The Friday, Oct. 10 Breakfast at the Bar will take a new approach: You still get a free breakfast, a chance at winning a prize—but the program is all about what YOU think about us.

In other words, this will be a focus-group-like program, including a facilitator, with the goal of hearing what you like about MCBA, what could be improved, added, or changed.

As an organization that depends on how well it serves its members, this is crucial information to us. Please plan to attend and give us your thoughts—good, bad or indifferent. Please reserve now to rsvp@maricopabar.org.
Join the Best of Our Profession for Lunch on Oct. 22

This year’s Maricopa County Bar Association Hall of Fame Annual Meeting Luncheon is set for Oct. 22 at the Hyatt Regency Phoenix, starting at 11:30 a.m. It will be focused on paying tribute to those who have been nominated and inducted into the Bar’s Hall of Fame.

There was a strong response to the call for nominations for the Hall of Fame and, as predicted, the list of Final Nominees is in itself an impressive list of attorneys who have played key roles in the history of the local legal profession, our state and our nation. The Annual Meeting will be an opportunity for us to pause and express our appreciation for these outstanding individuals.

Elsewhere in this edition is a list of the Final Nominees with a brief bit about who they are and key contributions each has made. I want to make the obvious point that not every attorney who could meet the criteria was nominated this year. There are no doubt omissions that some might find glaring, but this is an ongoing process and others who reserve this honor will be nominated and inducted in the years to come.

But even though the nominee list is not inclusive of every Maricopa County attorney who has been important and significant in our history, it is certainly a distinguished beginning roster. In the future, as additional people are nominated for this honor, the list of nominees will be an even more complete catalog of the Arizona lawyers who have forged our legal profession and made extraordinary contributions to our legal community, state and country.

One of the purposes for creating the Hall of Fame was to gather information on the outstanding personalities in the history of the Maricopa County legal profession. We expect that this historical information, including the background for every Final Nominee on the list, will eventually be a permanent part of the Maricopa County Justice Museum.

The Annual Meeting luncheon will be an opportunity to come together as an organization. The members of the MCBA are the backbone of the legal profession in this county and state, and their decision to be part of this voluntary association evidences a higher level of commitment to professionalism and the local Bar. We hope this meeting will be a celebration and recognition of each of our members’ commitment to enhancing justice and improving our profession.

In addition to recognizing our “Hall of Famers,” candidates for the MCBA Board of Directors will be introduced, along with current officers and directors. But, I promise that there will not be any “formal business” to sit through—just a relaxed lunch shared with the best in our business and a chance to learn more about the great lawyers on whose shoulders we stand as professionals.

Reservations for the lunch may be sent to Laurie Williams at lwilliams@maricopabar.org.

Rethinking Retirement: Understanding the War for Legal Talent in the Changing Marketplace

By Stephen P. Gallagher

The aging of the workforce is something that the legal profession can no longer ignore. According to Census Bureau data, nearly a third of all Americans—76 million people—were born between 1946 and 1964. With the first of the baby boomers now entering their early 60s, the legal marketplace has no choice but to consider the effects of massive numbers of boomers leaving the profession in coming years.

Over this same period of time, fewer talented young people are expected to enter the workforce. Demographic and economic projections suggest that the shortage of workers will start soon and grow significantly. And the Employment Policy Foundation, in testimony before the U.S. Senate, has estimated that 80 percent of the impending labor shortage will involve skills, not number of workers potentially available.

The result: Within the next several years, the shift in age distribution will cause law firms to experience an unprecedented brain drain unless firm leaders take dramatic steps to find new approaches to attracting and retaining key people.

Critical to efforts to win in the war for talent—which is only just beginning—will be facing the challenges presented by traditional retirement policies that define retirement in terms of removal or withdrawal. Nearly 80 percent of the baby boomers say they want to do some kind of work in retirement, according to Census Bureau estimates.

So, instead of viewing retirement as an end-point in itself, law firms and their senior partners will be far better served by treating retirement as a series of developmental steps taken by individuals over an extended period of time. Put differently, retirement today needs to be seen as more a journey than a destination.

Now then, let’s consider how firms might turn that concept into reality.

On-Ramps and Off-Ramps That Are Built to Suit

In their book Workforce Crisis: How to Beat the Coming Shortage of Skills and Talent (Harvard Business School, 2006), Ken Dychtwald and co-authors Tamara J. Erickson and Robert Morrisen recommend that employers look to “phasing” as a variation on the traditional retirement model.

They define flexible retirement as an approach that encompasses flexible roles and work styles; attractive work assignments suited to one’s experience and inclination; and reduced hours, flexible schedules and more control over one’s time—before and after the point of “official retirement.”

In other words, as the authors point out, given the increasing longevity, declining birth rates and disproportionate size of the baby boom generation now approaching retirement age, organizations must look at the workforce quite differently and adapt management practices accordingly.

Keeping those points in mind, let’s next consider some research into a separate—but as you’ll see, highly related—area in the war for talent.

Sylvia Ann Hewlett is an economist and the director of the Gender and Policy Program at Columbia University’s School of International and Public Affairs. Her most recent book, Off-Ramps and On-Ramps: Keeping Talented Women on the Road to Success (Harvard Business School, 2007), contains a wealth of enlightening research showing how the old career model—particularly for women—just doesn’t work.

Hewlett reports that “Fully 60 percent of highly qualified women have nonlinear careers. They take off-ramps and scenic routes and have a hard time conjuring up continuous, cumulative, lockstep employment—which is a necessary condition for success within the confines of the white male competitive model.”

For too many talented women, she writes, this model doesn’t work, “which is why many companies find it difficult to attract and retain female talent, just when the need for the broadest talent pool is greater than ever.”

Hewlett further points out this: “Despite the fact that women these days are highly credentialed (49 percent of law school graduates and 36 percent of business school graduates are female), they are not being promoted or advanced at a rate commensurate with their weight in the talent pool.”

Findings from the National Center for Educational Statistics show that more than half of all professional and graduate degrees are now awarded to women. And according to the U.S. Department of Education, the number of women with graduate and professional degrees is projected to grow by 16 percent over the next decade, while the number of men with these degrees is projected to grow by a mere 1.3 percent.

In her forward to Hewlett’s book, Carolyn Buck Leutz, who is chair of the Hidden Brain Drain Task Force (which represents 34 global corporations), shares this powerful quote from Patricia Fili-Krushel, executive vice president at Time Warner: “These women who leave or languish, are, in effect, the canaries in the coal mine, the first and most conspicuous of an outdated, dysfunctional career model.”

Fili-Krushel then enumerates some of the other casualties: “58-year-old baby boomers who don’t want to retire but are no longer willing to put in ‘70-hour weeks; and 28-year-old Gen X and Y men who want to be better, more involved fathers than their dads were, and need flexible work.”

Research clearly indicates that many men want flexibility: 49 percent want paid leave after periods of intensive work—as do 61 percent of women—and 45 percent of men...
Legal, Political Wrangling and Olympic Triumphs Distract Lawyers from Scorching Heat

**Summer in the City**

In spite of record cool temperatures (July 4 high that year was only 90 degrees and low was 63), the "Summertime Bachelor" lawyers of Phoenix that first July after statehood were likely some of the first customers for the modern new lunch room, the Golden Rule Chop House, that had just opened at 34-36 W. Adams.

The Golden Rule, open from 6 a.m. until 8 p.m., was "as near perfection in arrangement as money and genius has thus far been able to produce." Diners, attracted by the refrigerated showcase of culinary offerings in the window, entered through a fly-denting series of two sets of screen doors into a dining room with seating for 40 along a 100-foot-long lunch counter.

With much attention to cleanliness, pastries were enclosed in glass cabinets and meals were served on aluminum plates that had endured a three step process of washing, scalding and rinsing before being filled with the specialties of the house. Waters were saved a lengthy hike to the dishwasher by an electrical dish carrier–a flat tramway designed by one of the owners to mechanically convey dirty dishes the length of the lunch counter to the dishwashing staff.

Sanitary conditions were also used in preparation by using running water to wash fruit and vegetables. Previously, potatoes and other produce were dipped in pails of water for less than perfect cleaning before serving.

Luckily, for these men whose families were off to the California beach or in the Arizona mountains escaping from the heat, there was no need to concern themselves with the mundane.

Most domestic services could be deferred or purchased inexpensively.

For example, a nice meal at the Golden Rule could be had for fifty cents. Or, if in the process of admiring the mechanical dish conveyor at the Golden Rule, a barrier noticed a greasy spot on his suit, the City Cleaning Works, just up the street at 19 E. Adams, had a solution. For only one dollar per month, the CCW offered to clean and press trousers as often as necessary during the summer season.

**Conventional Wisdom**

With the possible exception of Judge John Phillips, the only Republican serving in county office that July, most of the local legal community was anxiously watching the drama of the Democratic National Convention.

The Democratic Party was having considerable difficulty nominating its candidate to face incumbent Republican President William H. Taft and the popular Republican defection, Progressive Bull Moose Party candidate and former president, Theodore Roosevelt. A few weeks earlier, Roosevelt had walked out of the Republican Convention with his supporters to form the new party.

The Democrats, meeting in Baltimore, were struggling to choose their candidate to face the incumbent president and the former president. Neither the well-liked speaker of the house, Champ Clark, or the scholarly New Jersey Gov. Woodrow Wilson could gain an advantage until finally, after the 45th ballot, the party’s patriarch, William Jennings Bryan, switched sides and threw his support behind Wilson. On the 46th ballot, votes shifted and by the afternoon of July 3, Wilson received the required two-thirds majority and was nominated by a total 990 to 84.

**Big Games**

As a diversion from the stress-filled political news of early July 1912, the legal community surely followed the Games of the Fifth Olympiad in Stockholm, Sweden, with interest.

For the first time, the Olympic Games welcomed athletes from all five of the continents symbolized by the intertwined rings of the Olympic flag. Among these athletes were Native Americans Jim Thorpe and Lewis Tewanima. Both men were student-athletes, coached by Pop Warner, at the Carlisle Indian School in Pennsylvania.

Tewanima ran the 10,000 meters for the U.S. and won a silver medal. His time in the race, though, set a U.S. record that remained unbroken for more than 50 years. Although at the time likely unbeknownst to his fans in Maricopa County, Tewanima was Arizona’s first Olympic medal winner. He was a Hopi from Second Mesa, Az., and returned there after competing.

Thorpe also excelled in the Summer Games. He won gold in both the pentathlon and the decathlon. When King Gustaf V of Sweden was congratulating Thorpe on his accomplishments, he told Thorpe, “Sir, you are the greatest athlete in the world!” Thorpe’s legendary reply was, “Thanks, King.”

Other highlights of the games were a Greco-Roman wrestling match that lasted 11 hours and 44 minutes; the first modern Olympic death—a Portuguese marathon runner of heat exhaustion; women’s swimming and diving were introduced; Sweden refused to allow a boxing competition; a young army lieutenant named George S. Patton competed and nearly won the decathlon.

See History page 6

**Legal Scandal**

Maricopa County lawyers scanning the front page of the Arizona Republican during the first few weeks of July 1912 were likely looking for news of the high profile California trial of fellow attorney Clarence Darrow.

Darrow, a former corporate lawyer, had by 1912 evolved into one of America’s leading trial lawyers and the foremost defender of unions during their violent battles with their industrialist employers. Darrow was accused of bribing jurors during his defense of the MacNamara brothers, two labor unionists who had bombed the Los Angeles Times building, resulting in the deaths of 20 employees.

Testimony in Darrow’s case suggested that the country’s most notable labor lawyer had been present when his associate gave money to jurors in the bomb case. Although Darrow convinced the union terrorists to plead guilty before trial and the two allegedly bribed jurors played no role in the case, the lawyer’s mantle of righteous civil libertarian was tarnished and the sordid details of the case made for tantalizing reading for the Arizona legal community.

Darrow was acquitted in one of the cases and had a hung jury in the second. To avoid retrial, Darrow agreed to never practice law in California again, and his work as a labor lawyer dried up.

As a result, he refocused his practice on criminal defense and went on to win over 100 Chicago murder trials. He defended the notorious Leopold and Loeb murder case and defended science teacher John Scopes, accused of teaching the theory of evolution in the public schools, in the famous “Scopes Monkey Trial.”

Besides the Darrow case, readers of the paper almost 100 summers later.
eFile Education and Case File Relocation

By the end of fiscal year 2008, the Clerk's Office demonstrated the Clerk's eFiling Online system to approximately 700 individuals. Free trainings are conducted monthly at the Clerk's administrative offices in downtown Phoenix.

The 90-minute sessions are highly recommended for attorneys and legal support staff who will electronically file documents in the Superior Court in Maricopa County. Participants learn the differences between the Clerk's system and the federal PACER system, and receive information on third-party vendors qualified to accept electronic filings in Superior Court.

Of the hundreds who received training in eFiling last year, many attended bar-sanctioned CLEs in an extended format that provided background on the need to move away from paper, a behind-the-scenes look at the process, and updates on the future of eFiling in Maricopa County and the State of Arizona.

A list of remaining training dates for presentations at the Clerk's Office in 2008 is posted on the Clerk's website at www.clerkofcourt.maricopa.gov/news/efilingtrainingfler.pdf. eFiling training videos are available on the Clerk's eFiling website, allowing you to learn the system on your own schedule or as a refresher after attending a live session: https://efiling.clerkofcourt.maricopa.gov/fdlogin.asp. Manuals, a quick start guide and frequently asked questions are available from the “Help” link on the Clerk's eFiling Online website.

Each month over 200,000 Superior Court paper documents are filed with the Clerk's Office. Paper documents are scanned, converted to electronic format at the original court record and stored within a secure electronic repository. The electronic court record contains over 18.5 million documents which can be accessed electronically at public access terminals in Clerk facilities around the Valley. Limited, direct access to the repository is provided to dozens of government agencies and limited remote access is available to attorneys who register with the Clerk's Electronic Court Record Online (ECR Online).

Legal practitioners in Maricopa County are increasingly taking advantage of electronic business processes. Nearly 6,000 attorneys receive their minute entries electronically. However, fewer than 900 attorneys are currently registered with ECR Online.

ECR Online allows attorneys to use the internet to view public documents filed on their own cases and cases on which members of their firm are the attorney of record in adult case types. Attorneys registered in ECR Online can keep up to 100 cases at a time on their viewing list. Sealed or confidential documents are not available online and require a court order to view.

Attorneys who have a username and password for the Clerk's eFiling Online “live” site will use the same username and password when registering at the ECR Online site. Registration is available at: https://ecr.clerkofcourt.maricopa.gov/login.aspx.

Case Files Relocated

Effective Sept. 30, the Clerk's Office will begin relocating all physical case files from the Southeast adult file room in Mesa to the Customer Service Center in downtown Phoenix. This change enables the office to redesign the Southeast file room area to meet the public and the office's increased needs.

Customers needing access to documents or other files at the Southeast facility will be able to view 2002-current cases electronically at any of the Clerk's locations that offer public access terminals; older case files that are not accessible electronically will be available at the Customer Service Center in Phoenix. Clerk staff can arrange for pre-2002 case files to be delivered to the Southeast facility in Mesa with advance notice.

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Fall Activities for the Paralegal Division

We are already nearing the end of 2008, but there are still plenty of events planned for the Paralegal Division, and we hope you will join us.

Our Quarterly Division Meeting is scheduled for Tuesday, Oct. 21 at Noon at the MCBA offices. Karen R. Dickinson, partner at Quarles & Brady, LLP, will give a one-hour CLE presentation entitled “Intellectual Property and Its Protection: The Basics.” Lunch will be sponsored by TransPerfect, and reservations are required. Details are available on our website at www.maricopabar.org or by calling the office at 602-257-4200, ext. 11.

Elections for the 2009 Paralegal Division Board will take place in October and all ballots must be submitted to the MCBA office on or before Nov. 15. The Leadership Committee has put together a strong slate of members who are active in the Division and committed to continuing to make this the best paralegal organization in Arizona.

Maureen Zachow is our president elect and will become president of the Division in 2009. The other positions to be filled include president-elect, secretary, treasurer and three seats for director. Information regarding the candidates, the positions they are seeking and the qualifications for office will be posted on the website.

Only members of the Paralegal Division are eligible to vote in the election, so if you have any questions regarding your membership status or eligibility, you must be sure to contact the membership staff at the MCBA. Membership renewal notices for 2009 will also be sent out soon.

Our End of the Year Celebration will be on Tuesday, Dec. 16 at the MCBA. Save the date so you can help us celebrate the successes of 2008 and look ahead to the great things planned for 2009. Watch the website for more details about this event.

Meet & Mingle: If you're a member, you're invited!

MCBA is re-instituting the All-Member Meeting, which includes a (free) breakfast

FRIDAY, OCT. 10 7:30 - 9 A.M.

RSVP REQUESTED TO: rsvp@maricopabar.org or call Jennifer at 602-257-4200, ext. 118.

Walk-ins also welcome!
Have You Read the Rules Lately?

If you have picked up a copy of the Federal Rules of Civil Procedure within the last six months, chances are that you have read the “restyled” rules. On Dec. 1, 2007, the “restyled” rule became effective, after the Judicial Conference’s Standing Committee on Rules of Practice and Procedure spent five years drafting and redrafting them. The Committee did not change the substance of any of the rules; instead, it focused solely on style issues.

Some of the style issues included reformating rules into organized subparts; editing for consistency; editing out unneeded intensifiers; editing out repetitious and outdated information; and rewriting to avoid existing ambiguities. In short, legal writers can look to these “restyled” rules as important lessons in legal drafting.

Compare a portion of the old rule 7(b)(1) with the “restyled” rule.

Old rule 7(b)(1): (b) Motions and Other Papers. Old rule 7(b)(1):

(1) In General. A request for a court order must be made by motion. The motion must:
(A) be in writing unless made during a hearing or trial; (B) state with particularity the grounds for seeking the order; and (C) state the relief sought.

First, the “restyled” rule is reformatted with subparts to make clear that there are three requirements for filing a motion. Specifically, the rule now uses subheadings and outline numbering to help the reader navigate the information.

Second, archaic legalese, such as “therefor” no longer appears in the rule. Finally, the potentially ambiguous term “shall” is replaced with “must.” “Must” indicates a duty, while “shall” can indicate either a duty or a future event. Thus, the “restyled” rule now unambiguously indicates to the reader that 7(b)(1) imposes a duty.

For more lessons from the “restyled” rules, I suggest the Plain Language columns by Joseph Kimble in the Michigan Bar Journal. Kimble is one of the main drafters of the “restyled” rules. And keep an eye out for the “restyled” Federal Rules of Evidence. They are next up for an overhaul.

Legal Briefs

By Joan Dalton

Ninth Circuit Implements Electronic Filing

The United States Court of Appeals for the Ninth Circuit began allowing the voluntary electronic filing of certain documents on Sept. 2, 2008; however, mandatory electronic filing will begin for all attorneys and court reporters on Jan. 2, 2009. A corrected Aug. 28, 2008, Ninth Circuit Administrative Order details which documents may and may not be submitted in an electronic format. Among the documents that may not be filed electronically are:
(1) documents that start a case, including
(a) petitions for permission to appeal,
(b) petitions for review of an agency order or applications to enforce an agency order,
(c) petitions for writ of mandamus and prohibition, and
(d) applications for leave to file second or successive petitions;
(2) exceptions of record;
(3) sealed documents and motions for permission to file a document under seal;
(4) Criminal Justice Act documents; and
(5) any motions submitted before the assignment of a Ninth Circuit case number.

All other documents must be filed electronically, unless the filer has received an exemption or is a party proceeding without counsel. For more information concerning electronic filing requirements, view the Ninth Circuit administrative order at: www.c9.uscourts.gov/c99/Documents.nsf/ecf-admin-order.pdf.

Chief Justice McGregor Appointed to ABA Commission

An Arizona Supreme Court news release dated Aug. 29, 2008, states that American Bar Association President Tommy Wells appointed Chief Justice Ruth V. McGregor to the ABA’s Presidential Commission on Fair and Impartial State Courts.

The Commission will organize a national summit to address the major challenges facing state courts and identify ways in which the three branches of government can cooperate so that state courts are adequately resourced and capable of meeting the needs of the public.

McGregor stated that “[a] fair and impartial judiciary is a cornerstone of our government, and this summit provides an excellent opportunity to improve the ability of all branches of government to work together.”

State Judicial Salaries Rank in Middle Nationwide

The National Center for State Courts has posted its Survey of Judicial Salaries at www.ncsonline.org/D_KIS/Salary_Survey. The survey states that about three-quarters of the states in the country reported salary changes in 2007 for judges, justices and state court administrators. The salary change percentages taking place for these positions from years 2003-2007 are:

Chief, Highest Court —— 3.24%
Associate Justice, Court of Last Resort —— 3.21%
Judge, Intermediate Appellate Courts —— 2.98%
Judge, General Jurisdiction Courts —— 3.26%
State Court Administrators —— 3.27%
Associate judges in Arizona’s Supreme Court ranked 24th in salaries paid among the 51 reporting jurisdictions. Intermediate appellate court judge salaries ranked slightly higher, holding the 19th position. And while general jurisdiction trial court judges ranked 18th nationwide, when a cost-of-living adjustment is made that ranking drops to 26.

State-by-state judicial salaries and retirement information also are provided by the survey.

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Enriching the Profession: Helping Us to Help You!

We’re now more than three-quarters through the year. Time really does fly by, especially when we’re having this much fun.

So far this year, the YLD has conducted several successful CLEs and seminars aimed at young and new lawyers; sponsored another successful Barristers Ball that raised money for the Wills for Heroes program; sponsored Mothers’ Day events for several local domestic violence shelters; conducted mock interviews at both local law schools; attended several American Bar Association meetings as representatives of Maricopa County; sponsored Phone-a-Lawyer, Ask-A-Lawyer and a writing competition for students during our celebration of ABA Law Day; and, as of the printing of this column, will have held our annual Race Judicata, helping fund our Domestic Violence Committee. It has been a challenging but rewarding year for the YLD.

As president, I made it a goal to not only serve the public through our various outreach projects, but to ensure that we were properly serving YOU, the young lawyer members of the YLD.

As president, I made it a goal to not only serve the public through our various outreach projects, but to ensure that we were properly serving YOU, the young lawyer members of the YLD.

HISTORY
continued from page 3

modern pentathlon (a competition involving swimming, running, pistol shooting, fencing and horseback riding); and baseball was introduced as an exhibition sport (various track and field athletes for the U.S. played a Swedish team—the U.S. lost two pitchers and a catcher to the Swedes and America won 13-3). The U.S. won one more gold than host Sweden (25-24), but Sweden won the overall medal count with 65. The Americans were next with 63, and Great Britain third with 41.

MCBA YLD. In fact, our mission statement makes clear that we, as the YLD Board, are to enrich “the profession while focusing on the specific needs of young lawyers.”

To that end, we created the Membership Opportunity and Professional Development Exploratory Committee (“MOPDEC”) to discover the needs of young lawyers in the MCBA today, and to develop and implement programs and resources that assist you in developing as a professional.

Headed by the tireless efforts of Lynne Ingram, we have begun a series of CLEs and seminars, some of which are free, designed to arm you with those skills necessary to become successful young attorneys.

With that said, the MOPDEC committee seeks to develop further resources. Even though our board represents a fair cross section of our membership, we always attempt to understand and fully embrace your needs. Therefore, I invite your comments and commentary on how we’re doing.

Specifically, I’m looking for input on future events, seminars and resources that you would like to see the YLD organize and produce. Please e-mail me at tjryan@flaglaw.com with your ideas. Your ideas will be kept confidential (unless you specify otherwise).

I look forward to your input! ■

Retirement continued from page 2

want to work flexibly within a full-time job. Generation X and Y in particular (men as well as women) find these options extremely appealing.

Hewlett goes on to report that “the data shows that for young men ages 25 to 44, the ability to work flexibly tops their list of solutions.”

So, you might ask, how does this discussion about the need to form more flexible strategies for attracting and retaining younger lawyers (of both genders) relate back to the need to form more flexible strategies for older partners?

Hewlett says that companies need to get in the business of offering serious forms of flexibility. Mary B. Cranston, senior partner of Pillsbury Winthrop Shaw Pittman, agrees. She further argues that any discussion of flexible retirement must include flexible work assignments for all employees.

“One of the things firms have to do to retain their experienced lawyers is to help them customize their jobs,” she says. She reports that to achieve that end, Pillsbury Winthrop has made significant strides in recent years in redesigning more flexible work schedules for everyone from recent hires to senior partners who are preparing to transition away from full-time practice.

“Firms that fail to make this accommodation,” she says, “will come to regret their one-size-fits-all approach.”

In sum, this means rethinking both the on-ramps and the off-ramps for lawyers of all ages. The need for more flexible and accommodating work options affects not only those who are approaching traditional retirement, but younger women and men who don’t fit inside the box or want to work within the traditional partnership pyramid.

Approaching the coming shift in age demographics in all directions will mean a win-win in the talent war.

The Sunset Alternative: A Revised Strategy for Transition Planning

Law firms everywhere must focus on reducing the balance to keep key people at every stage of development. This will include discussing how the years leading up to retirement should be a period of time when senior lawyers can experience new growth opportunities for themselves—and properly handled, this process should benefit the broader law firm community in many other ways. The senior lawyers that many law firms are now looking to sunset may be the untapped resources firms need to lead the talent pool of the future.

Today, we are facing a shortage, not a surplus of talented lawyers. Firms must begin to phase out “retirement” as we know it. As a replacement, firms need to explore how a staged reduction in work hours and responsibilities ahead of full retirement might work. The same must be said for young people entering the profession. No amount of money will be enough to keep talented young people from “jumping ship” unless firms begin to address their needs and concerns.

The fact is that most senior lawyers and pre-retirees are not looking to fade away. They want enriching endeavors. Certainly they want to leisure at times, and they naturally want to have fun. But contrary to the popular media view of retirement, the most important thing lawyers anticipating retirement are looking for is fulfillment, their own sense of purpose and meaning.

The idea of a more flexible retirement option would allow not only partial retirement, so that senior lawyers can enjoy other pursuits, but also active retirement, wherein seniors can remain productively and socially engaged in the workplace.

Going to more flexible retirement policies as well as more flexible work schedules for all lawyers will demonstrate a fundamental shift in the way lawyers of all ages live their lives. ■


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Monica Rapps Named Paralegal Division Member of the Year

The MCBA Paralegal Division named Monica Rapps as its 2008 Paralegal Division Member of the Year at an awards ceremony at the Arizona Paralegal Conference 2008 last month.

Rapps serves as immediate past president, having served in 2007 as the first president that began her involvement with the division as a paralegal student. In addition to her presidency, Rapps has also served the division as director, secretary, memberships chair, conference committee member, student mentor, and as a liaison to the Maricopa Lawyer.

“There are many paralegal members that are worthy of this award,” Rapps said, “and I am honored that I was chosen.”

A New Orleans native, Rapps moved to Phoenix in 1985, and has more than 24 years of experience in the legal profession, the last six years as a paralegal. She received her associate in applied science degree in legal assisting, with high distinction, from Phoenix College in 2003, and her Certified Paralegal designation in 2004. Monica is a litigation and water law paralegal with Gust Rosenfeld, PLC.

COURTWATCH
continued from page 1

downloaded child pornography to his computer and that he had saved some of the pictures.

Craighead later testified that he did not believe that he was to leave the storage room because he would have had to go through the sheriff’s detective or ask him to move. He thought that even if Andrews let him leave, other officers would not allow it. He did not know that Ramsey—his first sergeant and therefore someone who had authority over him—was there to support him. Only after the others had left did Craighead converse with Ramsey and learn why he was there.

The officers seized Craighead’s hard drive, some compact discs and floppy diskettes. On the hard drive, FBI forensics experts found 16 movies featuring child pornography. The discs and diskettes contained other images and movies.

Craighead was indicted for possession, transportation and shipping of child pornography. He moved to suppress the statements he made during the search, arguing that Andrews had violated his Fifth Amendment rights by not giving him the Miranda warnings. The District Court ruled that the questioning was not a custodial interrogation that required the warnings. Craighead then entered a conditional guilty plea, reserving the right to appeal the court’s evidentiary rulings.

See CourtWatch page 10

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MCBA CALENDAR
All events are held at the MCBA headquarters at 303 E. Palm Lane, Phoenix, unless otherwise noted. Also check www.maricopabar.org or call (602) 257-4200.

OCTOBER 2008

2  CLE: Family Law and Military Law: How to Navigate an Unpredictable Combination 8:30 a.m.-5 p.m.
15  Employment Law Section Exec. Com. 12 p.m.
3  Estate Planning, Probate & Trust Section Exec. Com. 7:30 a.m.
16  CLE: Medical Negligence Litigation in Maricopa County 1 p.m.
4  Paralegal CLA Review Course 8:30 a.m.
6  MCBA Board of Directors meeting 4:30 p.m.
8  Maricopa Lawyer Editorial Board meeting 5:15 p.m.
17  Maricopa County Bar Foundation meeting 7:30 a.m.
9  Enviromental & Natural Resources Section Luncheon Speaker: Sam Campana, National Audubon Society 12 p.m.
18  Paralegal CLA Review Course 8:30 a.m.
20  Family Law Section Exec. Com. 12 p.m. Location TBA
21  Paralegal Division quarterly meeting Program with lunch 12 p.m.
22  MCBA Annual Meeting/Inaugural Hall of Fame Induction Phoenix Hyatt Regency 12 p.m.-1:30 p.m.
23  CLE: What Every Attorney Needs to Know About the Taxation of Damage Awards 12 p.m.
24  CLE: Corporate Counsel Division Luncheon 12 p.m.
25  Paralegal CLA Review Course 8:30 a.m.
29  Corporate Counsel Division Exec. Com. 5 p.m.

*Please watch your MCBA E-News for updated information about meetings and events.
Bernstein also served as chief justice of the Arizona Supreme in 1959 and it operated for 40 years as one of the major law and lawyers professional liability issues. Since 1965 and one of the founders of the Arizona Defense Arizona Supreme Court and the Court of Appeals. A member of his own law firm of Browder & Kenney, PC, for more than 40 Disciplinary Board (now Commission), he practiced in his community. He is a former president of the MCBA and the Arizona National Guard Historical Society and the Arizona Foundation for Legal Services. But he also championed legal education through his teaching as an adjunct professor of law at ASU and a University of Arizona Law School Board of Visitors.

John D. Eve
A long list of "firsts," applies to Daniels: First of two blacks elected to the Arizona legislature; first African American assistant Arizona state attorney general; first black judge in Arizona. He devoted his career to being a strong and successful advocate for civil rights. As a law professor, he advised the NAACP in Brown v. Board of Education but equal doctrine in Arizona, three years before the Arizona's Mechanic's Lien Act. But he also championed legal education through his teaching as an adjunct professor of law at ASU and a University of Arizona Law School Board of Visitors.

John P. Fordsall
In only one year of night classes, Birdsall completed a Robe.

Alice Birdsal
In only one year of night classes, Birdsall completed a Robe.

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Judge Jay S. Bybee examined the totality of the circumstances to determine whether Craighead was in de facto custody, even though he was not formally detained. This would occur if a reasonable person in Craighead’s situation would have felt that he could not end the interrogation or leave the premises.

Bybee focused on the show of force made by the officers and the fact that the questioning occurred in Craighead’s home, which presented an analytical challenge.

“The usual inquiry into whether the suspect reasonably believed he could ‘leave’ the interrogation does not quite capture the uniqueness of an interrogation conducted within the suspect’s home,” Bybee wrote. "Where will he go? The library? The police station?" After all, Bybee wrote, "He is already in the most constitutionally protected place on earth.”

Being allowed to leave “is a hollow right if the one place the suspect cannot go is his own home.” On top of that, Bybee pointed out, a reasonable person might not be as likely to believe that he can terminate an interrogation if the one place the suspect cannot go is his home. Although Craighead was not handcuffed during the search, Bybee concluded that he was effectively restrained while in the storage room because he would have had to go through the detective to get to, and out, the closed door.

While perhaps not everyone in this circumstance would have felt restrained, Bybee wrote, “it was certainly objectively reasonable for Craighead to believe he was under guard.”

Furthermore, Craighead was isolated from others—family and friends—during the questioning. Bybee noted that even though Sgt. Ramsey’s purpose in accompanying the search team was to lend Craighead moral support, he did no such thing until after the interrogation and the search had already ended.

The fact that Agent Andrews informed Craighead that the questioning was voluntary did not carry the day.

“The mere recitation of the statement that the suspect is free to leave or terminate the interview . . . does not render an interrogation non-custodial per se.”

Considering the totality of the circumstances, Bybee concluded, “we find . . . that Craighead was in custody for purposes of Miranda. Craighead’s home,” Bybee continued, “had become a police-dominated atmosphere.”

“Craighead,” he concluded, “reasonably believed that there was simply nowhere for him to go.”

Agent Andrews’ failure to give Craighead the Miranda warnings made his statements inadmissible. Bybee, joined by Circuit Judge Sidney R. Thomas and Frederic Block, senior district judge for the Eastern District of New York, therefore reversed Craighead’s conviction.

State v. Rodriguez-Rosario

A juror’s momentary indecisiveness during polling has led the Court of Appeals to overturn a defendant’s conviction on drug charges. In State v. Rodriguez-Rosario, No. 1 CA-CR 07-0438 (Ariz. App. Aug 19, 2008), the court ruled that the trial judge should have granted a mistrial.

Eliezer Rodriguez-Rosario was indicted on three counts of drug possession after an undercover officer purchased methamphetamine from him. The jury returned guilty verdicts on all three counts, and the judge polled the jurors.

Juror No. Six experienced some indecisiveness. Asked if “guilty” was his verdict, he responded, “No, I just went along with it.”

He explained that he found inconsistencies in the testimony of the police officers, whom he did not believe.

Outside the presence of the other jurors, the judge delved deeper into No. Six’s hesitancy. The juror stated: “I just feel that there were inconsistencies in the police officers’ statements. They were small, but I felt they were inconsistent to me.”

Asked by the judge what his true verdict was, the juror responded: “Then I would say since I was the person that probably argued the most against some of the inconsistencies that I’m probably wrong, that I would probably go ahead and say that—that the verdict is guilty on all three counts.”

The defendants’ attorney then asked Juror No. Six if he had voted guilty to go along with the other jurors or did so because he believed that the state had proved its case. The juror answered: “I believe the State did prove their case.” Asked further whether “guilty” was his own verdict, irrespective of the other jurors, he responded: “Yes.”

Defense counsel: “Then why when you were first polled you said this is not my true verdict, I just went along with it?”

Juror No. Six: “I’m not sure.”

Defense counsel: “Was that an honest statement?”

See CourtWatch page 14
ATTORNEY needed for position involving plaintiff’s wage and other employee issues. Prefer 5+ years experience. Competitive compensation package with possible initial partnership opportunity. Please fax confidential resume to 480-705-5677.

CORPORATE/TRANSACTIONS ATTORNEY Lewis and Roca is seeking an attorney for its Phoenix, Arizona office with six to ten years’ experience in corporate transactions, corporate transactional and mergers and acquisitions practice, with emphasis on private securities, corporate transactional and mergers and acquisitions practice, with emphasis on private securities offerings. A knowledge of finance and accounting and SOX guidelines would be helpful, but not necessarily a requirement. Please send resume, writing sample and law school transcript to Recruiting@LRLaw.com. Lewis and Roca is an Equal Opportunity Employer.

BAXTER & FERRIS, LLC, a midtown law firm, seeks a proven litigation attorney with a minimum of 2 to 5 years in the practice of law, to assist in litigation of probate, estate planning, guardianships, conservatorships, and elder law matters. Competitive benefits package. Salary DOE. Please fax letter of interest and resume to 602-710-2207 or send by e-mail to magun@baxterferris.com.

HOLM WRIGHT HYDE & HAYS PLC, an AV-rated law firm in Ahwatukee, seeks an ATTORNEY with 4+ years experience practicing law in the areas of construction and commercial litigation and a PARALEGAL with 5+ years in commercial and personal injury. Excellent academic credentials, writing, and research skills required. Competitive salary and benefits. Send resume, transcripts, and writing samples to bhmeld@holmwright.com or fax (480) 961-0818.

IN-HOUSE MANAGING ATTORNEY—CREDITOR’S RIGHTS/COLLECTION Phoenix office of a national debt buyer seeks consumer collection attorne­Y with minimum 3 years collection law for in-house counsel position. Qualified candidate must be a self-starter, organized, possess strong communication skills, and have ability to work in a high volume environment. Ideal candidate will have law and motion, discovery and courtroom experience. Salary commensurate with experience. Please fax resume to Hiring Partner at 847-656-2201 or e-mail resumes4100@gmail.com.

OWENS & PERKINS, PC, an AV-rated firm located in Scottsdale, is expanding its practice and we are accepting applications for Litigation Attorney and an Estate Planning Attorney each with a minimum of five years AZ experience. Benefits provided, salary DOE. Send resumes to jim@owensperkins.com.

SACKS TIERNAY, PA, a leading Arizona law firm servicing the business community since 1960, continues to expand. Based in downtown Scottsdale, we are currently looking for a litigation attorney with 3-5 years experience in commercial litigation and a transactional attorney with a minimum of 5 years experience in mergers/acquisitions and real estate. Successful candidates will have strong academic credentials and strong writing skills. Please submit resume and letter of interest to Stephen Lieberman at slieberman@sackstierney.com or fax to 480-312-4016 in confidence to Recruiting Coordinator. (480) 425-4923. For more information about our firm, please visit our website at www.sackstierney.com.

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ATTORNEY SEEKING FINANCIAL SERVICES Lewis and Roca is seeking a financial services attorney with a minimum of 4 years’ experience in the area of financial services with emphasis on asset management, wealth management, investment banking, and related matters. Strong writing and communication skills. Proven knowledge of litigation, regulatory and corporate matters. Excellent computer skills, strong oral and written communication skills. Ideal candidate will have significant trial experience. Salary commensurate with experience. Please fax letter of interest and resume to 602-710-2207 or send by e-mail to magun@baxterferris.com.

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ATTORNEY OFFICE FOR RENT West Mesa Near 101 and Guadalupe Road. Attorney office and adjacent secretarial area (with built-in desk and work space) available for rent in newly remodeled office building. Telephone system, covered parking, and hi-speed internet all included. Tenants also enjoy access to a law library, two conference rooms (one with large granite table and large wall-mounted computer monitor) and other amenities, all in a professional and col­legial environment. This arrangement is perfect for the sole practitioner. Limited reception services included and client referrals are possible. Please call (480) 820-1421 to discuss further and to arrange a visit.

CAMELBACK MOUNTAIN View from sixth floor executive office at Concord Place (44th St/Thomson). Secretarial office also available. Use of reception, conference room, kitchen and copier. Covered parking available. Call 602-962-5100.


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FOUR ATTORNEY OFFICES AVAILABLE in new 3,000 sq. ft. building. Includes spacious secretarial bays, receptionist, four conference rooms, ADA restrooms, copy/lift ro­om, file room, executive covered parking. Fifth Avenue and Osborn area. Flexible terms. For more details e-mail magun@owensperkins.com or call (480) 312-0973.

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SIX EXECUTIVE OFFICE SPACES AVAILABLE in historic Phoenix mansion. 125 E. Coronado Rd. $800. $1,200/month. Includes receptionist, conference room, covered parking, phones and copier. Contact Jessica at (602) 253-1308.

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We wrote the book on QDROs Contact RAYMOND S. DIETRICH, ESQUIRE 602.252.7227 www.qdorack.net

† Author of Qualified Domestic Relations Orders: Strategy and Liability for the Family Law Attorney (2008 © LexisNexis)

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In Maricopa County

COMMISSIONER

9/29/08 – 10/30/08

The Trial Courts of Arizona in Maricopa County is accepting applications for Commissioner. This is a full-time Judicial Officer position, although part-time assignments may arise at the discretion of the Court. Commissioners may be assigned to the “24-hour” Initial Appearance Court, Regional Court Centers and various other departments of the Court, including Criminal, Civil, Family, Juvenile, Probate & Justice Courts. Positions may be located at various valley sites.

Applicants must be a U.S. Citizen, Maricopa County resident at time of appointment, at least 30 years of age, duly licensed member of the AZ State Bar and shall have engaged in the active general practice of law and been a resident of the State of AZ for a period of not less than five (5) years immediately preceding appointment. Compensation may be up to 80% of the salary of a Superior Court Judge. One or more appointments may be made from this recruitment. Applicants may receive the application form & instructions in one of three ways:

1) http://www.supercourtcourt.maricopa.gov/ and click on the “Employment” link.
2) Disc (M/W 2nd or 3rd) Paper hardcopy. To receive the application by hardcopy or on disc, please bring a blank disc to be traded for a disc with the application on it to:

Judicial Branch Human Resources

111 West Jefferson
East Court Building, 3rd Floor (Law Library), Ste A
Phoenix Arizona 85003

Office hours are 8 a.m. to 5 p.m. Monday through Friday. For additional information, call Andrea Grigs at 602-506-4473.

Deadline: Application + 15 copies must be received by 3:00pm on Thursday, October 30, 2008. EOE.
VOlunteer Lawyers Program
Thanks Attorneys

The Volunteer Lawyers Program thanks the following attorneys and firms for accepting these 28 cases during the past month.
The VLP supports pro bono service of attorneys by screening for financial need and legal merit and providing primary malpractice coverage, donated services from support professionals, training, materials, mentors, and consultants. Each attorney receives a certificate from the MCBA for a CLE discount.

For information about cases and other ways to help, please contact Pat Gerrich at the VLP at (602) 254-4714 or pgerrich@clsaz.org.

ADOPTIONS
Jason John Romero
Osborn Maleon
Laura J. Zeman
Snell & Wilmer

CONSUMER
Lynne C. Adams
Lewis & Rocca
Carrie Marie Francis
Quarles & Brady
Kyle Hirsch
Bryan Cave
Eric R. Johnson
Quarles & Brady
Ernest F. Modzelewski
Sole Practitioner
Craig J. O’Loughlin
Quarles & Brady
Kerry Patterson
Fennemore Craig

GUARDIANSHIP OF INCAPACITATED ADULTS
Brian Jay Burt
Snell & Wilmer
James P. Grew
Cavo Industries Inc

GUARDIANSHIP OF MINOR CHILDREN
Ann-Marie Alameddine
Sole Practitioner

COURT-APPOINTED ADVISORS/GAL FOR CHILDREN IN FAMILY COURT
Jase R. Castle
Mariscal Weeks
McIntrye & Friedlander

Alicia Meier Wolfson
Sole Practitioner
Laura J. Zeman
Snell & Wilmer

DOmESTIC ViOLENCE/ FAmILy LAW
Heidi Lukaczik
Sole Practitioner
James F. Wees
Sole Practitioner

Estate Planning and Probate.

We were inspired by a friend whose husband had passed away,” she said. “I knew I wanted to help older people put their affairs in order.”

Since 1997, Proctor has been doing exactly that through her work at the law firm of Fennemore Craig and her expertise in guardianship, conservatorship, probate and trust law. She doesn’t recall exactly how she learned of the Volunteer Lawyers Program, but as a member of the Volunteer Lawyers Program, she has participated in the VLP’s Children’s Law Center.

“Proctor says she’s never encountered an attorney who doesn’t understand her commitment to pro bono work. However, she thinks it’s probably not uncommon for lawyers whose practice does not involve civil law litigation or matters such as those presented by low-income clients to be reticent about participating in the VLP.”

“I initially had a bit of apprehension, but I witnessed others jumping in with support from lawyers with more knowledge in a particular area, and with support VLP provided,” she said. “It’s a unique opportunity for new attorneys to have the experience of representing someone from start to finish.”

DO SOMETHING amazing
Attorneys throughout Arizona are being asked to do something amazing by volunteering with the Volunteer Lawyers Program (VLP).

Join an elite force of lawyers who use their special powers to leap legal hurdles with a single bound. To become a superhero, return the VLP enrollment form included with the statewide VLP recruitment materials and letter from Hon. Glenn Davis.

If you did not receive your invitation to join or would like more information about amazing things you can do, contact the VLP at pgerrich@clsaz.org or (602) 254-4714.

Hit the Links at the Comerica Bank
2008 Pro Bono Golf Classic

Mark your calendars—the Comerica Bank 2008 Pro Bono Golf Classic is set for Saturday, Nov. 8! Benefiting the Maricopa County Bar Foundation and the Volunteer Lawyers Program, the tournament will take place at the Legacy Golf Resort at South Mountain. With lush green fairways, forgiving rough, well-placed hazards, and manicured greens, the course will offer a challenge for golfers of every skill level.

Registration fees are $165 for individuals and $600 for a foursome. Breakfast, green fees, golf carts, range balls, lunch and a gift bag are included with the registration fees. Raffle prizes and awards will also be available.

Additionally, sponsors are sought for the tournament, with a variety of sponsorship levels available from Lunch Sponsor to Hole Sponsor.

For more information, please contact Laurie Williams at lwilliams@maricopabar.org.
Moves and New Hires

The national law firm of Quarles & Brady is pleased to announce that Dawn C. Valdivia has graduated from the Hispanic Leadership Institute (HLI) and has been selected to serve as co-chair for the 2008-2009 term on the Arizona State Bar Committee on Minorities and Women in the Law (CMWIL). Valdivia, an associate in the firm, focuses her practice in the area of labor and employment law.

The HLI was established and designed to educate and assist individuals on developing and expanding their leadership skills to take an active role in the community.

The Mission of the CMWIL is to (1) educate the legal community and general public on issues relating to minorities and women in the practice of law; (2) support and serve minority and women practicing attorneys and students, by advocating the retention and advancement of minority and women lawyers; (3) develop strategies to broaden the legal opportunities for minority and women attorneys; and (4) promote the “Statement of Goals for Increasing Minority and Women Representation and Retention.”

Rose Law Group has hired Jeff Yates as their new chief financial officer and chief operating officer. Yates will focus on Rose Law Group’s expansion in Arizona and throughout the U.S.

Rose Law Group has also hired William Knowlton as a new associate, who graduated this year with his juris doctorate from the Sandra Day O’Connor College of Law at Arizona State University.


Emerson earned his juris doctorate from the University of Notre Dame in 2008 and practices general commercial litigation. Kimball earned his juris doctorate from Arizona State University in May 2008 and practices environmental and natural resources law. Lakey earned his juris doctorate in 2008 from Vanderbilt University and practices general commercial litigation. McKee earned his juris doctorate from the University of Nebraska in 2008 and practices intellectual property law. Overton earned his juris doctorate from Brigham Young University in 2007 and practices general commercial litigation.

Runkle earned his juris doctorate from the University of Notre Dame in 2008 and practices general commercial litigation and criminal defense law. Seiden earned his juris doctorate from Arizona State University and practices employment and labor law. Thompson earned his juris doctorate from the University of Arizona in 2008 and practices general commercial litigation.

Four attorneys have joined Fennemore Craig as associates, two in the Business and Personal Injury Tort Practice Group, one in the Government Relations Practice Group, and another in the Commercial Litigation Practice Group.

Mark Bolton has joined the firm as an associate in the Government Relations Practice Group. Bolton earned his juris doctorate from the University of New Mexico School of Law.

Jamie Gill has joined Fennemore Craig full time as an associate in the Business and Personal Injury Tort Practice Group. Gill received a juris doctorate from Brooklyn Law School.

Kyle Hallstrom, a former Fennemore Craig summer associate, has joined the firm as an associate in the Business and Personal Injury Tort Practice Group. Hallstrom received a law degree from New York University School of Law.

Kristin Paiva has joined the firm as an associate in the Commercial Litigation Practice Group. She is a graduate of the University of California Los Angeles School of Law.

Lewis and Roca is pleased to announce that Scott M. Bennett has returned to the firm’s Phoenix office as an associate in the Torts and Criminal Litigation practice groups. Bennett’s practice focuses on litigation, in both civil and criminal matters.

The national law firm of Quarles & Brady is pleased to announce that David E. Funkhouser III has been appointed by the Arizona Democratic Party as the newest member of the Arizona House of Representatives to fill a vacancy in the state’s 11th legislative district.

One of three candidates nominated by the Arizona Democratic Party, he was unanimously selected by the Maricopa County Board of Supervisors on Aug. 20, and sworn in on Aug. 26 by Arizona Supreme Court Chief Justice Ruth McGregor.

Alisa Gray has been appointed by the State Bar of Arizona to the Continuing Legal Education Committee and the Unauthorized Practice of Law Advisory Committee. Gray practices with her husband, Jim Fassold, at the Phoenix law firm of Gray & Fassold, PC. Their practice emphasizes probate litigation, including contested probate and trust matters and complicated guardianships and conservatorships.

Leonardo Loo, a shareholder at Fennemore Craig in Phoenix, has been appointed to the Governor’s Asian-American Advisory Council by Arizona Gov. Janet Napolitano.

The council meets quarterly to identify and discuss issues relevant to the state’s Asian-American community and advise the governor. The council also helps the governor share information about government initiatives with constituents.

The Commission on Appellate Court Appointments has recommended four candidates to Gov. Janet Napolitano for two vacancies on Division I of the Arizona Court of Appeals, created by the recent retirement of Judge Susan Ehrlich and Judge G. Murray Snow’s appointment to the United States District Court.

The nominees are Margaret H. Downie, 49, Democrat, of Phoenix, a Maricopa County Superior Court judge; Robert C. Houser, Jr., 59, Republican, of Scottsdale, a Maricopa County Superior Court judge; Judith R. Schaffert, 50, Republican, of Phoenix, a staff attorney for the Arizona Supreme Court; and Peter B. Swann, 43, Democrat, of Phoenix, a Maricopa County Superior Court judge.

Gov. Napolitano will appoint the new judges.

Honors and Awards

A graduate of the Sandra Day O’Connor College of Law who is credited with demonstrating leadership that has helped improve the lives of many children and families in Washington, D.C., recently was honored by the U.S. Department of Health & Human Services.

Benidia A. Rice, class of 1984, received the Commissioner’s Award for Exemplary Leadership from Margot Bean, head of the Office of Child Support Enforcement in the Administration for Children & Families.

Rice, director of the District of Columbia’s Child Support Services Division, accepted the award at the 18th National Child Support Enforcement Training Conference on Tuesday, Aug. 26, in Washington, D.C.
Karen R. Akins, Ph.D., J.D.
480-946-6828
dr.fararenkins@cox.net

Wing Ong
A Chinese immigrant, Ong moved to Phoenix in 1918 in his mid-teens determined to seek our opportunity. After working numerous jobs, Ong went on to own a grocery store, but after an unsuccessful attempt at a seat in the state House of Representatives, he decided upon a career in law. After graduating from Phoenix College and the University of Arizona Law School in only 3.5 years, he opened his practice in the back of his grocery store and ran for State Legislature in 1946. The attempt was successful, leading Ong to become the first Chinese-American to be elected to a state office. Ong then practiced immigration law in San Francisco for some time before being elected to the Arizona Senate.

Cecil B. Patterson Jr.
Patterson was the first African-American appointed to the Arizona Court of Appeals in 1995 by then Gov. Fife Symington. After serving as a Maricopa County Superior Court judge for 11 years, Patterson served as chief counsel for the Human Services Division of the Office of the Arizona Attorney General from 1991 until his Court of Appeals appointment. He also served as a trial attorney for the Maricopa County Public Defender’s Office and the Maricopa County Legal Aid Society.

John C. Phillips
Phillips was Maricopa County’s first Superior Court judge and the only Republican to win a seat in the county district of 1911. “Honest Johns,” as he was referred, refused to push for higher salaries for judges, explaining that “if we raise the salary, some very capable lawyer may run and beat me out of a job!” Phillips went on to become Arizona’s second Republican governor in 1929.

William H. Rehnquist
Born in Milwaukee, Wisconsin, Rehnquist served in North Africa during World War II and went on to receive a Bachelor of Arts, Master of Arts, and a Bachelor of Laws from Stanford University and a Master of Arts from Harvard University. After serving as a clerk for Justice Robert H. Jackson of the U.S. Supreme Court from 1951 to 1952, Rehnquist moved to Phoenix and practiced law from 1953 to 1969. He served as assistant attorney general, Office of Legal Counsel from 1969 to 1971. Rehnquist was nominated to the Supreme Court by President Richard Nixon in 1972, then nominated as chief justice by President Ronald Reagan in 1986. The longest serving chief justice since Melville Fuller, Rehnquist became the second chief justice in history to preside over a presidential impeachment hearing during President Bill Clinton’s impeachment. Rehnquist passed away in 2005.

Roca practiced law in Phoenix from 1941 until his death in 1979. A founding partner of the Lewis and Roca law firm, Roca was very active in earlier years in development of the local bar and legal profession. As president of the County Bar in 1948, he wrote the articles of incorporation for the Maricopa County Legal Aid Society and then served several terms on the Legal Aid Board and was in president. Roca also organized the Southwest Blood Bank as a pro bono armature for the Maricopa County Medical Society, which became one of the first regional blood banks in the country. He had also two state Senate presidents of the Community Council Board in 1950 and later in 1968. The author of the Arizona Insurance Code enacted in 1974. Roca helped modernize the laws in the state on life, health and casualty insurance.

Fred H. Rosenfeld
During his 40-year career, Rosenfeld followed in his father’s footsteps, helping to ensure that Gur Eisenstein, the law firm his father joined, remains one of the most respected law firms in the state. Making a distinctive mark on the legal community, Rosenfeld played a significant role in municipal finance, serving as bond counsel to most counties, towns, and school districts in the state. From the 1960s through the 1990s, Rosenfeld was involved in every bond-related legislative matter, including new bond statutes and acts. Due to his efforts, many municipalities throughout the state were able to finance numerous projects, including fire stations, police departments, entertainment venues, shopping malls and more.

James W. Ryan
A founding partner of Franey, Ryan, Goldberg & Arnold, LLP, Ryan has built a solid practice with the highest ratings for both ethics and expertise as noted by his AV rating with Martindale-Hubbell. He focuses on sophisticated estate plans and representation of closely held businesses. While building his successful practice, Ryan has also focused on contributing to the profession and giving of others via his leadership and involvement in the Estate and Trust Law Section of the Arizona Bar, as well as the Arizona Bar, the Arizona Trust Code Sub-committee of the Probate and Trust and Estate Attorney General’s Commission for the State Bar of Arizona. Additionally, Ryan has served as the chairman of the Arizona Trust Code sub-committee of the Probate and Trust Section of the State Bar of Arizona for four years, and was a central figure in the development of the Arizona Trust Code, which went into effect in January 2009.

Richard A. Segal
Segal is widely regarded as one of the most able and insightful trial attorneys in the state, representing insurance companies, financial institutions, businesses and individuals in contract, construction, personal injury, product liability, securities and professional liability cases. Segal has extensive experience in jury and appellate work with numerous decisions to his credit, often as a mediator, and serves as a judge pro tem with Maricopa County Superior Court. His primary objective has been to uphold the judicial system and the aspirations of the legal profession.

Kenneth J. Shek
Shek has devoted his career as a lawyer primarily to civil litigation for more than 45 years. With extensive experience in personal injury and business litigation, Shek advocates his clients’ position thoughtfully, thoroughly and with utmost respect to facts and his adversary. Additionally, he is widely considered by his peers to be one of the state’s most respected trial attorneys.

Frank Snell
A founder with Mark Wilmer of Snell & Wilmer, LLP, the largest law firm in Arizona, he facilitated the merger of the state’s two major utility companies to Arizona Public Service. He was also one of the “Big Three” (with Eugene Pallum and Walter B. Bimster) considered the leading public citizens in the business, social, and cultural development of Phoenix and the state.

Ravghlie Stanford
Beginning his practice in Tombstone, Stanford moved to Phoenix two years later, and in 1915, was elected Superior Court judge in Maricopa County, serving for a time as the only judge in the county. Stanford presided over the election dispute between Gov. Hunt and Thomas E. Campbell in 1916, and ruled in favor of Campbell, but the Arizona Supreme Court overruled. Practicing law for another 12 years, Stanford sought the governorship of Arizona, and was elected in 1936, serving only one term. In 1943, he was named to the Arizona Supreme Court and retired in 1955.

George J. Stoneman
After practicing in Winslow for one year and then several years in Globe, at one point as district attorney, Stoneman decided to move to Phoenix after being appointed to division two of the Maricopa County Superior Court. He served for 16 years, and as assistant attorney general of Arizona from 1957 to 1959. Stoneman was then elected to the Phoenix City Council in 1960 and Superior Court judge in 1963, and returned to private practice in 1970. In 1977, President Jimmy Carter appointed him as a U.S. Circuit judge for the Ninth Circuit, where he served for 16 years.

Thomas Tang
The first Chinese-American appointed to the federal judiciary, Tang served in the Army during both World War II and the Korean War. After resigning from the Army in 1952, Tang made a brief stint in private practice before serving as deputy Maricopa County attorney from 1952 to 1957 and assistant attorney general of Arizona from 1957 to 1959. Tang was then elected to the Phoenix City Council in 1960 and Superior Court judge in 1963, and returned to private practice in 1970. In 1977, President Jimmy Carter appointed him as a U.S. Circuit judge for the Ninth Circuit, where he served for 16 years.

James A. Teiberg
A tremendous trial lawyer in Maricopa County, Teiberg has a track record of trials and settlements matched or exceeded by very few attorneys. Teiberg was a leader in his law firm, Teiberg, Sanders & Parks, which he co-founded in 1973, by helping to develop a reputable firm while caring for and helping his fellow attorneys and co-workers. Teiberg participated in various bar evil. Hisparamountly with Rosenfeld as Democratic National Committeeman from Arizona, the two founded the Stonedman and Ling law firm and took prominent positions in the party’s affairs. He served on various committees, in numerous conventions, and was a delegate to the Democratic National Convention in Denver in 1908. Stoneman later founded the Maricopa County Bar.

Harvey E. Streich
Streich was the founder of the modern day law firm of Streich & Lang, which operated from April 1970 until October 2000 when Peter Qualles & Boye, LLP, a visionary, Smith & Lang became one of the first Arizona law firms to have a truly national practice thanks to Streich active recruitment of attorneys from Michigan and the Midwest. Streich managed to spend three years per week to recruit, all the while maintaining a high profile business. Among Streich’s many achievements are being named to the W.P. Carey School of Business of the University of Arizona, and to the College of the State Bar of Arizona. Additionally, Ryan has appointed to division two of the Maricopa County Superior Court, as chief justice by President Ronald Reagan in 1986. The Arizona Supreme Court ruled that the trial judge should have granted a mistrial. Portley concluded, “the court should have granted the mistrial motion without even hearing the defense to do so was an abuse of discretion.”

Joining Portley in overturning Rodriguez-Rosario’s conviction were Judges Patrick Irvine and Patricia Norris.
Pass a statute calling for elections of state representatives. It became a state until Feb. 14, 1912.

Judge Phillips lifted the preliminary injunction prohibiting Secretary of State Osborne from issuing notice of the legislatively approved election for 1912. Within less than two weeks, the parties had briefed and argued the case to the Supreme Court. The final decision of the court reversed Judge Phillips, upheld the constitutional regime and struck down the conflicting provisions of the new statute. As a result, the then-serving officials, including the justices and

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