Tina Ziegler named MCBA Member of the Year

Tina Ziegler, director of the Paralegal Division at the law firm of Hammerman & Hultgren, P.C., is the recipient of the 2016 Robert M. Mills Member of the Year Award.

Ziegler has been a member of the Maricopa County Bar Association (MCBA) since 2011—and made her mark right from the beginning. In 2012, she was part of the Paralegal Division's Paralegal Career Day Committee and was a speaker for the event. She was also an active member of the 2012 Paralegal Conference and Scholarship Committee. In 2013, Ziegler became the division's secretary and was part of the Paralegal Career Day, Paralegal Conference and Scholarship Committee. In 2014, she chaired the Paralegal Conference and Scholarship Committee, and co-chaired the Paralegal Career Day Committee. She also volunteered to be the division's president-elect when the position became available.

“I wanted to be able to be involved in the legal community outside of my office. I wanted to meet new people and network,” she explains.

She later took over the presidency role in April 2015, eight months early. At the time, she was also the president of her church’s women’s club and active on her parish’s pastoral council.

As president she set several goals; mainly, she wanted to grow the paralegal division and increase its impact within the MCBA. To accomplish that, she reached out to other sections and divisions within the MCBA, initiated the Paralegal Division Facebook page, connected with other legal associations, and was instrumental in putting together the committee that planned the Legal Professionals Mixer that was held in February and which brought five legal professionals together.

See Tina Ziegler named MCBA page 6

Police officers: Probable cause and tort liability

The Arizona Supreme Court has resolved a conflict between the two divisions of the Court of Appeals about how Arizona’s new medical-marijuana initiative affects probable cause, specifically, whether the plain odor of marijuana provides probable cause for a search and seizure.

Last July 20, Division Two held that the AMMA—the Arizona Medical Marijuana Act—essentially decriminalizes marijuana possession in many instances, meaning that evidence of the presence of marijuana does not, without more, establish probable cause of a crime. State v. Sisco, 238 Ariz. 239 (App. 2015). Three days later, Division One held that because the AMMA establishes only a defense to illegal-marijuana charges, it does not affect the probable-cause calculus, leaving the so-called “plain-smell” doctrine in place. State v. Cheatham, 237 Ariz. 502 (App. 2015). The Supreme Court essentially sided with Division One, using the Division Two case to establish its principles. State v. Sisco, No. CR-15-0265-PR (Ariz. July 11, 2016).

Based on the strong odor of marijuana emanating from one unit in a four-unit industrial storage facility, Tucson police obtained a search warrant. They found no marijuana in the unit, which was empty. Further investigation led them to believe that the odor was emanating from an adjacent unit, and they got a warrant for it. This time, the officers found dozens of marijuana plants along with growing equipment.

Ronald James Sisco, II, one of the unit’s occupants, was convicted of various crimes connected with the marijuana-growing operation. On appeal, he argued that the superior court should have suppressed the evidence from the unit’s search because, he argued, the officers lacked probable cause to search it. In a split opinion, Division Two agreed, holding that with the AMMA’s advent, the mere scent of marijuana does not amount to probable cause without “additional, commonly evident facts or contextual information suggesting a marijuana-related offense.”

In an opinion by Chief Justice Scott Bales, the Supreme Court disagreed. In analyzing probable cause to support a search warrant, Bales noted, “The facts need not show it is more likely than not that contraband or evidence of a crime will be found.” Instead, quoting the United States Supreme Court, he wrote that it only requires “the kind of ‘fair probability’ on which ‘reasonable and prudent behavior that is actually innocent may nevertheless provide probable cause to believe that a crime has occurred,” he concluded.

Because the AMMA did not generally decriminalize marijuana possession or use but legalized it only in limited circumstances, Bales concluded, “the odor of marijuana in most circumstances will warrant a reasonable person believing there is a fair probability that contraband or evidence of a crime is present.

“Possession of any amount of marijuana by persons other than a registered qualifying patient, designated caregiver, or medical marijuana dispensary agent is still unlawful,” he noted, “and even those subject to AMMA must strictly comply with its provisions to trigger its protections and immunities.” Consequently, when an officer detects or smells marijuana, there is still a high degree of suspicion that criminal activity is afoot. “A reason-

See Police officers ... page 13
Our community, our bar

As members of the local legal community, we all share a responsibility to our local community at large. The Maricopa County Bar Association (MCBA) takes that responsibility seriously, incorporating community involvement as one of the pillars of the current strategic plan.

The MCBA has been involved in our community for years, and while I could spend this entire article listing all of those programs, I’ll mention only a few examples.

We are regular supporters of Community Legal Services (CLS) and the Volunteer Lawyers Program (VLP), related organizations that provide legal services to financially qualified, low-income members of our community. If you are seeking meaningful pro bono opportunities, I strongly encourage you to reach out to CLS and VLP.

Our Young Lawyers Division has devoted time, energy, and resources to support local charities. An upcoming example is the 12th Annual RaceJudgea, a 5K (or 1K or “sleep-in donation”) taking place at Kiwanis Park on October 15, which benefits survivors of domestic violence. Our Volunteer Referral Service matches community members needing legal assistance with capable and qualified lawyers who have agreed to represent clients in a certain area of law. After a consultation, the lawyer and client can determine whether to proceed with the representation and, if so, under what terms.

This year, we are kicking it up a notch. The MCBA has coordinated a ballot measure speaker series, open and free to the public, in conjunction with the ASU Cronkite School of Journalism, the ASU Sandra Day O’Connor College of Law, and the Sandra Day O’Connor Institute. The first event will be September 13 at the Arizona Center for Law and Society (the new downtown ASU law school campus), and will focus on marijuana legalization measures. Additional presentations will address ballot measures regarding minimum wage increases and limitations on hospital executive compensation. By engaging and educating the public on these topics, I am expecting a more informed voter population, an enhanced MCBA profile, and future opportunities for the MCBA to collaborate with other institutional leaders in our community.

Our Paralegal Division (led by 2016 Member of the Year Tina Ziegler) is partnering with the Young Lawyers Division for the second time this year for an Emergency Food Box Pack & Sort event at St. Mary’s Food Bank on September 17.

The MCBA’s 2016 Bench Bar Conference (chaired by new MCBA Executive Director Allister Adel) is scheduled to take place September 30 at the Phoenix Convention Center. This year’s program includes a lunch held jointly with Phoenix Rotary 100, which will unite business leaders with legal leaders.

I am excited about our continued and increased involvement in our community. These activities demonstrate productive cooperation with highly respected neighbors to address important community concerns. Members of the MCBA, and our community at large, will greatly benefit from our investment in these endeavors.

September also marks a critical time in planning for the future. I have served with many strong leaders, far too many to list here, during my tenure as a member of the board of directors (and since 2013 as an officer), and as a board member and chair of the Bankruptcy Section. Thanks to the motivation, drive and thoughtfulness of those with whom I have served (and those who served before me), the MCBA has a bright future.

I’ve heard people say that anyone can steer the ship, but it takes a leader to chart the course. Whether you have been a long-time member, have recently joined, or fall somewhere in-between, you can participate in charting the MCBA’s course. This is OUR bar association, but it cannot excel without YOUR involvement. Are you pleased with the MCBA’s direction? Do you want to help shape the MCBA’s future? What are you doing to make your vision a reality?

Please consider whether you have the desire, time and leadership skills to serve the MCBA in a leadership capacity. Several opportunities include:

Board of directors: The voting members of the board of directors consist of the five officers of the MCBA, 10 at-large MCBA members, and the presidents of each of the MCBA sections. As a member in good standing of the MCBA, you are eligible to run for one of the five at-large board positions. Candidacy materials are due by September 15. Board members are expected to attend meetings (held monthly at a day and time established by the president, historically the third Thursday of each month except July and beginning at 4:30 p.m.), to participate in special meetings, to attend a board retreat, and to attend other MCBA events.

Divisions and sections: Each of the MCBA’s divisions and sections selects its own governing board. The president of each division is automatically included as a voting member of the board of directors, and each division president and section chair is a member of the MCBA Leadership Council. Contact any section or division board member to inquire about serving as a leader.

Committees: The MCBA has several committees whose members and chairs are appointed by the president of the MCBA; you can find a list of committees on the MCBA’s website. Committees generally focus on a single topic or event, and reconstitute anew each year. Members in good standing may express their interest in serving on and/or chairing a committee in late November or early December through a controlled submission process. Committee chairs are members of the MCBA Leadership Council. The MCBA editorial board, this publication cannot print itself; the editorial board ensures the Maricopa Lawyer contains quality content and timely issuance around the first day of each month. MCBA members in good standing may express their desire to serve a two-year term as a member of the editorial board following the same process used for committee appointments. The MCBA builds lawyers into leaders because our community needs us to lead. Together we can chart the course for our bar association’s success.
Support local domestic violence shelters

For the 12th year in a row, the Young Lawyers Division (YLD) of the Maricopa County Bar Association is hosting a 5K walk/1-mile run—the Race Judicata. The event will take place on Saturday, October 15, 2016, at Kiwanis Park in Tempe. Check-in and registration begin at 6 a.m., with the race beginning promptly at 7 a.m. The 3.1-mile course will take walkers, runners and strollers through the lake, ball fields, playgrounds and other scenic spots.

One of my favorite aspects of the Race Judicata is that proceeds benefit victims of domestic violence—it even takes place during Domestic Violence Awareness Month! The Young Lawyers Division works hard from August through mid-October to gather “necessities,” such as toothbrushes, toothpaste, shampoo, conditioner, brush and comb sets, soap, diapers, wipes, tampons, deodorant, lotion, etc. Gift cards to Target, Walmart or similar stores are also appreciated (YLD board members use these cards to purchase additional necessities).

In order to gather the necessities, the YLD places collection boxes at various law firms around the Valley and spreads the word about the event. Race participants are encouraged to bring necessities for donation, and proceeds from the race are used to purchase additional supplies.

In late October, members of the Young Lawyers Board gather to separate and organize the goods into donation piles for two local domestic violence shelters. For a number of years now, Two Men And A Truck has delivered the goods to the shelters free of charge, in addition to providing space for YLD board members to organize the goods.

Here are five more really awesome facts about the Race Judicata:

1. It takes place in mid-October, when the weather is usually just about perfect—especially in the morning.
2. The entrance fee includes a lightweight, moisture-wicking T-shirt and a bag of goodies gathered by YLD board members from sponsors and other sources.
3. There will be food, music and fun for the whole family. A coffee truck will be on-site for all who want to splurge after the race (or before!).
4. It is dog-friendly! Runners, walkers, strollers, and [friendly] canines alike are welcome to join in the fun!
5. Award medals will be given to the fastest runners, so bring your A-game!

Each year, a significant number of volunteers commit a great amount of time and effort to ensure that the Race Judicata is a huge success, and this year is no different. Thank you all for what you have been doing, and will continue to do to ensure that the 12th Annual Race Judicata is the best one yet! A very special thank you goes out to Laurie Williams and the 2016 Race Judicata Committee, which includes Kimberly Davis (Udall Shumway), Joy Isaac (Snell & Wilmer), Rachel Phillips (Bryan Cave), Janette Coral (Maricopa Office of the Public Defender), Ryan McBride (Kazerouni Law Group, APC) and Alexia Petersen (Deconci McDonald Yerwin & Lacy, P.C.). Each of the committee members has worked hard to ensure the race is well planned and organized so that all participants have a fantastic time.

Kiwanis Park is located at 5000 S. Mill Avenue, Tempe, Arizona 85283. There will be signage throughout the park, but parking will be at the All American Way Bridge. The race begins and ends at the Sister Cities Garden area of the park.

If you haven’t yet registered for the event, you can sign up at: http://www.maricopabar.org/2016Race. The Early Bird price of $30 ends on September 16—so don’t delay!! Don’t worry though, after September 16, the price is still very reasonable $35.

If you or your company are interested in sponsoring the Race Judicata, please contact me (Krystal.Ahart@BankruptcyLegalCenterAZ.com). Sponsorships are available at numerous levels, including $250, $500, $1,000, $1,750 and $2,500, and each level includes valuable advertising.

If you would like to donate necessities to this very worthy cause, please bring them to the race on Saturday, October 15 (between 6-9 a.m.), deliver them to the MCBA office by Wednesday, October 19, 2016, or contact me directly and I will retrieve them. Thank you in advance for your support!

Critiquing someone else’s writing is hard work—especially when I cannot tell what point the author is trying to make. In my early days as a professor, I would write “rambling” or “unclear, need to rework” as my critique. These comments did not help the writer rework the piece though, because they did not offer a specific diagnosis or plan of attack. I have now learned that if a document rambles, the likely diagnosis is the lack of a thesis statement.

A thesis statement is a simply a sentence (or two) that states the writer’s purpose or main argument. A thesis statement is also used as the organizing guideline for the rest of the document. Using a thesis statement is especially important in a legal document because legal readers have little time to search for the document’s purpose. If the reader cannot find the purpose up front, they will stop reading. One of my colleagues summarized the need for a thesis statement this way: legal writing should make the reader feel smart.

The following are the templates I suggest using to ensure that every document has a thesis statement.

1. Legal Memorandum: “This memorandum will address ____.” I suggest placing this sentence at the end of the introduction or statement of facts, whichever occurs first. In a shorter, less formal memorandum, this sentence could be the first sentence of the document.
2. Legal Brief (persuasive): “The Court should ____ because ____.” I suggest placing this sentence in the first paragraph.
3. Article: “This article will address ____.” I suggest placing this sentence in the introduction to the article. In a longer, academic article, this sentence should also appear in the abstract.
4. Letter: “I am writing to ____.” I suggest placing this sentence in the first paragraph.
5. Email: “I am writing to ____.” I suggest placing this sentence as the first sentence of the email. A writer could also abbreviate the sentence and place the purpose in the subject line. Example: Request to sign release. These templates are fairly basic, but they are helpful for a first draft. Once you are convinced the document’s purpose is clear, then you can work on rewording and adding appropriate transitions.

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Case management: Files and emails and projects, oh my!

One of the most important skills a good paralegal can have is the ability to manage cases while dealing with incoming calls, emails and projects. The following are some tips on how to better manage your caseload while juggling all of the other tasks you have to do.

**Keep an organized workspace:** Know where everything is in case your attorney asks for something out of the blue. Having too many files in your area creates clutter, can distract you from the file at hand, and too many files in your area creates clutter, adding an auto reply message to your emails and, issuing a “do not disturb” notice to your co-workers. This allows you to give a file your undivided attention. It also prevents distractions that can lead you to miss something important.

**Prioritize your responsibilities:** If you answer to more than one attorney, it can sometimes be difficult to determine what you should be focusing on first. If there is a conflict between projects given to you by different attorneys that are equally important, you may need to ask them what should be the higher priority. What if everything is a priority? First of all, don’t panic. When I am feeling the walls closing in, I create two lists to help keep me focused—a list of upcoming deadlines and one for upcoming events. Each deadline or event is listed in chronological order so I can see how quickly something is coming up. I share this list with my attorney and it can serve as a way for him to see what we are handling and whether he wants to delegate a task or have someone cover a court appearance. If possible, to get a better handle on your tasks, obtain an extension from the other side. Most attorneys can empathize with having a busy schedule and are willing to extend a deadline as a professional courtesy. In these situations, try to extend deadlines that don’t require the court’s involvement, such as a disclosure statement or discovery responses. This way, you won’t have to take the extra time to prepare a formal stipulation for filing with the court. Don’t forget to extend the same courtesy to the other side should they require an extension.

Do as much as you can when a file first comes to you. This will save time later. If you are plaintiff’s counsel, you can start writing a letter or preparing an answer to the response or reply, you can shell the responsive document ahead of time, making sure you have the proper court, judge and opposing party’s information listed, and email it to the attorneys for their portion. This helps prevent last-minute rushes, and the initial prep work will be much appreciated by the attorney assigned the task of preparing the document.

**Organization of projects:** When starting a project, first determine where it should be conducted. Consider a different location than your normal workspace if you need to spread out and avoid interruptions and distractions. You also want to set everything up ahead of time and have all of the necessary supplies readily available in order to avoid delays in getting started.

Plan ahead when you have an upcoming deadline. Make your attorney aware of deadlines well in advance, especially if they will require time for legal research and client input. Docket several reminders for the deadline to keep you on track. When dealing with out-of-county matters, allow extra time to ensure your document reaches the court by the deadline. Again, shell documents as soon as possible to save both you and your attorney time in the long run.

**Start early when going to trial:** For those cases that you know are going to trial, you should take further steps to ensure you meet all of the required deadlines. Create a trial deadline schedule to keep track of upcoming deadlines and share it with all those involved in the case. Schedule the appropriate amount of time with witnesses. Confirm and reconfirm with experts and make sure their fees are paid. Suppress witnesses early to avoid service issues.

**Avoid unnecessary interruptions and distractions:** Don’t be afraid to record a message or create an automatic email reply advising that you are not available. You can also send out an email to your co-workers asking them not to disturb you for a period of time. If you are someone people seem to migrate to for answers to questions or information in general, consider setting office hours. To avoid interruptions by your attorney and to assist in having your attorney answer questions, set weekly meetings to discuss files, upcoming events and deadlines. You can even create a folder to place items to be discussed with your attorney when he or she is available.

Our next board meeting will take place on Monday, September 12, 2016, at 5:30 p.m. at the MCBA Office.

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Contingency Fee Splitting available in compliance with Ethical Rule 1.5(e)

The Paralegal and Young Lawyers Divisions are once again teaming up for a Joint Emergency Food Box Pack & Sort event at

**ST. MARY’S FOOD BANK**

The Del Webb Distribution Center, 2831 N. 31st Ave., Phoenix, AZ

SAT., SEPT. 17, 2016 12:00 – 3:00 P.M.

Come join us and meet some new people in the legal community while donating your time to a worthy cause. If you are interested in participating in this event, please contact Cecilia Rodriguez (Paralegal Division) at ceciliarod@gmail.com or Krystal Ahart (Young Lawyers Division) at Krystal.Ahart@BankruptcyLegalCenterAZ.com.
Do you want to learn practical tips from the judges?
Do you want to learn from other lawyers?

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

Together, we share the responsibility of giving the public confidence in the law and the justice system. The MCBA Bench Bar Conference offers a unique opportunity to connect with judges and lawyers, to exchange ideas, discuss issues, including ethical dilemmas, and get to know each other.

JOIN US AT THIS GREAT EVENT

Don’t forget to stay for our now much sought-after happy hour networking with the judges. (Appetizers and a drink ticket are included in the price!)

This year we are pleased to offer a lunch program in partnership with the Phoenix Rotary 100. Join us as Presiding Judge Janet Barton presents:
the State of the Maricopa County Superior Courts.
Lunch is optional with an additional cost of $25 per-person

This activity may qualify for up to 2.5 hours toward your annual CLE requirement for the State Bar of Arizona, including 1 hour of professional responsibility (Ethics). The State Bar of Arizona does not approve or accredit CLE activities for the Mandatory Continuing Legal Education requirement.

PANEL DISCUSSION 1
WHAT THE BAR WANT FROM THE BENCH
Panelists: Jennifer Kupiszewski
Geoffrey Trachtenberg
Russell Wenk Jennifer Willmott
Moderator: Kina Harding

PANEL DISCUSSION 2
WHAT THE BENCH WANT FROM THE BAR
Panelists: Hon. Pamela Gates
Hon. Dan Martin
Hon. Jennifer Ryan-Touhill
Hon. William Wingard
Moderator: Hon. Aryeh Schwartz

Ethics Discussion
SEXISM IN THE LEGAL PROFESSION
Panelists: Hon. Ann Timmer
Raechel Barrios
Melissa Ho
Moderator: Andrew Turk

JUDGES ATTENDING
Hon. Janet Barton, Presiding Judge
Hon. Brad Astrowsky
Hon. Edward Bassett
Hon. Nicole Bikner
Hon. Lori Horn Bustamante
Hon. Geoffrey Fish
Hon. Pamela Gates
Hon. Jennifer Green
Hon. Daniel Kiley
Hon. Ronne Karbin Steiner
Hon. Julie LaFave
Hon. Kirsten LeMaire
Hon. Dan Martin
Hon. Julie Mata
Hon. Rosa Mroz
Hon. Virginia Richter
Hon. Jennifer Ryan Touhill
Hon. Aryeh Schwartz
Hon. Howard Sukenic
Hon. Lisa Vandenberg
Hon. Kevin Wein
Hon. William Wingard
** Additional names will be added

HOW TO REGISTER
Phone: 602-682-8585
Fax: 602-682-8601
Email: clereg@maricopabar.org
Mail: 303 E. Palm Lane Phoenix AZ, 85004

COST
Early bird pricing ends September 15, 2016
$ 100 $ 115 MCBA members
$ 60 $ 65 Public Lawyers
$ 150 $ 165 Non-members
$ Free $ Fee Sustaining members
$25 Lunch (optional)

Payment in full must be received before you are considered registered. Please see www.maricopabar.org for cancellation policy. Call 602.257.4200 if you have any questions or accommodation requirements.

12TH ANNUAL RACE JUDICATA
SUNDAY • OCTOBER 15, 2016 • 7 A.M.
KIWANIS COMMUNITY PARK
EARLY BIRD REGISTRATION $30
EARLY BIRD ENDS AFTER SEPTEMBER 15, 2016

Come walk, run, or stroll your way through our 5k race / 1-mile walk to benefit the Maricopa County Bar Association Young Lawyers Division and survivors of domestic violence. We are excited to stage Race Judicata 5k/1-mile walk for the twelfth time for our legal community, families, and friends.

Go to www.maricopabar.org/race for information and to register.

MCBA PUBLIC LAWYERS DIVISION
COMMUNITY FORUM
COURT FINES AND FEES AND MANDATORY STATE SURCHARES

Thursday, October 13, 2016
5:30 PM - 7:30 PM
Maricopa County Bar Association Office
303 E. Palm Lane, Phoenix, Arizona 85004

General overview of current practice of imposing surcharges for civil and criminal infractions by Arizona’s courts. Should local courts focus on justice rather than being revenue centers? The panelists will discuss the implications of Arizona’s system including the collection of overdue obligations under the FARE Program.

This program is FREE to the public and parking is available
To register, email clereg@maricopabar.org or call 602-682-8585.
Deadline to declare candidacy in Board of Directors election is Sept. 15

The Maricopa County Bar Association (MCBA) is currently inviting members to declare their candidacy for one of five available seats on the board of directors. Each of the five positions consists of a two-year term beginning in 2017.

The terms of Hon. Nicole Bricker, Leslie Satterlee, Amanda Sheridan, Hon. Julie LaFave, & Brian Winter expire on Dec. 31, 2016. An election will be held to fill their seats. At least one incumbent has chosen not to run for re-election.

Board members attend monthly meetings, liaise with one or more MCBA sections, divisions or committees, and support the work of the association.

Candidates must be licensed Arizona attorneys or judges, active members of the MCBA, and in good standing with both the MCBA and the State Bar of Arizona.

Candidates are asked to:

1. Submit a letter of candidacy to MCBA Executive Director, Allister Adel, either by email or postal mail: MCBA, 303 E. Palm Lane, Phoenix, AZ 85004-1532 or adel@maricopabar.org no later than 5 p.m., Sept. 15, 2016.

2. Provide additional required election materials. A 200-word bio and a color jpeg photograph must be submitted by email only to Mindy Haskins at mhaskins@maricopabar.org no later than 5 p.m., Sept. 15, 2016.

For complete election information, go to www.maricopabar.org or see below.

A. General policies

1. Required election material must be submitted electronically, as detailed in Section B (with the exception of the formal letter of candidacy, which may be mailed), and all materials must be received by Sept. 15.

2. Submitted biographies that exceed the 200-word limit may be edited by staff.

3. Position statements and any other campaign or election materials may not refer to other candidates or include defamatory or inappropriate language, as determined by an ad hoc Election Review Committee appointed by the President of the Association.

B. Candidate Election Materials

The following materials are required from candidates no later than Sept. 15:

1. A letter declaring candidacy for the Board of Directors, with the candidate’s signature and addressed to the Executive Director. This document may be submitted electronically as a pdf document, but a mailed paper version is also acceptable.

2. A 200-word biographical statement. This bio may include an optional position statement of the candidate’s vision and priorities for the MCBA. This information must be submitted electronically as an attachment to an email, preferably in MS Word. Regardless of what is included in the biography, the word limit total is 200 words as counted electronically in MS Word. MCBA staff may edit bios exceeding the limit. (Please note that a standard-form resume or curriculum vitae are not acceptable.)

3. A color photograph in jpeg format, sent as an attachment to an email. The photo format must be jpeg, no other types of files or format can be accepted. Please note that photos taken directly off a website are of poor quality.

Tina Ziegler named MCBA
continued from page 1

groups together for networking.

Ziegler was also the captain of the Arizona Paralegal Team, which supported the Leukemia & Lymphoma Society’s Light the Night Walk last year, and is the captain again for this year’s team.

Additionally, she brought the Paralegal Division and the Young Lawyers Division together for a Pack & Sort event at St. Mary’s Food Bank in April—and another event is planned for this month.

Ziegler enjoys the connections with other paralegals, judges and attorneys that she’s made within the MCBA. What spurs her through is her mission to give back.

“That’s my entire goal,” she says. “Because I’ve been doing this so long now I can give back to those who are just entering the profession. That’s why I’m trying to bring back the mentoring program, too. When I was in school and just starting out as a paralegal, there wasn’t anybody to answer my questions. I am glad that we are able to offer valuable information and networking opportunities for our student members. They are the future of the profession. I also have been working to create connections between our members and others in the legal profession.”

Ziegler has donated her time and knowledge by speaking at various CLEs for the MCBA, as well as to a nationwide audience.

All of this involvement and effort has not gone unnoticed. Ziegler has the unique distinction of being the only person to be honored as the Paralegal Member of the Year twice (2012 and 2014).

“No one else has gotten that, so I’m very proud of that award,” she says. “And I never expected to get the Member of the Year Award. Getting this recognition has been very rewarding not only to me personally, but for the entire paralegal community. We’re finally being recognized and it’s so nice.”

In addition to the MCBA, Ziegler is a member of the National Association of Legal Assistants, the Arizona Paralegal Association, and the Women in eDiscovery.

She graduated with high distinction from Phoenix College with an A.A.S. in legal assisting and summa cum laude from Arizona State University West with a B.A.S. in liberal arts. She has been with her firm for 22 years. She became a Certified Paralegal in March of 2015 and an Advanced Certified Paralegal in June of 2015 through the National Association of Legal Assistants.

The MCBA Member of the Year Award was created in honor of Bob Mills for service above the realm of normal volunteerism. The association awarded it annually after Mills first received the award posthumously in 1984, until a recent five-year hiatus, which ended with conferring the award on the Hon. Glenn Davis in 2012. Jennifer Cranston was the award recipient in 2013, Stan Watts received the recognition in 2014, and Kelly Kral was the recipient in 2015. Mills was a prominent trial lawyer with the former Phoenix firm of Evans, Kitchel and Jenckes, and was an active member and treasurer of the MCBA at the time of his death at age 41.

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.

Lawyer Referral Service
Needs You

In some situations, family members and others may have been ordered to pay restitution. Many survivors and others are not ready to address this until years after the courtroom proceedings have ended. By then, the people entitled to restitution may have moved, making it difficult to connect them with their restitution. If you or someone you know is entitled to restitution, contact the Clerk’s office at 602-372-5375 or by email at coccusrerelations@mail.maricopav.gov.

The Clerk’s office honors the memories of murder victims and recognizes the impact of their loss on surviving family members. Check with your local community for support and assistance you may be able to provide. The legislature’s resolution is available online at http://www.azleg.gov/legtext/52leg/2tr/bills/ber2008hs.pdf.

In the most recent legislative session, Arizona’s legislature designated Saturday, September 25, 2016 as the Arizona Day of Remembrance for Murder Victims (HCR 2008). The Clerk’s office is a neutral record-keeper in criminal, civil, probate, juvenile and other case types that may relate or overlap with situations involving victims of murder. As recognized in the legislature’s resolution, the Clerk’s office provides assistance to the friends and families of murder victims who need guidance and direction through the criminal justice system.
Engagement letters

Many lawyers call them “fee agreements,” but I prefer referring to the initial letter you send to a client as an “engagement letter.” Surely, the engagement letter must include the rate and basis of your fee, as required by ER 1.5. But the engagement letter is far more than simply a fee agreement. The engagement letter is an opportunity to explain several other important terms of the representation. But it avoids confusion and (hopefully) prevents future disagreements.

This month, I want to discuss some of the other important terms that should be included in every engagement letter.

The client

It is vital to properly identify the client at the outset of your representation. Is it an individual, two individuals (e.g., husband and wife), a corporation, an employee, or both an entity and an individual (e.g., a corporation and its employee)? It is the client to whom the lawyer owes many of his or her ethical duties. If there might be confusion regarding the client(s) then it may also be helpful to list the individuals or entities that the lawyer does not represent. For example, if the lawyer represents only the employer when investigating a potential claim against its employee, the lawyer might consider clarifying that clearly in the engagement letter.

Scope of representation

Clients retain lawyers for various reasons. The lawyer might be retained to perform specific transactional work, pretrial litigation work, or simply for a consultation. In a litigation setting, is the lawyer being retained for pre-suit investigation and negotiation or through trial? Does the engagement letter include the potential scope of representation? It is always good for both the client and the lawyer if the engagement letter includes a description of the case, issue, or limited scope for which the client is retaining the lawyer. And don’t forget to send a letter to the client at the end of the representation to make it clear that your representation has ended.

Conflict of interest consents

I have discussed various conflicts of interest in these columns. If a conflict is waivable, or otherwise requires the client’s informed consent (e.g., third-party payer, joint representation, fee sharing), this information should be included in the engagement letter. Lawyers receiving a client’s informed consent as a necessary prerequisite to the representation should include a description of the primary issues relevant to the client’s consent, and confirm the client’s informed consent in the engagement letter.

File storage policies

Clients generally have the right to a copy of their file at the conclusion of a representation. See Ethics Op. 15-02. But there is no definitive timeframe for which a lawyer needs to store the client’s file after the representation ends. Including a description of the lawyer’s file retention policies puts the client on notice and can eliminate confusion regarding availability of the client’s file following the representation.

Finally, I want to reiterate the importance of providing an engagement letter in every representation. Most importantly, ER 1.5 generally requires lawyers to provide the scope of representation and the basis or rate of the fee to the client in writing. It is also good practice to include the other terms discussed in this column in an engagement letter. It is easy to forget to draft an engagement letter when representing friends or relatives, or when an insurance company assigns the representation of an insured. The best practice for any lawyer is to ensure that an engagement letter is provided to the client in every representation without exception.

Russell Yurk is a partner with Jennings, Haug & Cunningham, LLP, in Phoenix. His practice focuses on professional liability, lawyer discipline and complex civil litigation. If you have a question about ethics or lawyer liability that you would like addressed in future columns, please email rry@jhc-law.com.
What do you like most about being in the legal field?

What I love about the legal field is the variety of areas of law to study or practice. While on the bench I was exposed to different sides of life that I would not have otherwise seen. I learned the dynamics of life on the street, and the challenges of mental illness, poverty and addiction. I learned a lot about family dynamics, the elderly, and the medical profession. Being a lawyer can open the door to so many other opportunities.

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

I have always enjoyed being a lawyer and a judge. Now that I am retired I can be whatever I want to be. To be honest, there isn’t anything I want to be except to be free to pursue the opportunities life presents. I like the variety of the freedom and flexibility that I have. I can judge pro tem, I can serve on the Foster Care Review Board, I can participate in professional organizations like MCBA, AWLA and Los Abogados; serve on community boards like Restorative Justice Council; spend time with family and friends; and have more exposure to the political scene.

What are your hobbies or interests?

My hobbies include traveling, cooking, reading, Jazzercise, grandkids, movies, Bunco, book club, trying new restaurants and anything that sounds fun to do.

What’s the craziest job you’ve had?

I have never had a crazy job. Actually before I became a lawyer and while in high school I had only a handful of jobs. I was a server at Furr’s cafeteria, assembled lamps in a lamp factory, and was a legal secretary/receptionist at my mother’s law office. I guess I liked the law best and pursued that. During college I traveled Europe and Asia, and in law school I had internships with Pima County Public Defender, Maricopa Legal Aid and the Phoenix City Prosecutor’s Office.

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

One of my favorite movies is Unsinkable Molly Brown. I always liked her character because she had a can-do spirit. She came from nowhere on her way to somewhere. She eventually became rich and was known for surviving the sinking of the Titanic. Her never-give-up spirit saved many lives during the tragic event. I live by the can-do, never-give-up philosophy.
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2016 MCBA ANNUAL MEETING  
MARICOPA COUNTY HALL OF FAME INDUCTION  
Luncheon  

THURSDAY, OCT. 27, 2016   ■   11 A.M.  
HYATT REGENCY PHOENIX  
122 N. 2nd Street, Phoenix, AZ  

Name ____________________________________________  
Firm/Employer _____________________________________  
Address ___________________________________________  
Phone ___________________ Email ____________________  

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| Early bird ends October 1, 2016  
I am purchasing: Individual Ticket(s) @ $70 early bird ($75 regular price)  
Table(s) of Ten @ $650 early bird ($700 regular price)  
CHECK: With this form, I include a CHECK in amount of $.  
OR CREDIT CARD: Please charge my Visa MasterCard AMEX in amount of $.  
Name on Card (if different from above) ____________________________  
Address for Card (if different from above) _________________________  
Card # ____________________________ Exp. Date __________ CVV# ______  

For purposes of name tags, please list the names of all attending, including yourself, if you are attending.  
Please print legibly. (List additional names on a separate sheet.)

1. ____________________________________________  6. ____________________________________________  
2. ____________________________________________  7. ____________________________________________  
3. ____________________________________________  8. ____________________________________________  
4. ____________________________________________  9. ____________________________________________  
5. ____________________________________________  10. ____________________________________________  

REGISTRATION DEADLINE IS OCT. 21  
Mail form and payment to: MCBA, Laurie Williams, 303 E. Palm Lane, Phoenix, AZ 85004. Please contact Laurie with questions at (602) 682-8585.
Commissioner to retire this month

Commissioner James Morrow announced his retirement from the bench effective September 2. Before he began his judicial career in 2006, Commissioner Morrow served 13 years at the Arizona Attorney General’s Office and six years in private practice.

As a Commissioner, he served in the Criminal and Civil Departments. He also spent more than two years as the Court’s Presiding Commissioner.

“His dedication to the bench has never wavered,” Commissioner Morrow said. “He is an advocate for Commissioners and raise issues that those of us who may have otherwise overlooked. I can tell you that while he may be quiet, when he does speak, people listen,” Presiding Judge Janet Barton said.

Commissioner appointment

Presiding Judge Janet Barton appointed Glenn Allen as a Superior Court Commissioner. He will start with the Court on August 1, assuming a Juvenile calendar at Durango.

Commissioner Allen spent most of his legal career as a criminal defense attorney, and he has handled some personal injury cases.

He has also worked as a pro tem for the court, covering criminal calendars. Commissioner Allen received his juris doctorate from Texas Southern University in 2002.

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
- Terril L. Clarke
- James C. Duson
- James R. Harrison
- Jenni Hemingway
- Leonnisa Herd
- Jill M. Hulsizer
- Nikiki J. Johnson
- James F. Kahn
- Ronie F. Korb Stein
- Jack Levine
- Justin S. McKay
- Carla Miramontes
- Charles F. Myers
- Michelle N. Ogborne
- Rich J. Peters
- Donald W. Powell
- James T. Rayburn
- Shawna R. Riggers
- Lynda C. Shely
- Michael J. Sheridan
- Howard A. Snader
- Robert E. Thomson
- William S. Whitaker
- James P. Yeager

(List is as of May 13)

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

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September Calendar

All events at MCBA office, unless otherwise specified.

2 Estate Planning Probate and Trust Section Meeting 7:30 AM MCBA Closed at noon
5 MCBA Closed for Labor Day
6 Litigation Section Board Meeting Noon
7 YLD Board Meeting Noon
8 Executive Committee 7:30 AM
9 Referendum Forum at the Walter Cronkite School of Journalism 5:30 PM
12 Paralegal Division Board Meeting 5:30 PM
14 Bankruptcy Section Board Meeting 7:30 AM Environmental Section Board Meeting Noon
15 CLE: Legal Writing Workshop 11:30 AM Board of Directors Meeting 4:30 PM
16 CLE: Identifying Consumer Abuses In and Out of Bankruptcy 8 AM Meet the New Executive Director 4 PM Phoenix Country Club
19 Race Judicata Planning Meeting 5 PM
20 Family Law Section Meeting Noon Referendum Public Form Sandra Day O’Connor College of Law 5:30 PM
21 CLE: Nuts and Bolts of Real Estate Valuations in Family Law Cases Noon LRS Committee Meeting Noon Member’s Lounge Grand Opening!
22 CLE: Collaborative Divorce: Interdisciplinary Full Team Approach All Day Diversity Committee Noon
23 CLE: Collaborative Divorce: Interdisciplinary Full Team Approach All Day
24 CLE Collaborative Divorce: Interdisciplinary Full Team Approach All Day
26 CLE: Environmental 4 PM
27 TED Talks with Beer and Wine 5:30 PM
28 Maricopa County Bar Foundation Board of Trustees Meeting 7:30 AM CLE: Appellate Practice Basics 1:30-4:30 PM
30 Bench Bar Conference 2-4:30 PM Phoenix Country Club

Many friends, court employees and colleagues attended Judge Crane McClennen’s retirement party. Judge McClennen was appointed.

Please watch your MCBA E-News for updated information about meetings and events.
ONLINE
Register online at: www.maricopabar.org. Click on “CLE/Events” at the top menu and then “Get the Calendar.”

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

PHONE
Call Kelly at (602) 682-8588

TWO WAYS TO REGISTER

PROGRAM LOCATION
Unless otherwise specified, all programs are held at the Maricopa County Bar Association office at 301 E. Palm Lane, Phoenix 85004.

ATTENDANCE POLICIES

ADVANCE REGISTRATION
Full payment must be received in advance of the program before you are considered registered.

LATE REGISTRATION
Early Bird registration ends five days prior to the program date. Late registration is an additional $15.

For example, registrations for a Sept. 17 program must be paid by Sept. 12 in order to receive early bird pricing.

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

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The State Bar of Arizona does not approve or accredit CLE activities for the Mandatory Continuing Legal Education requirement. The activities offered by the MCBA may qualify for the indicated number of hours toward your annual CLE requirement for the State Bar of Arizona, including the indicated hours of professional responsibility (ethics), if applicable.

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Police officers

CourtWatch, continued from page 1

Police officers are therefore justified in concluding that such sight or smell is indicative of criminal activity, and thus probable cause exists.

But the AMMA does have a place in the probable-cause analysis. “Because probable cause is determined by the totality of the circumstances and marijuana possession or use is lawful when pursuant to AMMA, Bales wrote, “a reasonable officer cannot ignore indica of AMMA-compliant marijuana possession or use that could dispel probable cause.” Hence, “police must include exculpatory facts that are known to them and material to the probable cause determination in any affidavit in support of a search warrant.”

“Presentation of a valid AMMA registry identification card,” Bales wrote, “could indicate that marijuana is being lawfully possessed or used.” Information like that “could effectively dispel the probable cause resulting from the officer’s detection of marijuana by sight or smell,” he added, “unless of course other facts suggest the use or possession is not pursuant to AMMA.”

“The general proscription of marijuana in Arizona and AMMA’s limited exceptions thereto support finding probable cause based on the smell or sight of marijuana alone,” Bales concluded, “unless, under the totality of the circumstances, other facts would suggest to a reasonable person that the marijuana use or possession complies with AMMA.”

Because nothing indicated that the AMMA applied to Sisco’s situation, the superior court had properly rejected his motion to suppress. Joining Bales in vacating the court of appeals’ opinion were Vice Chief Justice John Pelander and Associate Justice Robert M. Brutinel, Ann A. Scott Timmer and Clint Bolick. Applying the Sisco holding, the court unanimously affirmed the judgment in Clouthair, although it vacated the court of appeals’ opinion. State v. Clouthair, No CR-15-0286-PR (Ariz. July 11, 2016).

Is there a tort liability?

We ask our police to investigate crimes and catch criminals, and in the process hopefully prevent them from committing further crimes. When police officers do not do a perfect job, leaving criminals at large and thus free to commit other heinous acts, are the officers subject to tort liability in suits by subsequent victims? That question faced a panel of Division One in Hague v. City of Phoenix, No. 1CA-CV 15-0151 (Ariz. App. July 14, 2016).

The case grew out of the infamous crime spree perpetrated by Mark Goudeau, the so-called “Baseline Killer.” In September 2005, a man sexually assaulted a woman identified as A.L. A sexual-assault examination was conducted, and swabs were collected from various locations of her body. They were sent to the Phoenix Police Laboratory Services Bureau. Within a few months, Phoenix Police were investigating the murders of several women. In May 2006, a woman who survived an attack gave police a description of the assailant. With that description, police were eventually able to link the crimes and compile a list of suspects. They obtained DNA samples from the suspects, and a sample taken from Goudeau was found to match one of A.L.’s swabs. Goudeau was quickly arrested.

The woman who survived the sexual assault and the families of murder victims sued the City of Phoenix, its Laboratory Services Bureau, and two employees of the latter. They contended that the lab employees’ investigation had been conducted in a grossly negligent manner. Had it been done properly, they asserted, police would have identified Goudeau and arrested him sooner, thereby preventing him from committing his later crimes.

The Superior Court tossed the claims on summary judgment, holding that the defendant owed no tort duty to the plaintiffs to identify and arrest Goudeau. The plaintiffs appealed, but the court of appeals affirmed.

Writing for the panel, Judge Randall M. Howe wrote, “We hold that the lab employees’ mere negligence did not create a duty to guarantee the safety of individual members of the public.” Hence, he wrote, the crime lab’s “mere negligence does not create a duty to conduct all DNA tests on all evidence or subject the City to liability if such testing is not done immediately.”

Neither does it “create a duty to protect all citizens within Phoenix’s boundaries against all harms from perpetrators that may ultimately be identified through evidence analysis.” To hold otherwise, Howe concluded, “would make the City ‘general insurers’ for the safety of all citizens.”

He noted that Arizona courts have held that a duty may arise in specific circumstances, such as when police conduct creates a special relationship. He cited as an example “when police take a 911 call about a potential threat and tell the caller that they will take action on that information.”

But that had not happened here. The investigation that took place before Goudeau was identified, Howe wrote, “did not constitute endeavoring to provide a particular protection from his harm because the City did not have sufficient information about that harm.” Although the lab “ultimately learned that the swabs from A.L.’s sexual assault examination might relate to a serial rapist,” it did not have “reason to know if, when, how, upon whom, or by whom a subsequent offense might occur.”

“Because the City did not have . . . information about a specific current threat against the victims in this case,” Howe concluded, “the City had no special relationship with them that would have created a duty owed to them.”

He also rejected the plaintiffs’ contention that a statute—A.R.S. § 12-820.02—imposed the necessary duty. That statute provides a qualified immunity: a plaintiff who is injured because of a failure to make an arrest must prove that a public entity or employee acted with gross negligence for failing to make the arrest. The plaintiffs argued that the legislature imposed a “duty of non-grossly negligent care upon police departments in failing to make an arrest by ensuring the immunity statute itself.”

Howe would have none of it, writing, “the immunity statute does not affirmatively impose a duty” but instead “immunizes public entities from tort liability to which they are generally subject.” The plaintiffs’ arguments, he wrote, “misapply the law and flip the analysis on its head by looking at the statute as a source of liability rather than at the source of immunity for failing to make an arrest.”

Howe therefore concluded that the superior court had ruled correctly. Joining him in affirming the summary judgment were Judges Kent E. Cattani and Samuel A. Thuma.

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

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

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SEPT. 28 • 1:30 - 4:30 P.M.
Appellate Practice Basics
3 CLE credit hours available
There is much to consider and prepare for in order to successfully argue a case before an appellate court. This program provides “behind the Bench” insight and guides attorneys through procedural and practical issues such as initiating the appeal, the record on appeal, mediation possibilities, the appellate brief, oral argument, and more. Veteran appellate practitioners and others who want to be more familiar with Arizona appellate practice in the Court of Appeals or Lower Court Appeals to the Superior Court will benefit from this program.

PRESENTERS: Hon. Randall Howe, Hon. Crane McClennen and Hon. Dave Cole
COST: MCBA members: $110/$125
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OCT. 13 • 7:30 - 9 A.M.
Financial Exploitation Claims Under Arizona’s Adult Protective Services Act
1.5 CLE credit hours available
This interactive session will discuss:
- Purposes & Construction of the Act
- Who is Protected
- Your Reporting Obligations
- Other issues, e.g. standing and statute of limitations
- Who is subject to the Act
- Standard of Care and Exceptions
- Remedies

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

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- Providers
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LIMITED SEATING—RESERVE NOW!
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Donald W. Powell balances a busy life with volunteer work

By Peggi Cornelius, VLP Programs Coordinator

When life’s crossroads present paths of questionable appeal, some people blaze an alternate trail. So it was at one time with Donald W. Powell, the Volunteer Lawyers Program Attorney of the Month. When a life of labor in the world of agricultural business or participation in the Vietnam War presented the probable paths to his future, Powell chose to apply for law school at the University of Arizona. It was a good decision for all the people he has since served as an Arizona attorney.

Among the countless clients who have benefited from Powell’s expertise and representation, there are many who would have been unable to access legal counsel without his pro bono efforts. He explains his commitment to pro bono work, saying, “I was raised in Casa Grande, Ariz., where my family owned and operated a retail feed and supply business, as well as a farm. The business was open six days a week, 10 hours a day. The farm was a 24/7 enterprise, of course. Despite those consuming endeavors, my parents were active volunteers. They encouraged me and my siblings to participate in volunteerism.”

A member of the Volunteer Lawyers Program (VLP) for nearly 20 years, Powell frequently represents pro bono clients in no asset bankruptcy proceedings, sometimes accepting more than one case at a time. He comments, “At our initial meeting I have a box of tissues nearby, as tears of emotion typically accompany expressions of the clients’ concerns about their inability to pay basic bills. When their debts have been discharged, I’m deeply gratified by the renewed sparkle in their eyes. They emit a positive attitude of hope going forward.”

In addition to the time he spends representing clients referred to him by VLP, Powell also volunteers in VLP’s Financial Distress Clinic, which takes place at the Maricopa County Bar. It’s an opportunity for applicants who are eligible for pro bono assistance to receive advice and guidance regarding debt collection matters. Those who are temporarily unemployed, underemployed, or relying on benefits income are relieved to learn their meager resources can be protected from garnishment.

People who have been contacted by unscrupulous collectors threatening such things as incarceration, or even the loss of a pet, in lieu of payment on a consumer debt are greatly relieved to learn there are no such penalties.

When no asset bankruptcy may be an appropriate option for applicants to consider now or in the future, the advice clinic also serves as a time when potential pro bono cases can be evaluated for later referral by VLP.

Even with a busy law practice at Carmichael & Powell and active involvement in VLP, Powell has made time to be of service in many other ways. When asked about his volunteer pursuits, he says, “I have been honored to take on leadership roles in various capacities with the Maricopa County and Arizona Bar Associations. I’ve enjoyed being president of the University of Arizona Phoenix Alumni Association, and president of a Little League. I’ve been a member of the administrative board of my church, have served on a board of directors for a high school Association of Parents and Teachers, been a manager for Little League and Little Miss Softball teams, and the chairman of a Cub Scout pack.”

Clearly, Powell is a family man, too. He describes his personal life with enthusiasm. “I have been married for 45 years to an unbelievable woman and supportive wife, who is extensively involved in volunteer work. My three children are a son who is a Swat Team Sgt., a son who is a prosecuting attorney, and a daughter with a doctorate in behavioral sciences. My granddaughter has a son who is a Swat Team Commander.”

Whether his grandchildren are demonstrating the energy they’ve inherited from him or generating new energy in him, the more Powell has, the more he shares.

The Volunteer Lawyers Program (VLP) thanks the following 52 attorneys and firms for agreeing to provide pro bono representation on cases referred by VLP to help people with low incomes. VLP supports pro bono service of attorneys by screening for financial need and legal merit and provides primary malpractice coverage, donated services from professionals, training, mentors and consultants, and verification of pro bono hours for CLE credit. Each attorney receives a certificate from MCBA for a CLE discount. For information about ways to help, please contact Pat Gerrich at VLP at 602-254-4714 or pgerrich@clsaz.org.

**PRO BONO SPOTLIGHT ON CURRENT NEED**

Experienced family law attorneys are needed to provide legal advice and brief help to unrepresented family law litigants at VLP’s Family Lawyers Assistance Project (FLAP) at Superior Court locations.
NEW HIRES

Gust Rosenfeld, P.L.C. announces that John T. (T.J.) Shof has joined the firm as an associate in the firm’s Insurance Defense Section.

Shof is a graduate of Arizona State University, where he completed his undergraduate degree in history and his law degree. While in law school, he received a certificate in Law Science & Technology, with specialties in both Environmental Law and Health Law.

His practice covers a broad range of litigation matters, including construction defect, aviation and airline liability, insurance coverage and bad faith, personal injury, medical malpractice, healthcare, and products liability claims.

HONORS & AWARDS

Melanie Pate, a labor and employment attorney at Lewis Roeca Rothgerber Christie LLP, is being recognized as one of the most influential women in Arizona business for 2016.

Pate was one of 44 women selected for the honor. Winners were chosen by the editors of AgBusiness magazine and a panel of industry experts from a pool of more than 1,000 candidates. The 2016 Most Influential Women in Arizona Business are featured in the July/August issue of AgBusiness and will be honored at the Desert Botanical Garden in Phoenix.

A member of the Litigation practice group, Pate also received the firm’s 2016 John P. Frank Pro Bono Attorney of the Year Award for her representation of domestic violence victims in cases involving family law issues such as custody disputes, child support and orders of protection.

The State Bar of Arizona has also recognized Pate for her commitment to pro bono service.

Pate’s practice includes employment litigation and advice, representing clients in state and federal court and before the EEOC, the DOI, and the NLRB. Pate also helps public and private organizations navigate and interpret complex federal rules and regulations regarding all aspects of the Americans with Disabilities Act, and assists housing providers, state agencies, property managers and real estate companies comply with state and federal fair housing laws.

Prior to entering private practice, Pate spent 15 years working in the Arizona Attorney General’s Office, including five years as the Chief Counsel of the Arizona Civil Rights Division.

ANNOUNCEMENTS

Marla Hudgens, an attorney in the Regulatory and Government practice group at Lewis Roeca Rothgerber Christie LLP, has been selected for membership in the Appointments Committee for the State Bar of Arizona.

Hudgens will begin a three-year term effective immediately. The committee’s mission is to recommend to the State Bar board of governors the appointment of members to fill openings on statewide boards, committees and commissions.

Hudgens practices in both Arizona and Nevada, and has extensive experience handling complex civil and commercial litigation cases, administrative law and regulatory matters, and navigating both categories of cases through appeals.

In addition to trying cases before state and federal courts, she has represented clients in contested administrative matters before various governmental agencies including the departments of taxation, the water resources, gaming commissions, utility commissions and various other state and local boards.

The State Bar of Arizona is a non-profit organization that regulates approximately 18,250 active attorneys and provides education and development programs for the legal profession and the public.
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