History & Hearsay
50 years ago, Supreme Court hears Miranda

Some time over the last weekend in February 1966, John Flynn, John Frank and Gary Nelson made their way to Washington, D.C., to participate in oral arguments before the U.S. Supreme Court. Since there were no direct flights from Phoenix to D.C. that winter, it seems likely they may have taken the five-hour rect flights from Phoenix to D.C. that winter, it seems likely they may have taken the five-hour

pre-trial routine at 4:30 a.m., working his way through a pot of black coffee. By 9 a.m., the two law partners and Nelson, the young assistant attorney general, had likely taken a short cab ride to the court building and made their way up the intimidating front steps and through the 16 imposing Corinthian marble columns into the lower great hall. After shedding their overcoats and umbrellas and checking them in the coatman's cloakroom, they likely signed in with the clerk's assistant and found their way to the mahogany counsel tables reserved for them in the court chamber.

Preparing for battle
Once in the nation's cold and drizzly capital, they probably took a cab to their hotels and relaxed after a full day of travel. Possibly Frank and Flynn met up later with some of Frank's friends from his days as a law clerk for Justice Hugo Black, or with his collaborator on previous Supreme Court litigation, then-Solicitor General Thurgood Marshall. As was sometimes customary, they may have gathered with some or all of the other attorneys arguing in the four other cases consolidated with theirs, or possibly with some of the authors of the 14 amicus briefs filed in the cases. Almost assuredly, Flynn and Frank spent time reviewing the briefs and did last minute fine-tuning of Flynn's argument.

Flynn admitted to being nervous Monday morning and was no doubt up for his usual pre-trial routine at 4:30 a.m., working his way through a pot of black coffee. By 9 a.m., the two law partners and Nelson, the young assistant attorney general, had likely taken a short cab ride to the court building and made their way up the intimidating front steps and through the 16 imposing Corinthian marble columns into the lower great hall. After shedding their overcoats and umbrellas and checking them in the coatman's cloakroom, they likely signed in with the clerk's assistant and found their way to the mahogany counsel tables reserved for them in the court chamber.

High profile case
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Contribution Among Tortfeasors Act, had

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A while later, we saw the smiling man and his smiling wife emerge from the bedroom, arm-in-arm.

It turned out to be a clever ad for a well-known ED medication. Its creativity didn't really differentiate it from American ads. It was nonetheless very different from the same product's American TV spots, which seemed to consist of shots of middle-aged couples looking longingly at each other and the other half of the announcer reading a long list of ways the drug might go wrong. Why would the Canadians eschew the Americans' litany of horribles?

About this time last year, an opinion from the Arizona Court of Appeals appeared to provide an answer. In Watts v. Medicis Pharmaceutical Corp., 236 Ariz. 511 (App., 2015), Division One held that UCATA, the Uniform Contribution Among Tortfeasors Act, had displaced the learned-intermediary doctrine.

Under that common-law doctrine, a manufacturer or supplier may satisfy its duty to warn of dangers inhering in its product by providing necessary information to the professional — the learned intermediary — from whom the end user obtains the product. But under UCATA, “each defendant in a product liability case is individually responsible for its own contribution to the plaintiff’s injury, independent of the actions of the co-defendants.” Thus, the court concluded UCATA precludes a drug manufacturer from foisting its potential liability off onto the physician who prescribes it.

The court noted the role that advertising played in its decision. “Consumers,” it wrote, “are regularly presented with advertisements for medications to treat a variety of symp-
I recently heard Kimberly Papillon speak about unintentional bias shaping conclusions about another’s character. If you have not heard Papillon speak, you should. She is enthusiastic, informative and entertaining. You can find her credentials, and more information about her and her programming, at thebethebrain.com.

“Unintentional bias” refers to a conclusion that is reached based solely on sensory responses. For example, some believe that a red car seems to move faster simply because the car is red. While I am human and surely suffer from unintentional bias in certain scenarios, I am sure I am not affected with unintentional bias when judging character of others. I am well educated (shout out to the alma maters Arcadia High School, Middlebury College and ASU College of Law!), and I respect and support others. My upbringing included specific experiences to root out bias.

For example, when I was in high school, I participated in Anytown USA — a one-week camp presented by the National Conference for Community and Justice (formerly the National Conference of Christians and Jews, “NCCJ”) designed to eradicate bias and discrimination. For the first several days, staff would work hard to break down barriers among campers of diverse racial, socioeconomic, religious and other differentiating backgrounds. Even if campers arrived with bias in their baggage, the facilitated interaction eroded stereotypes, demonstrated the hurt and isolation caused by discrimination, and created a harmonious society — which, by design, was shot at by an exercise that forced campers to interact only with those who shared some diverse similarity identified by a colored armband. Without fail, one of the campers was isolated entirely with nobody sharing that armband color. And, without fail, the campers would eventually reject the unfair discrimination imposed without fail, the campers would eventually reject the unfair discrimination imposed without fail, the campers would eventually reject the unfair discrimination imposed without fail, the campers would eventually reject the unfair discrimination imposed without fail, the campers would eventually reject the unfair discrimination imposed without fail, the campers would eventually reject the unfair discrimination imposed without fail, the campers would eventually reject the unfair discrimination imposed without fail, the campers would eventually reject the unfair discrimination imposed.

For example, the proposal would at least some of the cost to maintain Arizona’s attorney discipline system — currently funded by mandatory bar dues — to taxpayers, and it would hand discipline cases to a separate agency that could be subject to politicization. Moreover, any savings in lawyer licensing costs realized by shifting to a voluntary bar would be meaningless in the context of the overall annual cost to run a law practice.

Arizona Supreme Court rule 32(1)(i) sets forth the purposes of the state bar, among them attorney regulation and discipline. The bar is a nonprofit organization overseen by a 30-member Board of Governors elected by lawyer members, and it operates under the supervision of the state Supreme Court. According to the pair of voluntary bar bills now before the Legislature (House Bills 2219 and 2221), the state Supreme Court would charge a mandatory assessment to cover lawyer discipline and other functions, while making membership in the State Bar voluntary. In the 18 other states that follow this practice, annual mandatory court licensing fees range from $100 to $420, and lawyers pay an additional fee to belong to their state bar. The combined fees in voluntary bar states range from $280 to $761.

House Bill 2221 would permit the state Supreme Court to delegate mandatory functions, including attorney discipline, to the State Bar, but it did not stipulate what would be subject to public records disclosure requirements (a proposed amendment subjects the bar to such requirements in any case).

The pro argument claims that ditching the mandatory bar would ease “tensions” between the state Supreme Court and the Legislature, reduce burdens on lawyers subjected to discipline.

The proposal to do away with Arizona’s mandatory State Bar, advanced by former bar governor Jack Levine. (Proc. Converting to a voluntary bar, Maricopa Lawyer, December 2015), is a solution in search of a problem — and it could create some serious problems that do not exist now.

For example, the proposal would shift at least some of the cost to maintain Arizona’s attorney discipline system — currently funded by mandatory bar dues — to taxpayers, and it would hand discipline cases to a separate agency that could be subject to politicization. Moreover, any savings in lawyer licensing costs realized by shifting to a voluntary bar would be meaningless in the context of the overall annual cost to run a law practice.

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Who wouldn’t want to be a ‘friend’ of the U.S. Bankruptcy Court?

The Friend of the Court program provides an amazing opportunity for:

1) Law students to get invaluable real-world experience;
2) Individuals in bankruptcy to get free legal advice at a pivotal moment in their case; when they are typically very nervous about whether or not they will be able to keep a vehicle; and
3) Bankruptcy lawyers to interact with judges in a volunteer capacity (many of the volunteers run transactional consumer bankruptcy practices and may not otherwise get much face time with the judges).

Program coordinators form teams of mentor attorneys and law students who meet at the United States Bankruptcy Court shortly before reaffirmation hearings to review selected documents from the debtor's file. The mentor attorneys and law students discuss each debtor's circumstances and make initial unbiased assessments regarding whether the court should approve or deny each reaffirmation agreement. In order to approve a reaffirmation agreement, the court must find that it is in the debtor's best interest. Approval is sometimes impossible, as vehicles are often worth substantially less than the amount of the remaining debt being reaffirmed and interest rates are often very high. Thankfully, denial of the agreement doesn't necessarily mean the debtor cannot keep the vehicle.

Next, debtors arrive and are greeted by friendly faces who let them know there are lawyers and law students to help guide them through the hearing process. Most debtors are grateful from that first moment, but it only gets better for them! The volunteer and efficient. Debtors are frequently emotional and feel they need to explain to the court how much they need their vehicle to get around the Phoenix metropolitan area. This is understandable but can result in lengthy hearings — and these are not the facts the judge needs in order to make a decision about the debtor's best interest. Giving debtors the opportunity to sit in a small consultation room and really discuss their circumstances and the options with an attorney (and law student) for free allows the time spent in the courtroom to be focused and efficient.

Special thanks to Chief Judge Daniel P. Collins, Judges George B. Nielsen, Brenda K. Martin, Paul Sala and Eddward P. Ballinger for welcoming the law students into your courtroom through this Program.

Additional special thanks to Cynthia McElroy, Tami Johnson and Doug Magnuson at the U.S. Bankruptcy Court, and Danae Brownell and Patricia Gerrich of the Volunteer Lawyers Program. Their devotion to this program is undying and it is always a pleasure to work with such a collaborative and fun group of people!

This is truly an amazing opportunity for all involved. The Friend of the Court volunteers are available to help all debtors who are appearing for a reaffirmation hearing without the assistance of counsel, at the debtor's option. Volunteer lawyers are bankruptcy attorneys with at least five years of consumer bankruptcy experience. Volunteer law students must be at least 2Ls, but can participate until licensed to practice law (while waiting for bar exam results is a great time to get some court experience, but do not wait as dates fill quickly!). If you are interested in getting involved, please email Krystal.Ahart@azbar.org.
Surviving in the legal industry: What makes a paralegal indispensable?

Even though the economy seems better now than in prior years, firms are still undergoing changes, including the downsizing of staff. Although it may save a firm more money to let an attorney go, paralegals are not excluded from this process. How can you avoid being one of the paralegals who are shown the door, especially if you have been with your firm for a long time? Paralegals are a vital part of any law firm or legal department. There are certain characteristics and skills that are common among the best of them. These are what you should look for when hiring a paralegal.

1. Ability to multitask and prioritize tasks. An excellent paralegal is able to multitask and prioritize his or her responsibilities simultaneously. She or he is also flexible, able to quickly adapt to change and work well under pressure. Client needs and case demands are constantly changing, and the paralegal must be able to keep up. Additionally, paralegals must have a lot of patience and stamina. He or she may be expected to keep long hours, especially those who assist at trial.

2. Job experience. Experienced paralegals understand legal terminology, are familiar with the rules and the flow of a case, and know how to create and format documents. Their prior experience makes them invaluable, as they already know what needs to be done with little or no instruction. Hiring such individuals will reduce the amount of time needed to train them.

3. Strong writing skills. These are a must because paralegals are expected to draft legal documents and assist in the review of documents prepared by their attorneys. They are also in constant communication with clients and attorneys through email and letters and, in doing so, are a reflection of their attorney and their firm. Poor grammar and misspellings make you look unprofessional.

4. Technological skills. Constant advances in technology change the way law firms practice. Highly effective paralegals keep up with these changes and are often called on to create presentations, draft documents, conduct online research and maintain spreadsheets. Most attorneys don’t have time to keep up with the latest technology, so they often rely on their paralegal for assistance.

5. Professional communication. Paralegals communicate with clients, attorneys and court personnel on a daily basis. This includes written communication such as emails, in-person contact and verbal communication over the phone. Having great communication skills is vital for paralegals in their role as representatives of their firm.

6. Organizational skills and attention to detail. A first-rate paralegal knows his or her cases and deadlines. Paralegals are also expected to fact-check legal research conducted by their attorneys and ensure documents are properly formatted and grammatically correct. An organized paralegal doesn’t prompt his or her attorney regarding important deadlines at the last minute. Paralegals provide their attorney with plenty of advance notice to allow ample time for completion.

7. Foresight. An indispensable paralegal is always one step ahead. The ability to foresee potential problems enables one to resolve any issues that may arise before others do. Paralegals also anticipate what his or her attorney wants or needs before they ask.

8. Independent. Most of a paralegal’s time is spent organizing documents and reading through case files on his or her own. Paralegals should be focused, maximizing their time by avoiding distractions.

9. Integrity. Exceptional paralegals are both loyal and honest. They are able to admit mistakes when made. Accepting fault prevents a situation from getting worse and avoids future errors. They are loyal to their attorney and firm and avoid gossip and complaints, especially on social media sites.

10. Willingness to better themselves. Conscientious paralegals strive for knowledge and continuing education. They attend seminars and workshops and keep up with current events. Doing so strengthens their skills and increases their understanding of legal issues, making them more valuable to their firm.

Paralegals who possess the above talents and skills are a true asset to their firms. If an attorney is lucky enough to find one of these individuals, he or she should do everything he or she can to keep them around. Those looking to enter the legal field should keep these qualities in mind and endeavor to become an indispensable paralegal once hired.

Please join us for our Paralegal Networking Happy Hour at 5 p.m. on Wednesday, March 9, 2016, at The Vig @ McCormick Ranch, 7845 N. Via Raton Del Sur in Scottsdale. This is a great way to meet others in the legal community and have some fun.

Dealing with others’ mistakes

A law student asked me the following question: “If I see a mistake in a quotation, or I have some thoughts about the quotation, can I say something about it in the quotation itself? Or will I look like a big jerk?” My advice to her was the classic lawyerly response “it depends.” As for mistakes in quotations, legal writers use [sic] to indicate the error. Sic is the Latin word meaning thus or so, and its use signals that the writer has quoted the text exactly as it appears in the original source. Place [sic] directly after the error and do not italicize or otherwise alter [sic].

Example: The expert said, “It is my opinion that your [sic] ready for the step in treatment.”

I suggest using [sic] after every error, regardless of the frequency, if accuracy is important to your legal reader. A legal reader generally expects accuracy when you are quoting statutory language or someone’s own words. Make sure that the error is actually an error, though. Sometimes a word appears misspelled, but the word may be from an archaic source or have an acceptable, alternate spelling. For example, British spellings are commonly seen as errors when these spellings are acceptable to the original author (ex. judgement v. judgment). Be careful of overusing [sic], though. Its overuse could send the message that you found the original author to be sloppy or incompetent. If you are worried about being a jerk, you can either (1) take the quotation out altogether and paraphrase its language or (2) omit the error-filled language, as long as omitting the language does not cause confusion.

Example: The expert said the patient was “ready for the step in treatment.”

In addition, you could also fix an error by rewriting the word and enclosing it in brackets to show that you added the word. Overuse of this technique has the same potential pitfalls as overuse of [sic], though.

Example: The expert said, “It is my opinion that [you are] ready for the step in treatment.”

As for adding editorial comments to a quotation, I suggest adding words that help clarify the quotation. I do not suggest adding argumentative language or even an opinion.

CLE review: What every family lawyer needs to know about the SCRA

By Max Mahoney

As a family law practitioner, I have some familiarity with the Servicemembers Civil Relief Act (SCRA). Really, I just know that if the case involves an active duty service member, I need to review the rules and probably prepare for some kind of delay in the proceedings. After sitting through Rebecca Owen’s “What Every Family Lawyer Should Know About the SCRA” CLE, however, the saying “tip of the iceberg” comes to mind.

Enacted in 2003, and amended various times since then, the SCRA was an expansion of the Soldiers’ and Sailors’ Civil Relief Act of 1940. The intent behind the SCRA is to stay or delay legal proceedings against a servicemember so that they can focus on other things, like defending our freedom rather than defending a breach of contract action. Although all of this is more or less common sense, the SCRA’s depth is interesting and startling. For example, did you know that the SCRA applies to all seven branches of the military? Did you even know there are seven branches in the military? These include: (1) Army; (2) Marine Corps; (3) Navy; (4) Air Force; (5) Coast Guard; (6) U.S. Public Health Service Commissioned Corps; and (7) U.S. National Oceanic and Atmospheric Administration Commissioned Officer Corps. Also, a servicemember can invoke the SCRA even after an appearance, so long as he or she is on active duty. And, “active duty” may apply to guard and reserve units if the president or secretary of defense declares an emergency and the guardsman is supported by federal funds. This is, again, simply the tip of the SCRA iceberg. Thankfully, Owen provided some key insight in how to apply and work with the SCRA.

Probably the most important piece of advice from Owen was how to determine if the SCRA even applies in your case. This revolves around whether the servicemember is on active duty in one of the seven military branches. This includes investigating the servicemember’s orders (which you can request) and his or her actual status (if a servicemember is sick or AWOL, the SCRA may not apply). Additionally, the court may appoint an attorney for the servicemember so that they may be made aware of their options. This appointed attorney works with the court to provide updates on the servicemember’s status and location. Owen offered useful advice for persuading a less than cooperative servicemember to respond or work with you if you represent the non-servicemember client (hint: it involves using the chain of command; think of Gunnery Sergeant Hartman from “Full Metal Jacket” yelling at a soldier for not responding to a child support modification).

An understanding of the depth and breadth of the SCRA is essential to properly representing both the servicemember and the non-servicemember in any case to which the SCRA applies. Not fully understanding the SCRA’s intricacies is detrimental to your client’s interest and your practice. Missing a date or failing to use the SCRA to set aside an improperly issued judgment is a basic matter of competency and proper practice. To avoid these problems, I would recommend reviewing Owen’s SCRA CLE, and related materials, if you think that SCRA might apply to a case.

Mac Mahoney is an associate at Berkshire Law Office, PLLC. He is a member of the Maricopa Lawyer Editorial Board.

Letter to the Editor

continued from page 2

investigations and address an apparent public perception that the State Bar “coddles” lawyers.

First, any tensions that may exist between the state Supreme Court and the Legislature likely stem from the latter’s long-running practice of decimating the court’s budget, not the Bar handling lawyer discipline and its other duties.

Since the 2008 economic crash, the Legislature has cut tens of millions of dollars in court funding. An obvious way to eliminate any resulting “tensions” with the state Supreme Court would be for the Legislature to acknowledge the importance of a properly functioning court system and provide adequate funding.

Second, Mr. Levine’s commentary suggests shifting lawyer-discipline intake to an “independent agency.” Appointments to this agency would be made not only by the state Supreme Court, but the Legislature and Governor, meaning that at least some members of this proposed “independent” agency would not be independent at all, owing their position to political officeholders. In any case, there is no guarantee (or evidence) that the discipline process under the new agency would be any freer from burden or less likely to “coddle” lawyers than currently under the State Bar.

Third, Mr. Levine argues that legislative appointments to the proposed “independent” agency “would provide the basis for funding alliance Bank

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See Letter to the Editor page 9
Q&A

Why ethics and professionalism matter

By Russell Yurk

We all know that ethics are important. We have to pass an ethics exam before we can practice law. We have to attend ethics education every year. And all of us (well, most of us) would agree that the ethical practice of law is important. But why is it important, and why should you care? This is a short list of some of the most important reasons why ethics and professionalism matter to you, your career and your business.

5. Avoid litigation and discipline complaints

Without a doubt, there are unethical lawyers who have never faced a malpractice action or a bar complaint. But every lawyer who pays too little attention to his or her ethical obligations is taking a serious risk. They risk unhappy clients who blame their lawyer for a setback. Those clients are likely to either file a malpractice action, file a complaint with the State Bar or both. Having to defend such actions is not only costly, but can damage your reputation as a lawyer. Virtually all of these situations can be avoided with a simple returned phone call, taking the time to explain something to the client or recognizing a conflict of interest that was staring the lawyer in the face. Even lawyers who are all about business need to understand that unethical conduct is bad for business.

4. Keep your clients happy

Keeping clients happy is not only important to avoid litigation and discipline. It also increases the likelihood that your client will return with future business, refer other clients to you and have confidence in your work. Happy clients are less likely to second guess your advice, re-write your motions and documents, or complain about your fees. Many of the ethics rules are there to benefit your relationship with clients. Ethics rules provide excellent guidance on competence, diligent representation, effective communication, respecting confidentiality and maintaining loyalty. Lawyers should look at ethics rules as assisting their practice rather than burdening it.

3. Reputation in the legal community

Ethical lawyers are almost always more respected in the legal community than are unethical lawyers. A good reputation and the respect of your peers increase the likelihood of referrals and will make your life easier. Acting professionally also has its benefits. For example, when you grant deadline extensions, you’ll likely receive deadline extensions when you need them. When you treat opposing lawyers with respect, they’ll usually treat you with respect. That’s good for you ... and good for your client.

2. You don’t have to waste time fixing your mistakes

Mistakes happen when lawyers pay too little attention to their ethical responsibilities. In addition to the potential liability, time will be wasted trying to fix them. Missing deadlines means that you need to make phone calls and file otherwise needless motions with the court. Failing to communicate with your client will often mean longer letters and phone calls explaining your actions. Missing a conflict of interest or not properly analyzing a joint representation may require you to seek withdrawal from representing one or more clients. All of these remedial measures take time.

1. It’s the right thing to do

We finish with what is truly the most important reason to be an ethical and professional lawyer. It’s simply the right thing to do. You need to be committed to doing the right thing. Ethics are part of the rules that govern the practice of law. It should go without saying that lawyers should follow the law. And when you follow the ethics rules, you can take genuine pride in your actions knowing that you didn’t bend the rules, cut corners or disrespect your client, opposing counsel or the court in the process.

Next month, I’ll discuss five things that lawyers can do to help build and maintain an ethical and professional practice.

Russell Yurk is a partner with Jennings, Haug & Cunningham, LLP, in Phoenix. His practice focuses on professional liability, lawyer discipline and complex civil litigation.

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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.”

Thank you for making a difference!

Quintanos, Prieto, Wood & Boyer, P.A.
Attorneys At Law

A multi-office national law firm is seeking ATTNRENS for its Phoenix office. Recruiting attorneys for Litigation, Financial Services and Corporate Law Departments.

Litigation Department is looking for attorneys with experience in the following practice areas: professional liability defense, general liability defense, insurance defense, commercial litigation, and workers compensation defense.

Corporate Law and Financial Services Departments are looking for attorneys with experience handling securities and broker dealer matters, international and domestic taxation, bankruptcy, real estate, intellectual property, international law, corporate law, asset protection, land use, mergers and acquisitions. Portable book of business is available.

Also seeking 1-3 year associates.

Email resume to RESUME@QPWB.LAW.COM
Welcome, Sustaining Members!

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

- Krystal Ahart
- Bruce L. Bauman
- Garvey M. Biggers
- Bryan James Blehm
- Terri L. Clarke
- James C. Dutson
- Magaly Fontes
- James R. Harrison
- Jennis Hemingway
- Leonnesia Herd
- Jill M. Hulsizer
- Nikki J. Johnson
- James F. Kahn
- Ronce F. Korbin Steiner
- Jack Levine
- Justin S. McKay
- Carla Miramontes
- Charles F. Myers
- Michelle N. Ogborne
- Rich J. Peters
- Donald W. Powell
- James T. Rayburn
- Shawonna R. Riggers
- Lyndy C. Shely
- Michael J. Sheridan
- Howard A. Snader
- Robert E. Thomson
- William S. Whitaker
- James P. Yeager

(List as of Feb. 17)

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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We Handle Litigation and Administration:
Probate, Trust and Estate
Financial Exploitation
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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.

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.

Potential clients can be yours with the MCBA Lawyer Referral Service. The LRS receives more than 100,000 calls per year from people seeking legal assistance as well as attorneys referring clients outside their practice area.

Among the areas needing coverage are:
administrative law, SSI-SSD/Medicare law, workers’ compensation, and immigration.
Spanish-speaking and West Valley attorneys are especially needed.
It’s easy to join! Call Jennifer Deckert at (602) 682-8590.

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The Cavanagh Law Firm welcomes ten attorneys formerly with Kunz Plitt Hyland & Demlong. With the addition of these attorneys, our full-service law firm now boasts one of the largest coverage and bad faith practices in the Southwest.
Letter to the Editor
continued from page 5

by taxpayers” and suggests that an “easing of tensions” between the State Bar and Legislature “can be accomplished” by asking the Legislature to fund the proposed “independent” agency. Possibly, but then tensions between the proposed new agency and the Legislature likely would increase when its members go to legislators and ask for a handout.

More importantly, imagine the reaction of Arizona taxpayers when they find out that we lawyers — who have been paying for our own discipline system via our bar dues — persuaded the legislature to get taxpayers to pay for this process.

Finally, some claim that mandatory bars compromise members’ First Amendment speech rights when they engage in political advocacy to which those members object. This issue has been litigated for decades, and the U.S. Supreme Court in Keller v. State Bar of Cal., 496 U.S. 1 (1990) set as a standard for constitutional state bar expenditures those incurred to regulate the profession and improve the quality of legal service.

State bar publicity campaigns are permissible, Seventh and Ninth Circuit appellate courts have ruled. Voluntary bar backers in Arizona do not seem to point to any advocacy on the part of the State Bar as constitutionally unfounded, so the widely heralded First Amendment issue appears not to be present here.

The bottom line is that the proposal to end the Arizona State Bar’s traditional mandatory functions would save lawyers little, if anything, in licensing costs, would complicate and possibly politicize the lawyer discipline process, and undoubtedly would generate taxpayer outrage. At best, it is a solution in search of a problem.

— Chris Ford
State Supreme Court says no to public's perception

Arizona Supreme Court Justice Ann Scott Timmer delivers the oath of office to Judge Stephen Hopkins during his investiture ceremony.

The Maricopa County Commission on Trial Court Appointments has recommended eight candidates to Gov. Doug Ducey for an opening on the Maricopa County Superior Court.

Nominees for the opening created by the resignation of Judge Joseph Sciarrotta are:
- Kristin Culbertson, Republican, of Phoenix, a partner at Littler Mendelson, PC.
- Kimberly Demarchi, Democrat, of Phoenix, a partner at Becker & House, PLLC.
- Michelle Johnson, Democrat, of Phoenix, sole practitioner at the Law Offices of Michelle Johnson, PLLC.
- Scott Minder, Republican, of Phoenix, a partner at Perkins Coie.
- Erin O'Brien Otto, Democrat, of Chandler, commissioner with the Maricopa County Superior Court.
- Annielaurie Van Wie, 44, Independent, of Phoenix, commissioner with the Maricopa County Superior Court.

Gov. Ducey will make the appointment.

New judge Q&A: Hon. Gregory Como

Q: What has surprised you the most about making the transition from private practice to a judge?
A: Well, it’s not really a surprise, but I’m enjoying not documenting my life in six-minute increments.

Q: Who has been the biggest inspiration in your legal career?
A: Barry Fish. He was the head of the tort practice at Lewis and Roca when I started there as a new lawyer. He was a brilliant lawyer who also had fun practicing law and made it fun for those who practiced with him.

Q: What’s your favorite quote?
A: “The best measure of a person’s character is what he does when no one is watching.”

Q: If you had a day to spend with anyone—living or dead, real or fictional—who would it be and what would you do?
A: Winston Churchill. I would love to have dinner with him and listen to his stories about WWI and WWII and all the world leaders he knew.

Q: What songs are currently in your playlist?
A: I like Americana and folk/rock. My favorite musicians are Jason Isbell, John Prine and Guy Clark.

As to whether the state Supreme Court’s decision will result in a dramatic change in American drug ads … well, I wouldn’t hold my breath.

Appeals court upholds rules that place restrictions on judicial campaigns

The Ninth Circuit Court of Appeals, acting en banc, has ruled that the First Amendment does not preclude Arizona from placing restrictions on campaign efforts by candidates for judicial office. Watts v. Conconmon, No. 11-17634 (9th Cir. Jan. 27, 2016) (en banc).

Randolph Wolfson twice ran for judicial office in Mohave County, losing both times. Intending to run again, he sued the Arizona Commission on Judicial Conduct. He challenged several provisions of the Arizona Code of Judicial Conduct that regulate judicial candidates and their campaigns, contending they were incompatible with his First Amendment freedoms of speech and association.

He challenged the code’s personal-solicitation clause, the endorsement clauses and the campaign prohibition. The personal-solicitation clause prohibited him from personally soliciting funds for his campaign. The endorsement clauses did several things. They precluded him from personally soliciting funds for the campaigns of other candidates or political organizations. They precluded him from publicly endorsing or speaking in favor of another candidate. And they precluded him from taking part in any political campaigns.

The district court tossed the case on summary judgment, but that was reversed on appeal. Wolfson v. Conconmon, 750 F.3d 1145 (9th Cir. 2014). The Ninth Circuit agreed to rehear the case en banc. The U.S. Supreme Court then issued Williams-Yulee v. Florida Bar, 135 S. Ct. 1656 (2015), upholding similar Florida rules against similar attacks. The en banc court pretty much adopted Williams-Yulee’s reasoning and upheld Arizona’s rules.

In his opinion for a unanimous court, Judge Ronald Gould first addressed the level of scrutiny to be applied. He adopted the Williams-Yulee plurality’s adoption of strict scrutiny, under which restrictions on First Amendment rights are invalid unless they further a compelling governmental interest and are narrowly tailored. While adoption of strict scrutiny often sounds a death knell for a law, it may be that a law as narrowly drawn as the one before the court is not invalid on its face. Gould noted that the Arizona rules appropriately address a fundamental interest in securing public confidence in a fair and neutral judiciary.

The Supreme Court stated that it had “recognized [Florida’s] vital state interest in safeguarding ‘public confidence in the fairness and integrity of this nation’s elected judges,’” because the “judiciary’s authority ... depends in large measure on the public’s willingness to respect and follow its decisions.” Arizona shared that interest, Gould noted. He wrote that Arizona “reasonably wants to uphold the public’s perception of publicly elected judges as being fair-minded and unbiased, and may do so by prohibiting judicial candidates from making personal solicitations.”

Similar reasoning doomed Wolfson’s challenges to the endorsement and campaign clauses. “Arizona can properly restrict judges and judicial candidates from taking part in political activities that undermine the public’s confidence that judges base rulings on law, and not on party affiliation,” Gould wrote. Those clauses “squarely aim[ at] preventing conduct that could erode the judiciary’s credibility,” he noted. A judicial candidate’s active engagement in political campaigns can put his impartiality into question, “and the public can lose faith in the judiciary’s ability to abide by the law and not make decisions along political lines.” The endorsement and campaign clauses are a legitimate response to those valid concerns, he held.

Gould refused to second-guess the lines that Arizona had drawn in its rules. Again, a statement from Williams-Yulee provided guidance: “These considered judgments deserve our respect, especially because they reflect sensitive choices by States in an area central to their own governance — how to select those who sit as their judges.”

Wolfson argued that Arizona could have achieved its desired goals by simply requiring judges to recuse themselves in cases where their prior activities might bring their integrity into question. Gould found this to be an “unworkable alternative.” As Williams-Yulee had noted, “a rule requiring judges to recuse themselves from every case where they endorsed or campaigned for one of the parties could ‘disable many jurisdictions’ and cripple the judiciary.”

Gould pointed out that four Arizona counties have only one superior-court judge and two others have only two. Hence, a judge’s “campaigning for frequent litigants would cause an insurmountable burden that other judges and other counties may not be able to bear.” Furthermore, frequent recusal might “cause the same erosion of public confidence in the judiciary that Arizona’s Endorsement Clauses and Campaign Prohibition are trying to prevent.”

“The compelling interest in preserving public confidence in the integrity of judiciary,” Gould concluded, “warrants a reasonable view of Arizona’s attempt to forestall judicial candidates from engaging in political campaigns other than their own.”

Joining him were Chief Justice Sidney Thomas and Judges Diarmuid O’Scainland, Susan Graber, William Fletcher, Richard Talmage, Johnnie Rawlinson, Consuelo Callahan, Morgan Christen, former Arizona Supreme Court Justice Andrew Hurwitz and Marsha Bertzen, who filed a concurring opinion.
NEW HIRES

Berk Law Group, PC, is pleased to announce the addition of Justin S. McKay as an associate attorney at the firm. McKay was born and raised in Phoenix and graduated from Arizona State University in 2007. He earned the rank of Eagle Scout in Troop 329 and later graduated from Northern Arizona University in 2011. While in college, he operated his own computer repair business and ultimately decided to become a lawyer, like his father. McKay received his law degree from the Sandra Day O’Connor College of Law at ASU. At Berk Law Group, PC, McKay will focus his practice primarily on probate, trust and estate administration, litigation, and elder law litigation.

Jason S. McKay

PROMOTIONS

Jennings, Strouss & Salmon, PLC, is pleased to announce that Paul J. Valentine has been elected a partner of the firm. Valentine’s practice emphasizes structuring corporate, partnership and real estate transactions; coordinating medium and small businesses and tax-exempt organizations in tax matters; litigating tax cases in federal courts; and handling administrative controversies before the IRS and state agencies. In the tax-controversy area, Valentine has filed federal refund suits, defended worker classification audits and litigated the tax treatment of one of Arizona’s largest Ponzi schemes. He is also consulted regularly on the interplay between tax and bankruptcy law.

Paul J. Valentine

Alan Bayless Feldman

Alan Bayless Feldman was recently elected partner at Ryley Carlock & Applewhite, based in the firm’s Phoenix office. Bayless Feldman focuses his practice on labor relations and employment law. He represents clients nationwide in matters involving collective bargaining, union organizing campaigns and unfair labor practice allegations. Bayless Feldman counsels employers regarding employee handbooks, policies, management training and employee discipline, and he defends employers in actions involving wage-and-hour, discrimination, harassment and other employment-related claims. His general commercial litigation experience includes various matters involving contract disputes and business torts. Bayless Feldman’s trial experience includes successfully defending clients in unfair labor practice proceedings and receiving favorable decisions in cases involving employee/ independent contractor claims and the enforceability of non-compete agreements. He received his J.D. from Arizona State University where he was a National Moot Court team and note and comment editor for Justiciana: The Journal of Law, Science, and Technology. He received his B.S. from the University of Arizona.

50 years ago

continued from page 1

Appellant’s counsel

John Flynn, the son of an Irish union organizer/cattle rustler, was born in Tortilla Flat, Arizona. He talked his way into the Marines before he was 18 and as a member of the elite Carlsborg’s Rangers was wounded several times in the South Pacific during World War II. He was a handsome ladies’ man, marrying five times. He was a leading patron of the Rooster Bar but, above all, he was an intuitive trial lawyer with a reputation for being able to win almost any kind of trial, from product defects to divorces, but especially difficult criminal cases.

John Frank, on the other hand, was the son of a Wisconsin attorney and had come to Arizona for health reasons after being a law professor at Yale, where he was regarded as a leading constitutional law and Supreme Court scholar and author. He had worked closely with Thur- good Marshall on school desegregation cases leading to Brown v. Board of Education. Frank was a towering intellect, a wine aficionado, and mentor to multiple generations of judges, attorneys and political leaders.

In 1965, these two unlikely colleagues were respected partners in the Phoenix firm of Lewis & Roca. At that time, the firm had committed to handle two pro bono referrals each year from the American Civil Liberties Union (ACLU). That summer, Phoenix attorney Bob Oberto (a later justice of the Arizona Su-
preme Court) was screening potential cases for the ACLU and he recognized that the Arizona Supreme Court’s decision in Miranda conflicted with a recent California case also involving a confession by the defendant without advice of counsel. Corcoran saw this conflict as an opportunity for the Supreme Court to clarify and extend its decision in Escobedo v. Illinois. Escobedo had held that under certain circumstances, criminal suspects have a right to counsel during police interrogation. Under the Sixth Amendment, but the scope of that right was uncertain. Corcoran soon convinced Flynn to take the case, and Frank was recruited to take the lead in preparing the brief.

The briefs

The U.S. Supreme Court selected Miranda v. Arizona in November 1965, along with four other confession cases from about 150 such cases requesting certiorari. Flynn and Frank, with Robert Jansen and Paul Ulrich, spent the holidays preparing the petitioner’s brief in the case with a focus on expansion of the Sixth Amendment right to counsel flowing from Escobedo. Frank masterfully laid out the history of the evolution of a criminal defendant’s right to counsel and offered a convincing legal rationale for extending the protections recognized in Escobedo. He argued that it was pointless to provide counsel for accused after they had already confessed during a police interrogation. Assistant AG Nelson argued in his brief that requiring police to make suspects aware of their right to counsel at early stages of investigation and before interrogation would unreasonably restrict the police’s ability to obtain confessions and severely hamper law enforcement. Of all the briefs filed in the consolidated cases, only the amicus brief filed by the ACLU departed from this pure Sixth Amendment argument. The brief drafted primarily by Professor An-
thony Amsterdam (with multiple citations to the foundational work of Professor Yale Ka-

5 years ago

As an undergrad, Cassidy studied music at Northwestern University. After graduating, he became a stage actor in Chicago and appeared in many musical theatre productions in the area. He spent nine months traveling the country in a tour bus and has performed on stages from New York to San Francisco.

In addition to his music/acting career, Cassidy spent eight years as a legal assistant. Before attending Northwestern Law, he assisted attorneys with a wide variety of cases involving civil litigation, real estate, estate planning, state and federal regulatory matters, and loan transactions.

At Northwestern Law, he was a member of the Arizona JD program, completing three years of coursework in only two years. Cassidy graduated cum laude and was named an inaugural Kirkland & Ellis Scholar for his academic achievements.

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THREE WAYS TO REGISTER

ONLINE
Register online at: www.maricopabar.org. Click on CLE/Events at the top menu and then “CLE Calendar.”

DOWNLOAD PRINTED FORM
Follow directions for online registration. Then, from the program’s online registration page, download a printer registration form to mail or fax.

PHONE
Call at (602) 682-6858

Where the Legal Community Connects

THREE WAYS TO REGISTER

MARCH 8 • 11:30 A.M. TO 1 P.M. (Lunch included)
Tax Considerations in Family Law
1.5 CLE credit hours available (qualifies for family law specialization credit)
Please join Melvin Sternberg for a seminar discussing tax considerations in divorce cases. Each family law practitioner should attend this seminar, which will also talk about tax deductibility of spousal maintenance and legal fees, and dependent child deductions and tax credits.
PRESENTER: Melvin Sternberg
MCBA members: $67.50/$82.50
MCBA Family Law Section members: $45/$50
MCBA student members: $15/$30
Non-members: $170.50/$225.50
LIMITED SEATING—RESERVE NOW!
Early bird pricing ends 3.16.16

MARCH 9 • NOON TO 1 P.M. (Lunch included)
Responding to Government Information Requests—Recent Trends and Cases
1 CLE credit hour available
This seminar will discuss government information requests, the forms of the request and the potential responses, as well as general considerations in responding to subpoenas. We will also review recent Department of Justice guidance focusing on individual accountability, recent cases and Fifth Amendment issues for collective entities.
PRESENTERS: Joe Roth, Esq., and Jana Sullivan, Esq.; Osborn Maledon
MCBA members: $50/$65
Bring your paralegal/legal assistant (please provide their name and email): $30
MCBA Criminal Law Section members: $45/$60
(use promo code INF0)

MARCH 10 • 7:30 A.M. TO 9 A.M. (Breakfast included)
Dispelling the Myths About Corporate Trustees
SPONSORED BY: Estate Planning Probate and Trust Section
1.5 CLE credit hours available
Program Summary:
- Corporate trustee duties regarding taxes;
- Fees;
- Duties of a corporate trustee;
- How corporate trustees work with the legal community;
- How corporate trustees engage attorneys;
- How corporate trustees work with third-party investment advisors;
- Advantages/disadvantages of corporate trustees;
- Drafting tips from a corporate trustee perspective.
PRESENTERS: James D. Boardman, VP and Senior Trust Officer, First International Bank & Trust; Vincent Baustista, Trust Officer, First International Bank & Trust;
MCBA members: $67.50/$82.50
Bring your paralegal/legal assistant (please provide their name and email): $30
MCBA EBPT section members: $45/$50
MCBA Paralegal & Public Lawyer Division members: $45/$50
MCBA student members: $15/$30
Non-members: $107.50/$122.50
LIMITED SEATING—RESERVE NOW!
Early bird pricing ends 3.16.16

MARCH 13 • NOON TO 1 P.M.
Reducing the Risks of Litigation
1 CLE credit hour available
Please join Prof. Gail Feldman, Tulane University Law School; Ms. Melissa Ann Goldenberg, General Counsel for the Phoenix Suns; and Hon. George T. Anagnost, Peoria Municipal Court. Registration fee of $100 includes CLE session, refreshments, buffet lunch, parking and admission to the game between the Chicago Cubs and the Seattle Mariners starting at 1:15 p.m.

MARCH 16 • 11:30 A.M. TO 1 P.M. (Lunch included)
15 Tips to Prevent Fraud
1.5 CLE credit hours available
This seminar will focus on how fraud happens, provide real-life examples and horror stories, and provide 15 simple tips that every business can do to prevent fraud.
PRESENTER: G. Ross Dieterich, CPA, CIT, CCP, Price Kong CPAs & Consultants
MCBA members: $67.50/$82.50
Bring your paralegal/legal assistant (please provide their name and email): $30
MCBA Litigation Section members: $60/$75
MCBA Paralegal & Public Lawyer Division members: $45/$60
MCBA student members: $15/$30
Non-members: $107.50/$122.50
LIMITED SEATING—RESERVE NOW!
Early bird pricing ends 3.16.16

MARCH 23 • NOON TO 1 P.M. (Lunch included)
So You’re the Arbitrator
1 CLE credit hour available, including 1 ethics
The superior court appoints attorneys as arbitrators in qualifying civil cases, regardless of the appointed attorney’s background or experience. This seminar will provide a step-by-step guide for anyone in Maricopa County who gets appointed as an arbitrator pursuant to Arizona Rule of Civil Procedure 73. Attendees will provide a review of the process — from receipt of the notice of appointment, conducting the arbitration hearing and issuing the arbitration award. This program is ideal for new attorneys, first-time arbitrators and anyone who wants to be well prepared and confident in tackling arbitration. Participants will also leave with appropri- ate forms and procedures of key timetables and deadlines. There will be a brief interactive segment to the seminar, providing insight on the decision-making process that takes place in arbitration.
PRESENTERS: Jennifer Cranston, Gallagher & Kennedy, PA; Nina Targovnik, Community Legal Services
MCBA members: $50/$65
Bring your paralegal/legal assistant (please provide their name and email): $30
MCBA Paralegal & Public Lawyer Division members: $35/$50
MCBA student members: $15/$30
Non-members: $80/$95
LIMITED SEATING—RESERVE NOW!
Early bird pricing ends 3.16.16

MARCH 30 • 11:30 A.M. TO 1 P.M. (Lunch included)
The Telephonic Consumer Protection Act (TCPA): Counseling Clients on Compliance and Litigating Claims
1.5 CLE credit hours available
There have been significant changes in the law this year, a growing number of individual class-action claims and a number of petti- tors challenging the Federal Communications Com- mission’s policies. This program will discuss how businesses can comply with the law, the vulnerabilities that lead to claims, address the defenses, available insurance and case strategy.
PRESENTERS: Sarah Anchors, Esq. and John Craiger, Esq., Quarles and Brady, LLP; Marshall Meyers, Esq. Weisberg & Meyers, LLC
MCBA members: $67.50/$82.50
Bring your paralegal/legal assistant (please provide their name and email): $30
MCBA Paralegal & Public Lawyer Division members: $45/$60
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Maricopa Lawyer

BARRISTERS AND BASEBALL
Sports Law for the General Practitioner and Specialist
Special Event with the Peoria Municipal Court
THURSDAY, MARCH 10, 2016
9 A.M. TO 12:45 P.M.
3.5 hours CLE, 1 hour ethics included

THE PEORIA SPORTS COMPLEX
COLONNADE ROOM
16101 N. 83rd Avenue, Peoria, AZ 85382
Sports Law has established itself as a subject matter at national law schools, involving issues ranging from antitrust, intellectual property, labor law, player negotiations, to the emerging awareness of player conduct, drug testing and domestic violence. This program is intended to provide the general practitioner and specialist with an overview of important topics in both professional baseball and bas- ketball, along with a background of contract and antitrust law. Please try and register before March 8, 2016.

Economic Damages—A Foundational Approach
SPONSORED BY: MCBA Litigation Section
1.5 CLE credit hours available
Please join Joe Epps, Michael Haugen and David Sutherland for a seminar on the key to a successful “Daubert Challenge,” or defense of a challenge that is the foundation for the expert opinions. This session will focus on methods to analyze the foundation of the expert relating to different types of damages.
PRESENTERS: Joe Epps, CPA/FFA/ABV, CFE, CVA, President of Epps Forensic Consulting; Michael Haugen, CPA/FFA, CFE; David Sutherland, CPA/FFA, CFE, CLEA
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MCBA Paralegal & Public Lawyer Division members: $45/$60
MCBA student members: $15/$30
Non-members: $107.50/$122.50
LIMITED SEATING—RESERVE NOW!
Early bird pricing ends 3.16.16
Please join Director Jeffrey Fleetham and Assistant Directors Jeff Wills and James Hanson for a seminar that will discuss recent developments with the Arizona Registrar of Contractors.

Presenters: Jeffrey Fleetham, Director, Arizona Registrar of Contractors; Assistant Director Jeff Wills, Compliance; and Assistant Director James Hanson, Legal & Recovery Fund.

Early bird pricing ends 3/25/16.

APRIL 5 • 11:30 A.M. TO 1:30 P.M. (Lunch included)

The Impact of the Affordable Care Act on Child Support

Sponsored By: Family Law Section

1 CLE credit hours available

This CLE will provide an updated view of how the Affordable Care Act is impacting Arizona families and the family court orders. We will discuss practical approaches to address the medical care, taxes and other support obligations of the children.

Presenters: Debra Tanner, Section Chief Counsel, Office of the Attorney General; Holly Wan, Assistant Attorney General, Office of the Attorney General.

Cost: MCBA members: $67.50/$82.50

Bring your paralegal/legal assistant

Limited seating—reserve now!

Early bird pricing ends 3/30/16.

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VLP ATTORNEY OF THE MONTH

Generosity is key to attorney’s life philosophy

By Peggi Cornelius, VLP Programs Coordinator

“It really is true that the more you give, the more you receive,” says attorney Diane Drain about the time she’s put in working with the Volunteer Lawyers Program (VLP). As VLP’s current “Attorney of the Month,” Drain is clearly a believer in the intrinsic value of pro bono work.

A graduate of the University of Arizona Law School in 1985, Drain describes a career encompassing community service in a variety of endeavors. “Throughout my entire legal career I have volunteered at bar programs, bankruptcy court programs, VLP call-outs, disabled vet groups, and law school programs and projects designed to help people,” she says.

A recent project Drain helped to establish began in 2005. Again, her description tells the story: “In the past decade, the Self-Help Center at the bankruptcy court has grown to serve thousands of individuals who cannot afford an attorney,” she says. “Today, the center has a fabulous staff, Tami Johnson and Cynthia McElroy, and the commitment of all the bankruptcy judges. At the core of its success are more than 70 volunteer attorneys.”

People seeking assistance through the VLP are often burdened with debt that results in garnishment of their limited income. Their indebtedness frequently stems from previous unemployment, illness or injury, divorce, or the death of a family member. Although the court’s Self-Help Center is a resource for many who can represent themselves, there remains a great need for volunteer attorneys to accept referral of low-income clients for pro bono representation in no asset bankruptcy proceedings. In her private practice, Drain has expertise in debtor and creditor bankruptcy rights and she willingly accepts VLP case referrals for Chapter 7 petitions. However, knowing there is always a waiting list of VLP cases needing referral, she has developed a way to expand her contribution.

It’s interesting to note some of the influences that inspire Drain’s ideas and approach to community service. She reveals something of her personal background, saying, “I was born in Tucson. My family includes hard-working farmers, ranchers and small-town people. My parents operated a mechanical engineering firm in our front room until the employees outnumbered our family of five. They encouraged entrepreneurship experiences, including making and selling Barbie doll clothes and acrylic grapes. My grandmother, Flora Frye, was a farmer. She served in the military in the 1940s and, after retiring, she established the first displaced homemaker program in Yuma. When I was entering law school she invited me to attend opening ceremonies at the state legislature. The House Chair welcomed her, then turned to me and said, “When Flora Frye asks for something you just give it to her because she will keep coming back until you do! She paid half my law school expenses and obtained her doctorate in education at the age of 89. To this day I offer a ‘grandmother discount’ to those clients she would have given her protection and guidance.”

With generational ingenuity and determination, Drain saw a way she could accept more than one VLP case referral at a time. She enjoys mentoring new attorneys and teaching bankruptcy classes as an adjunct professor of law at Arizona Summit Law School. Simultaneously accepting multiple case referrals from the VLP, Drain provides law students in her classes with supervised experience applicable to real-life situations. The fact that VLP cases are not fee generating adds another dimension to her pro bono work.

“If law students and new attorneys see the value of volunteering, my reach grows through them — something like a large tree spreading its branches to offer shade to those who need it,” she says.

A wife, mother, grandmother and great grandmother, Drain is a woman whose life and generosity seem to grow like the tree she envisions in her analogy. And so, as the tree grows, the branches of her pro bono work continue to spread.
Welcome and Congratulations to the 2016 Sections and DIA Division Members Board!

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