stated that in many cases, Medicare and Medicaid are the sole payors for skilled nursing facilities’ services.

Residents raised additional issues including: The resident’s competency to enter into such agreements upon entry into a facility; the extent of a representative’s authority to bind the resident to an arbitration provision; unconscionability; the doctrine of reasonable expectations; whether arbitration provisions are related to statutory beneficiaries; wrongful-death claims; the skilled nursing facility’s breach of fiduciary duty in obtaining a signature; the amount of explanation of the arbitration provision, if any, before signing; and whether the arbitration provisions apply to claims brought under Arizona’s Adult Protective Services Act, A.R.S. §46.451 et seq.


Arguably, the new regulations may violate the Federal Arbitration Act (FAA) 9 U.S.C. §1 et seq. The U.S. Supreme Court unequivocally held in Marmora v. Brown, 132 S. Ct. 1201, 182 L. Ed. 2d 42 (2012) that state and federal courts must enforce the FAA, reversing a West Virginia Supreme Court of Appeals decision that an arbitration agreement in a nursing home admission agreement adopted prior to an occurrence of negligence shall not be enforced to compel arbitration.

CMS argues that, notwithstanding the Supreme Court’s ruling in Marmora, supra, the FAA does not prohibit CMS from issuing regulations concerning pre-dispute arbitration agreements regarding skilled nursing facility patients.

See Is arbitration of skilled nursing page 11
Three new judges appointed

On Sept. 29, Gov. Doug Ducey appointed former Commissioner Erin Otis and attorneys Michael Blair and Todd Lang as judges on the Maricopa County Superior Court bench. Otis, who assumed a criminal department calendar in November, served as a superior court commissioner since 2012. As a commissioner, she presided over family and criminal department calendars. Prior to joining the court, she worked as a deputy county attorney in the Maricopa County Attorney’s Office for nine years.

She received her J.D., master’s and bachelor’s degrees from Arizona State University.

Blair, who assumed a family department calendar in October, was a partner at Baird, Williams & Greer, where he had practiced commercial, real estate and construction litigation since 2000. He also served as a judge pro tempore for the Maricopa County Superior Court bench and on the Arizona Commission on Judicial Performance Review. He earned his J.D. and bachelor’s degrees from Brigham Young University.

Lang, who assumed a family department calendar in November, was an assistant U.S. attorney for the civil division of the U.S. Attorney’s Office in Phoenix. Previously, he served as executive director of the Arizona Citizens Clean Elections Commission and as chief counsel for the Arizona Attorney General’s Office, Consumer Litigation Unit. In 2012, he received the Arizona State Bar Member of the Year Award.

He received his bachelor’s degree from Oberlin College and his J.D. from Cornell University.

The three judges will fill the positions created by the retirements of Judges Roland Steinfeld, Richard Gama and Crane McClennen.

Investiture ceremony

On Oct. 20, the Arizona Black Bar presented Superior Court Judge George Foster with its Excellence in Diversity Award at the Hayzel B. Daniels Scholarship Dinner.

Foster, who was appointed to the bench in 2003, has presided over criminal, juvenile, civil and family department calendars. He also worked as a superior court commissioner from 1999 to 2003.

Prior to joining the court, he worked in private practice for 16 years and served as a law clerk to Hon. David S. Nelson in Federal District Court in Boston, Mass.

He earned his J.D. from Boston College School of Law and his bachelor’s degree from City University of New York.

The ABB Excellence in Diversity Awards recognize attorneys, law firms, corporations, academic institutions and other agencies who go above and beyond to promote, implement, and advance diversity and inclusion in the Arizona legal profession.

Arizona Court of Appeals launches video tutorial for e-filers

Division One of the Arizona Court of Appeals has created and posted a series of four short videos to help attorneys and their staff prepare electronic filings in the form most useful to the judges who will decide the appeal. The court’s website features links to the videos, along with a printable companion guide at www.azcourts.gov/coa/Electronic-Filing-Tips.

“Our rules encourage electronically filed documents to incorporate certain features,” Chief Judge Michael Brown explained. “In recent years, Division One annually handles more than 2,700 cases, so briefs that allow us to quickly search, navigate and link to related documents are exceptionally helpful.”

“During one of the court’s continuing legal education programs, a Yuma-area attorney suggested that we provide training to help attorneys prepare the best briefs possible,” Vice Chief Judge Samuel A. Thumma explained. “Briefs that include bookmarks, hyperlinks and searchable text are more useful to the court. For example, when we want to review a key superior court filing cited in a brief, an e-filed combined brief and appendix allows us to quickly jump to the record and then easily return to the brief.”

The series of four short videos walks the viewer through the best way to create a text-searchable brief, with bookmarks, appendices and hyperlinks. Another video shows how to combine documents in Adobe Acrobat. Brown thanked Eric M. Fraser from Osborn Maledon and Beth Asselin and Alan Sparrow from the Education Services Division of the Arizona Supreme Court for creating and producing these videos.

Is arbitration of skilled nursing continued from page 10

arbitration clauses in admission contracts for these reasons:

1. The plain language of the FAA applies only to existing arbitration agreements voluntarily made between parties;
2. The regulations will have no legal effect on the enforceability of existing pre-dispute arbitration agreements;
3. The new regulations only bar the receipt of federal funds if pre-dispute arbitration is required in admission contracts, rather than absolutely prohibiting arbitration; and
4. The regulations allow post-dispute arbitration agreements.

It remains to be seen whether courts will strictly apply Marmet, supra, to find that the new regulations operate to prohibit arbitration in skilled nursing facility disputes or accept CMS’s arguments that the new regulations do not prohibit all arbitration but only affect CMS’s payments to skilled nursing facilities.
Most people do not know what to do when they find themselves faced with student loan debt that they cannot pay so they ignore it. What they do not know is that there are mandated programs for student loan debt resolution that will resolve their problems. Also, many student loan debtors who are seeking public student loan forgiveness do not know that they must be enrolled in a specific repayment program to be eligible for this type of student loan forgiveness. Even those who are able to pay their student loans are not in financial crisis may have a monthly payment that is higher than what is required. This CLE will detail the differences between federal and private student loans, how to determine what student loan resolution programs are available to the debtor as well as what monthly payment is mandated. It will also discuss options available to student loan debtors who are in financial distress.

PRESENTER: Lisa C. Thompson, Thompson Law Group, PC

CLE Bonus: If you sign up for the Student Loans: Debunking the Myths and Advising Clients program as a non-member, you will receive a $100 credit toward your new membership dues for 2017

COST: 
- MCBA members: $80/$95
- MCBA Bankruptcy Section members: $70/$85 (use promo code: loan1207)
- MCBA Paralegal & Public Lawyer Division members: $55/$70
- MCBA student members: $15/$30
- Non-members: $135/$150

DEC. 8, 2016 — 7:30 A.M. TO 9 A.M. (Breakfast included)

Top Ways to Irritate JAs and Clerks

SPONSORED BY: Estate Planning Probate and Trust Section

1.5 CLE credit hours available

Have you ever wondered which situations truly frustrate court clerks and judicial assistants? Have you had any specific instances that have frustrated you? This interactive CLE will address the top issues that give clerks and judicial assistants the most problems. Whether it’s filing, getting hearing dates, contacting divisions, submitting exhibits or obtaining letters — inevitably, we all run into difficulty. Find out how to best handle these situations or head issues off before they happen.

PRESENTERS: Maridel Soliceau, probate registrar/clerk supervisor; Elaina Cano, probate court administration; Elizabeth Kabel, judicial assistant Maricopa County; Commissioner Lisa VandenBerg, probate court

COST: 
- MCBA members: $78
- Bring Your Paralegal: $45
- MCBA EPPT Section members: $70
- MCBA Paralegal & Public Lawyer Division members: $35
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- Non-members: $118

DEC. 15, 2016 — NOON TO 1 P.M. (Lunch included)

Sudden Impact: The Intersection of Family Law and Criminal Matters

SPONSORED BY: Family Law Section

1 CLE credit hour available

This presentation will focus on the overview and application of criminal law concepts in family law cases as well as an overview of criminal concepts in Order of Protection cases. Additionally, we will discuss how to identify and address possible criminal law issues in a family law context when a client is accused of a criminal offense as well as identifying and addressing possible criminal law issues in a family law context when a client or minor children are the victims of abuse or violence. Lastly, you will get a judicial perspective on the intersection of criminal and family law issues.

PRESENTERS: Honorable Ronnie Korbin Stein-er, Maricopa County Superior Court; Rebecca Marquis, The Marquis Law Firm, PLLC; Flynn P. Carey, Mitchell Stein Carey, PC

COST: 
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- Bring Your Paralegal: $45
- MCBA Family Law Section members: $35
- MCBA Paralegal & Public Lawyer Division members: $55
- MCBA student members: $25
- Non-members: $118
What the court taketh away

CourtWatch, continued from page 1

the legitimate state interests are not identical with those pertinent to the general election."

Having rejected the panel’s reliance on Gray, Berzon turned to the issue at hand and concluded that the Arizona system does not unduly burden the plaintiffs’ rights. “All voters in Tucson have an equal right to vote,” she wrote, “both during the primary election and during the general election.”

“Each voter may vote for the candidate of her choice in her ward’s primary election,” Berzon explained. “No one may vote in another ward’s primary. And each voter may vote in the general election for one candidate from each ward with a council member position on the ballot.” She conceded that half of the electorate cannot vote in the primary in any one election year. But “that burden quickly even out over time, as the other half of Tucson’s residents will not be able to vote in a primary in the next election year.”

“Ultimately, every voter has an equal opportunity to vote in their own ward’s primary every four years and in the general election every two years,” she found. Hence, “every voter in Tucson has the same voting power as every other voter in the primary and general city council elections.”

Berzon conceded that “there is no unequal weighting of votes, no discrimination among voters, and no obstruction or impediment to voting.” She therefore doubted that there was any burden at all on the plaintiffs’ voting rights. And if there was, “it is at best very minimal.”

... Court says child support and spousal support have differing guidelines

Family-court awards of child support and spousal maintenance are generally based in major part on a party’s income. But that does not mean that the awards are tied together, according to a recent opinion from Division One of the Arizona Court of Appeals. Sherman v. Sherman, No. 1 CA-CV 15-0201 (Ariz. App. Nov. 1, 2016).

After being married for approximately 12 years and producing three children, Antonella Sherman filed for dissolution of her marriage with Derek Sherman. Derek had historically earned significant income, but while the dissolution matter was pending he suffered what the court called a “serious medical event” that left him unable to pursue his previous employment. He received disability benefits for about half a year, after which his cousin gave him a revolving line of credit that allowed him to withdraw up to $100,000 for personal expenses. After about half a year, he had withdrawn approximately $35,000.

The superior court found that Derek was not intentionally unemployed, but it nevertheless ordered him to pay both child support and spousal maintenance. It found that there had been no significant reduction in his lifestyle and expenses, and it concluded that it was not “credible that Father would spend one-third of his available credit line in only six months if he did not expect to return to work or have the debt forgiven.” It therefore ordered him to pay $650 monthly in child support.

It also awarded $50 in monthly spousal maintenance. Despite finding that Derek could not then support himself through work, it concluded that he might someday return to “some kind of employment” and therefore awarded Antonella $50 per month for four years.

Derek appealed, with mixed results. Judge Peter B. Swann wrote the court’s opinion, upholding the support award but rejecting the maintenance award.

Swann first held that the superior court had not abused its discretion with its child-support award. He noted that the paramount consideration is the children’s best interest, and the child-support guidelines require the court to attribute at least the minimum wage to a parent, regardless of work status. The guidelines do allow the court to decline to do so if the parent is physically disabled, but they do not require it. “The court did not err by attributing income to Father despite his involuntary unemployment,” Swann concluded.

He also held rejected Derek’s argument that his loan proceeds should not count as income because he had to pay them back. Consistent with the broad definition of “gross income,” he concluded, income “must conform to the overall purposes of the Guidelines.” The critical inquiry “is whether the parent acquired a source of funds for living and personal expenses, from which the children would have benefitted had their parents not divorced.” Swann held that the loan proceeds qualified because Derek should not “be able to select one level of expenditures for himself while supporting his children based on a hypothetical Tucson income level.”

But Swann did not look as favorably on the spousal-maintenance award. The superior court had recognized that both spouses were statutorily eligible for support because neither had “sufficient property to provide for their own reasonable needs,” and Derek’s “medical prognosis and future employment options were unknown.” It nevertheless awarded a nominal sum because of the possibility that his circumstances might improve.

Swann held that the superior court may not order nominal sums of spousal maintenance merely as placeholders in anticipation of future changes in circumstances. He noted that the supreme court had previously held that courts should not make nominal awards “in anticipation that an applicant who is presently ineligible for maintenance may later become eligible based on an unforeseen change in circumstance.” Swann adopted that same rationale, ruling “that the court must not award nominal maintenance based on the assumption that a meaningful award may later become appropriate.”

The superior court had erred, Swann concluded, because it “was obligated to assess maintenance based on the parties’ historic and existing circumstances, not on speculative predictions about the future.” He was joined by Judges Lawrence F. Winthrop and Donna Kessler.

Swann acknowledged that the split decisions might seem anomalous at first blush: “We recognize the tension between the court’s conclusion that Father was unable to provide for his reasonable needs and its decision to attribute income to him based on the loan proceeds.” But “(c)hild support and spousal maintenance are considered under different laws,” he wrote. “Formal attribution of income is required under the child support guidelines, but not for purposes of maintenance.”

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VLP ATTORNEY OF THE MONTH

VLP attorney receives repeat recognition for her work

By Peggi Cornelius, VLP Programs Coordinator

When attorney Janet Story expresses her good fortune and love for the law practice that is her livelihood, she’s also speaking about her outstanding commitment to pro bono work. “I am lucky to be able to do the work I love,” she says. In her 22nd year as a participant in the Volunteer Lawyers Program, Story is a repeat recipient of VLP’s “Attorney of the Month” award.

Although born in Illinois, Story is virtually an Arizona native because her parents moved to Scottsdale when she was an infant. The value of community service was instilled in her and her four siblings at an early age.

“My mother had us walk around the neighborhood pulling a little red wagon to collect cans of food for St. Mary’s food bank,” she recalls. “When I was in high school, my mom went to law school. I was inspired by the pro bono work she did as an attorney.”

Story left Arizona for a few years to obtain a undergraduate degree in history at Lake Forest College in Chicago. While in college, she spent a month in rural Mexico, participating in construction of latrines. She hints at intriguing aspects of that experience. “I thoroughly enjoyed being involved in a family, so our work relationships are just an extension of our congenial family bonds.”

When talking about community service, Story says she understands the desire to volunteer in ways that differ from one’s everyday work. “I thoroughly enjoyed being a Big Sister, and I’m involved in volunteer work through my church,” she says. “I view volunteering as an attorney to be a high priority because using legal skills to benefit the public is something only lawyers can do,” she says.

Despite a bumpy start when her first VLP case took several years to conclude, Story was not deterred by the challenge. After more than two decades of participation in VLP, she says, “Trust me, that case was certainly atypical and it did have a satisfactory conclusion. I really encourage every attorney to accept at least one pro bono case a year. The difference it makes to those who are underserved is tremendous. Personally, my life wouldn’t feel complete without helping others.”

Volunteer Lawyers Program Thanks Attorneys

The Volunteer Lawyers Program thanks the following 26 attorneys and firms for agreeing to provide pro bono representation on 29 cases referred by VLP to help people with low incomes. VLP supports pro bono service of attorneys by screening for financial need and legal merit and provides primary malpractice coverage, donated services from professionals, training, materials, mentors and consultants. Each attorney receives a certificate from MCBA for a CLE discount. For information about ways to help, please contact Pat Gerich at VLP at (602) 254-4714 or pgerich@clsaz.org.

**PRO BONO SPOTLIGHT ON CURRENT NEED**

Experienced probate attorneys are needed to provide legal advice and brief help to unrepresented people through the Probate Lawyers Assistance Project (PLAP).

**WANTED**

Experienced probate attorneys to volunteer to work with University of Denver law students and faculty who will be preparing estate planning documents for members of tribes in Arizona in January 2017.

For more information, please contact Prof. Lucy Marsh at lmars@law.du.edu or Pat Gerich at pgerich@clsaz.org.

ARIZONA LITIGATION GUIDE

Produced by the Maricopa County Bar Association Litigation Section

This 447-page 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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HONORS & AWARDS

Gust Rosenfeld is pleased to announce that attorney Tom Chauncey has been elected to the Soldier’s Best Friend board of directors.

Soldier’s Best Friend provides U.S. military veterans living with combat-related Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI) with service or therapeutic companion dogs, most of which are rescued from local shelters. The veteran and dog train together to build a trusting relationship and inspire countless others. Soldier’s Best Friend is a 501(c)(3) tax exempt nonprofit corporation based in Phoenix. The staff is comprised of war veterans, practicing PTSD therapists, professional service dog trainers, a veterinarian and many other volunteers.

Chauncey works with clients to resolve disputes involving libel, slander, access to records and privacy issues, and is frequently involved in pre-publication issues for newspaper, television and radio clients. His practice also includes acquisition and disposal of assets; legislative relations; employment issues; contracts, non-compete agreements, sexual harassment, termination; and the difficult environmental issues involved in buying, selling and financing real estate, including homes, commercial property and ranches.

Nicole True
The Young Lawyers Division of the Maricopa County Bar Association has selected Nicole True as its president-elect. True is a member of the litigation practice group at Lewis Roca Rothgerber Christie and previously clerked for Honorable Thomas D. Waterman at the Iowa Supreme Court prior to joining Lewis Roca Rothgerber Christie in 2013.

Kevin J. Walsh
Quarles & Brady, LLP, today announced that Kevin J. Walsh, an attorney in the firm’s Phoenix office, has been elected to the Hon Kachina Council. The Hon Kachina Council is a nonprofit organization of professional men and women who are dedicated to promoting volunteerism in Arizona. The council honors volunteers whose tireless contributions make Arizona communities better places to live.

In the community, Walsh is a member of the Maricopa County Bar Foundation Board of Trustees, whose mission is to support the justice-related public service and educational activities of the Maricopa County Bar Association and other organizations, and to support local pro bono legal services providers that serve low-income residents of Maricopa County. Walsh also serves on the Phoenix One Foundation board of directors, which is dedicated to supporting the needs of the students and families in Phoenix Elementary School District #1 beyond the classroom. He is also an ambassador for the Greater Phoenix Economic Council and a Precinct Committeeman in Arizona Legislative District 18.

Walsh is a member of the firm’s business law practice group and concentrates his practice in the areas of mergers and acquisitions, venture capital, private equity, early-stage and emerging growth companies, equity and debt financing, crowdfunding, and general business counseling.

He earned his M.B.A. from Villanova University, his J.D. from Villanova University School of Law and his bachelor’s degree from the University of Notre Dame.

ANNOUNCEMENTS

Michael Jones, a member of Allen Burns & Jones, PLC, is now a certified bankruptcy law specialist with the Arizona Board of Legal Specialization and a certified business bankruptcy law specialist with the American Board of Certification. Jones represents creditors and debtors in loan workouts and in all aspects of bankruptcy cases.

PROMOTIONS

Lonnie Williams, Jr.
Lonnie Williams, Jr. has been elevated to the role of managing partner of Stinson Leonard Street’s Phoenix office. He succeeds Michael Manning, who served as managing partner for 27 years and remains a partner in the firm’s business litigation practice group.

As managing partner, Williams will lead the office’s strategic planning and communication efforts as well as target areas for growth and investment. He will work closely with the firm’s executive team and board of directors.

Williams joined the firm in 2011. He is a trial lawyer who represents clients in commercial business, employment-related matters and complex litigation matters. He is a fellow of the American College of Trial Lawyers, one of the premier legal associations in America.

In addition, Williams is a past president of the National Conference of Bar Presidents, a former delegate to the American Bar Association and past president of the Maricopa County Bar Association.

He earned his J.D. from the Yale University Law School.

BULLETIN BOARD POLICY

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

December Calendar

All events at MCBA office, unless otherwise specified.

1 Managing Partner Breakfast 8 AM Phoenix Country Club
2 Estate Planning, Probate & Trust Board Meeting 7:30 AM CLE: Scott Greene: Using the Internet to Assist During Trial Preparation 8 AM
5 Litigation Board Meeting Noon Membership Committee Meeting Noon
6 Family Law Judicial Reception 5:30 PM Phoenix Country Club
7 Foundation Board Meeting 8 AM CLE: Student Loans: Debunking the Myths & Advising Clients 11:30 AM
8 Executive Committee Meeting 7:30 AM CLE: Top Ways to Irritate JAs and Clerks 7:30 AM
12 Paralegal Division Board Meeting 5:30 PM Justice Museum Meeting Noon
14 Bankruptcy Section Board Meeting 7:30 AM MCBA Holiday Party 4:30 PM Phoenix Country Club
15 CLE: Sudden Impact: The Intersection of Family Law and Criminal Matters Noon Board of Directors Meeting 4:30 PM
20 Family Law Section Board Meeting Noon
23 MCBA Closes at Noon
26 MCBA Closed in Observance of Christmas
30 MCBA Closes at Noon

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

2016 Tim Huff Pro Bono Golf Classic
MCBA members and their friends gathered on Saturday, Nov. 5 at the Legacy Golf Resort in Phoenix for a good cause. Golfers enjoyed breakfast and a challenging course, followed by lunch, a raffle drawing and awards. Proceeds from the event benefit the Maricopa County Bar Foundation and the Volunteer Lawyers Program.

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THE BULLETIN BOARD
News from the legal community

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