Deadline Coming Up—MCBA CLE is the Way Go

As the state’s CLE deadline approaches, the MCBA is ready to serve you with over 30 hours of programming on tap in May and June—and more to come. Plus, the MCBA Film Festival, which allows you to watch videos of popular recent programs—with movie theatre snacks provided—is set for June 16-20.

Remember, MCBA gives you exclusive member pricing, making our programs the most extensive and affordable in the Valley. Make your membership work for you and register now to earn the CLE credit you need.

The new MCBA website lets you sign up quickly and easily at www.maricopabar.org (click on the CLE button). Or you can register by calling us at (602) 257-4200 and asking for Kimberly, ext. 112.

Breakfast at the Bar Making Return to MCBA

The MCBA is reviving an old tradition with a new kick—an all-bar members meeting with breakfast, a drawing, social time, and a program all lawyers can benefit from “Wrestling Control of E-mail.” And it’s completely free of charge to members.

The first “Breakfast at the Bar” will be held at the MCBA on Friday, May 9, from 7:30-9 a.m.

“We plan to make this a monthly event, held on the second Friday of each month, except for August,” said MCBA Executive Director Allen W. Kimbrough. “It will give all members an opportunity to keep in touch over coffee and a light meal, maybe win a prize or two, and enjoy an entertaining speaker.

“We encourage members to bring guests. There is a $5 charge for non-members, unless they decide to join the MCBA. Membership applications will be on hand,” Kimbrough added.

This month, members will hear Paul H. Burton of Vision Mechanics. A former corporate finance attorney, software executive, and entrepreneur, he works exclusively with lawyers on business development, leadership skills, and individual productivity.

His presentation is part of his “QuietSpacing” practice management system, which is designed to decrease the many distractions of a law office, increase focus, and get more done.

Burton knows that e-mail is a major distraction that makes it hard to find blocks of uninterrupted time to focus on lengthy or complex assignments. “Imagine what you could accomplish by adding up to three additional unfettered days of focused work each year,” Burton says.

After attending this breakfast program, Burton says you’ll be able to:
- Identify ways to take charge of your e-mail and get more done.
- Understand how taking charge can result in enjoying your career more.
- Implement the tips and tricks and workflow management system described in the program to boost effectiveness.

Kimbrough added, “Electronic communication is great, but meeting and mingling live is even better. We hope members will feel a little more connected with the bar and with each other after these breakfasts.”

Members are requested to RSVP to RSVP@maricopabar.org by Wednesday, May 7. Walk-ins are also welcome.

Maricopa County Superior Court Supports Camera Rule Changes Sought by KPNX-TV

By J.W. Brown

Superior Court judges support changes to the Arizona Supreme Court rule that allows the media to capture court proceedings with video and still camera coverage.

At the April bench meeting, Superior Court judges voted “overwhelmingly” to give their support to amending Rule 122, subject to certain revisions of the petition. KPNX-TV, Channel 12, submitted the petition to amend the rule to Arizona Supreme Court in November. Media cameras have been allowed in Arizona courtrooms for over 25 years.

Changes sought by the station are presented in the petition signed by attorney David J. Bodney of Steptoe and Johnson, LLP, and include several new provisions which currently do not exist. The updates, if adopted by the Supreme Court, would require: specific, on-the-record findings before denying a camera coverage request; a prompt hearing if there is an objection to camera coverage; and a process for appellate review.

The rule notes that permission for cameras may be granted with “due consideration” of the impact of coverage: upon the right of any party to a fair trial, upon the right of privacy of any party or witness and upon the safety and well-being of any party, witness or juror; the likelihood that coverage would distract participants or would detract from the dignity of the proceedings; the adequacy of the physical facilities of the court for coverage; and any other factor affecting the fair administration of justice.

See Maricopa County page 5
Why Maintain Merit Selection of Judges?

I bring a different perspective to the debate on whether we should go back to electing our Superior Court judges or stick with the merit selection system. First, I am a Superior Court judge who was appointed under the merit selection system. But I am also a person who in a past life has run campaigns, been elected to public office, had to face re-election and raise the money to make it happen.

I was elected to the state legislature in 1980 and served a couple of terms. The hardest part of serving in public office for me was the fundraising. Soliciting contributions from friends, interest groups, lobbyists and anyone else who could give was a difficult process. There is no question that decisions made in public office are influenced by campaign and fundraising considerations. I know that from personal experience.

Based upon that perspective and experience, the merit selection issue is an easy and obvious choice. The last thing we need our judges doing is dealing with election campaigns, fundraising, lobbying interest groups and everything else that goes along with being elected.

As a legislator, one is expected to be representative. A legislator is constantly conscious of personal experience. I know I am preaching to the choir here, but fair and impartial judges must be preserved.

But anyone who has taken high school civics knows that our Founding Fathers, in setting up the judicial branch, made judges subject to appointment, not election, to ensure independence from political pressures, freeing judges to interpret and apply the law without fear of political reprisals for their decisions. The argument and rationale has stood the test of time.

Beyond the constitutional rationale there is a further common sense rationale that favors merit selection over popular election. Examining the contrast between the two approaches makes it obvious that merit selection simply works better.

As a Superior Court judge I have spent in my task, how familiar they became with the qualifications and background of each applicant, and how seriously they took their role in selecting qualified judges.

Accountability in the merit-based system exists in the Judicial Performance Review process, which makes qualitative assessments of every judge available to the public. There is additional scrutiny of judges from the Judicial Conduct Commission. Anyone can bring a complaint about judges to this commission and the commission acts to discipline judges when necessary.

Contrast that to an elected system. In Maricopa County we would probably have, for the 90 plus judicial positions, an additional 150 or 200 contested election campaigns, with all of these candidates forced to have their hands out to attorneys and others interested in the outcome. The candidates would spend these funds to inundate the voters with hundreds of additional election mailers and phone calls, with all the hit pieces and derogatory accusations that come with campaigns in these times.

Incumbent judges will build campaign war chests to ward off challengers. Lawyers upset with particular rulings or interests groups bent on influencing the judiciary would pour funds into election contests. The judicial selection process would be reduced to fundraising and name recognition or, worse, name-calling contests.

And there is no question that when judge candidates accept money for campaigns from lawyers and law firms, often from the very lawyers who will later appear before them, voters have the perception that the judges’ independence may be compromised. This was made abundantly clear in the “Report of the Commission on State Judicial Selection Standards” issued by the American Bar Association Standing Committee on Judicial Independence in July 2000. That commission found as follows:

Correction to April Article on LRS ‘Percentage Fee Program’ Noted

There were errors contained in the article regarding the LRS “Percentage Fee Program” sent to our members in the April 2008 issue of the Maricopa Lawyer.

The second sentence of the second paragraph should have read as follows: “Clients in personal injury and workers compensation cases will no longer pay the $35 referral fee for such matters.”

These cases are subject to the “Percentage Fee Program” above the $500 threshold. In no case will the percentage fee be greater than 10% (the reference to 60% is erroneous). ■

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“Financial contributions to judicial elections are a prime cause of distrust in the integrity and independence of the judicial systems. Poll after poll confirms the widespread perception that judicial decisions favor the interests of the campaign contributors. In one state, a poll reported that almost half of the judges themselves agreed.”

But even without the cloud that political fundraising by judges would bring over public confidence in the judiciary, there is no question that the consideration given to judicial candidates in an election would not compare with the focused consideration now given to candidates by our existing Judicial Selection Commissions. It cannot reasonably be argued that voters would have the time or information to digest the flood of additional campaign pieces in these numerous races, to sort out the truth from the campaign hyperbole, and bring the kind of study and consideration to the selection process that judicial applicants get from the selection commission members.

I believe the choice between an elected system and a merit selection system is a “no-brainer.” So why in the world would anyone want to “fix” a highly functional system that appoints judges based upon merit and which has resulted in a bench consistently recognized as one of the highest quality state judicial systems in the nation?

It may be time to ask the question, “Who is promoting this change?” It seems to me that many of the folks pushing hardest to “fix” this system have an ideological political agenda to advance. They want to put pressure on judges to “see things their way” and rule more in line with their political views. Their efforts illustrate exactly why our judicial system was designed to be independent in the first place and why, in the interest of justice, we must strive to keep it so.

As Retired Justice Sandra Day O’Connor said in a November 2007 Wall Street Journal article entitled “Justice for Sale”: “Special interest appeals to emotion and policy preferences tempt voters to join efforts to control the decisions of judges. Voters are less likely to devote themselves to the core value of judicial independence, because when judges apply the law fairly and impartially they cannot guarantee the outcome any particular voter might want. But fair and impartial judging is an essential part of our government, and must be preserved.”

I know I am preaching to the choir here, as the overwhelming majority of attorneys understand the rationale for an independent judiciary and support our merit selection system. But given the attacks on the independence of the judiciary and merit selection that continue down at the legislature at this very time, it is imperative that we speak out.

We must take every opportunity to convey to our legislators, our friends and associates, and the community at large the importance of keeping this system that has served us so well. I hope this column encourages and assists you in that effort. ■
I’ve been honored by all the fan mail you have submitted. Lately, however, it seems most of you are concerned about the lack of useful substance in my columns.

For the past few months, I’ve chosen to write about YLD-related activities, and used my son’s toys as the butt of a cheap joke. This month, I’m going to offer up something I believe you can actually use.

As some of you may know, my practice focuses on probate and trust controversy litigation, estate planning, and limited commercial and civil litigation. Over my almost six years of practice, I’ve amassed a cachet of resources that I consult on a weekly, if not daily, basis. As one of the other associates in our firm is fond of saying, I routinely “ask the internet.”

Of course, he doesn’t mean holding your mouse six to 12 inches from your mouth and speaking in a clear, loud voice. He means that you can consult Google or one of the myriad of other search engines to find almost any answer needed. However, knowing where to look first is often helpful.

I use my Internet Explorer “Links” toolbar to hold all of my most frequently accessed sites. First is Westlaw. That’s a no-brainer.

Next, I have the Arizona Revised Statutes (www.azleg.state.az.us/ArizonaRevisedStatutes.asp). When I don’t need the annotations, this website provides quick and reliable access to the ARS. Down the line are:

- Arizona Corporation Commission (www.azzcc.gov/Divisions/Corporations/) will help you find statutory agents (for service of process) or members of LLCs.
- Arizona’s Court Rules (azrules.westgroup.com/home/azrules/default.wl), which includes free access to civil, criminal, evidence appellate and rules of Supreme Court.
- Superior Court Minute Entries (www.courtmss.maricopa.gov/).
- Real estate information for Maricopa County, including the Maricopa County Recorder (recorder.maricopa.gov/recdclipdata/) and the Maricopa County Assessor (www.maricopa.gov/Assessor/).
- The Secretary of State’s website, which includes information about notaries and UCC filings, among other things (www.azsos.gov/).

And, of course, Maricopa County Bar Association’s new and improved website (www.maricopabar.org) with CLE information, upcoming events and everything you need to know to get plugged in with the MCBA, its many sections, divisions and the Young Lawyers Division.

If you want to know how to add links to your Internet Explorer (or other browser) toolbar, go ask the Internet.

Arizona is a “sinner” in the eyes of the Pacific Research Institute, which released its “U.S. Tort Liability Index: 2008” report on March 11, comparing the legal climates of all 50 states.

Evaluating the tort laws of each state, the report ranks states based on tort costs and litigation risks. In merging the quantitative tort costs ranking with the tort laws ranking, the report designates states into four groups: saints, sinners, suckers and salvageables.

Arizona was designated a sinner as the report indicated that the state has relatively high tort costs and/or high litigation risks, and relatively weak tort rules on the books. If lawsuit abuse continues unchecked in the future, the report says, Arizona is likely to face high and rising tort liability costs.

Thirteen other states were also designated sinners, including California, Illinois and New York.

Florida ranked the worst in terms of tort costs and litigation risks, while North Dakota ranked the best. On an evaluation of each state’s tort laws, Colorado had the best tort laws, while Rhode Island had the worst.

“In the competition for jobs and capital investment among the states, those states to states with superior tort systems,” Dr. Lawrence J. McQuillan said, co-author of the report. “PRI developed the index as a tool for governors and state legislators to assess their tort systems and to enact laws that will improve the business climate of their states.”

Read the report online at special.pacificresearch.org/pub/sab/2008/Tort_Index.
Paralegals of Today and Tomorrow

Phoenix College recently held High School Senior Day on their campus to provide information about career opportunities to local seniors who are making important decisions about their future.

Program Director Scott Hauert hosted a table for the Paralegal Studies Program and invited me to help answer questions about the many facets of being a paralegal. Some of those seniors may very well be the paralegals of the future and it is important for us to provide as much information as possible to anyone who may be interested in joining this exciting profession.

One way for paralegals and paralegal students to gain important insight and knowledge to help us do our jobs better is the 2008 Arizona Paralegal Conference. This year’s conference will be on Friday, Sept. 26 at the Phoenix Convention Center, and the theme is “Paralegals: The Heart of the Legal Profession Coming Together Downtown.”

This year’s conference committee is working hard to make this one of the Paralegal Division’s best paralegal conferences, with dynamic speakers, a wide variety of vendors, continental breakfast and buffet lunch, and fantastic door prizes. Conference attendees are also eligible for six hours of CLE credit, including 1 1/2 hours of legal ethics, all approved by NALA and NFPA.

Registration for the conference will be available soon on the MCBA’s new website at www.maricopabar.org; click on the “For Paralegals” link. Stay tuned for further announcements about this stimulating educational event.

Other upcoming events include our Quarterly Division Meeting scheduled for Tuesday, June 17 at the MCBA, featuring a presentation by Christine French, president of Global Diversity Consulting, LLC. A tentative charity bowling night is also being planned for June.

More details will be posted on the website so be sure to visit regularly for the latest announcements. I look forward to seeing you soon.

By Jeffrey W. Toppel

Employment Law Section Serves Up Critical Information—Join Now!

The Employment Law Section has a lot to offer. We believe attorneys practicing in a broad range of practice areas will benefit from participation in the section. If you are not already a member, please consider joining this section.

The section also seeks to provide attorneys with an opportunity to meet and network with potential clients. In the near future, the section hopes to put on a series of seminars on employment law topics for small business owners. Participation in these seminars will give section members the opportunity to interface with local business owners. In addition, the section’s close ties with the MCBA’s Corporate Counsel Division provides an excellent opportunity to meet corporate counsel and to find out what the issues are that concern them.

Finally, the section also gives its members the chance to network and exchange ideas with other attorneys. Following its recent CLE, the section held a successful “mix and mingle” at which attorneys had the chance to meet their colleagues and to discuss current employment law topics.

The section is looking forward to an exciting year. As we look to the future, we hope to increase our membership and expand the programs that we offer. Participation in these seminars will give section members the opportunity to interface with local business owners. In addition, the section’s close ties with the MCBA’s Corporate Counsel Division provides an excellent opportunity to meet corporate counsel and to find out what the issues are that concern them.

If you have any suggestions for what we can do to improve our service to you, please share your ideas with me at toppelj@jacksonlewis.com, or anyone else on the section’s board of directors.

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Process Changes Coming to Clerk’s Office Soon

In the current legislative session, the Clerk’s Office is supporting two bills that will improve how the court and clerk do business.

Senate Bill 1013: Arrest warrants; child support, fiduciary, updates statutory language to clarify that child support arrest warrants and fiduciary arrest warrants may issue with a judicial officer’s electronic signature. Other warrants in criminal and civil case types either already allowed signatures or have no signature requirement at all. Signatures or no signature is made possible on warrants because there is a minute entry or other order specifying the judicial officer’s intent that the warrant issue.

Electronically allow court and law enforcement databases to be updated more quickly and reduce the likelihood of releasing an individual in error. The speed of the electronic process also improves the speed at which resolved warrants can be quashed, thus reducing the likelihood of an individual being arrested on an outstanding warrant between the time the warrant is resolved and the time the databases are updated. Senate Bill 1013 passed unopposed in the House and Senate and was signed into law by Gov. Napolitano on April 4.

Senate Bill 1174: Notary Public; Registration, changes the way notaries public apply for and receive their commissions from the secretary of state. Currently the notary public process is split between the clerks of the Superior Court, the county recorders and the secretary of state. Senate Bill 1174 transfers the entire process to the secretary of state.

At one time it was a convenience for an applicant to travel only as far as the clerk of the Superior Court of their county to start the application process. Today, the notary process can be completed by mail and will soon be available via the Internet, making the county step unnecessary. Senate Bill 1174 will improve the process by creating one point of administration and contact. This bill is supported by all 15 elected clerks of the Superior Court and the secretary of state, and has passed unopposed in Senate and House committees and with overwhelming support on a Senate floor vote. It is anticipated that this bill will be signed into law by the governor as well.

Electronic orders of assignment

This month, the clerk and the court will implement an electronic order of assignment in family court. This process will change the way attorneys and parties file orders of assignment and modification orders. Primarily, when an order of assignment or modification is ordered during a hearing, the court clerk will prepare the order while the parties are in court, using information provided by the parties. The order will also be electronically filed by the clerk. Forms previously used by attorneys and the forms in Self-Service Center packets will be replaced by the newer electronic process.

The electronic Order of Assignment is one of the reasons the Superior Court, authorized a pilot in family court requiring Maricopa County-specific sensitive data forms be filed in new family court cases. Check the clerk’s website, The Brief (the clerk’s monthly electronic newsletter) and the Clerk’s Corner articles in the Maricopa Lawyer for more information.

Camera Rules

continued from page 1

Presiding Judge Barbara Rodriguez Mundell said the petition was reviewed and discussed by the court’s Judicial Executive Committee before it was circulated to the Superior Court bench. Judges’ questions and concerns that surfaced were discussed with Bodney before the April bench meeting, where it was decided to support the petition with revisions.

Judge Mundell, on behalf of the bench, submitted revisions with the comment to the Arizona Supreme Court less than a week after the bench meeting.

“The bench supports providing access to the public to court proceedings in a manner that does not pose a risk to the privacy of individuals who are not involved in the proceeding,” she notes, asking that the rule be clarified to “make it clear that only court proceedings conducted by a judicial officer are to be covered pursuant to the rule.”

Judge Mundell also asks for a revision that “there will be no camera coverage at other locations in the court building where a judicial proceeding is not in progress,” unless express permission is granted by the court.

She asks for clarification that camera coverage may be limited or denied if harm arising outweighs the benefit to the public by having camera coverage in court proceedings. Also, she seeks the rule to stipulate that the media must submit requests at least two days before the proceeding for which they are seeking camera coverage, as long as the proceeding is set at least that far in advance. Unfairness should be added as a basis for denial of a request.

The deadline for comment on the proposed rule changes is Tuesday, May 20. Because there is a “Rules Agenda” only once each year, the Rule 122 petition won’t be considered until the fall. Tentatively the agenda is set for Sept. 8 and 9.

Staff attorneys for the Administrative Office of the Courts will, over a couple of months following the deadline, review and evaluate the proposed changes and comments and make recommendations about adoption or rejection of the suggested amendments.

Their findings are submitted to the justices for consideration, which could initiate additional research and review and possibly include a request for additional public comment. That potentially could postpone a decision until 2009.

State Bar Seeks Participants for 2008-2009 Bar Leadership Institute

The State Bar of Arizona is now accepting applications for its 2008-2009 Bar Leadership Institute.

A one-year program designed to foster professional growth and enhance leadership skills, the Bar Leadership Institute seeks a diverse group of 15 Arizona attorneys to increase participation and visibility in the State Bar and communities of historically under-represented groups.

Applications are due June 6. For more information or to apply, visit www.myazbar.org/barleadership.

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Mac v. PC: The Eternal Battle

By Judge Paul D. Mathias

“Why a duck instead of a chicken?” Chico asked Groucho in “The Cocoanuts.” This exchange, as well as the rest of “The Cocoanuts,” came to mind as I read the recent cover article in the ABA Journal, “Mac v. PC.”

“Why a Mac?” or “Why a PC?” Ask the question in either way and there’s a lot of craziness to wade through, much like “The Cocoanuts.” But I think your own answer is to be found by working through some pretty clear decision points.

In this article I hope to list the major positive points for each platform and add a few more thoughts that might help you put your own version of this puzzle together.

Three reasons to buy a Mac instead of a PC

Macs are cheaper

Perhaps not always at the initial purchase, although even then, Macs are very price competitive when compared to PC hardware and software combinations that have the same capabilities as a new Mac. Where Macs shine is on total cost of ownership.

There is only one flavor of the Mac OS, and it has all the bells and whistles, for $129. Compare the full version of Windows XP Professional for $299.99 or Vista Ultimate, for $399.95 at office supply stores. A $999 license for X-Serve Mac server software that can also handle Windows PCs has no limitation on the number of clients ($499 up to 10 clients). Macs last longer and users tend to be happier with them longer, since they can run up-to-date versions of the Mac OS longer. The most current version of the Mac OS, 10.5.2 Leopard, can be installed on a seven-year-old Mac. I’m not sure there is a seven-year-old PC that will run Vista Ultimate.

Macs also hold their value longer. A two-year-old iBook originally purchased for $900 recently sold for $650 to the first of four callers from a classified ad in the Indianapolis Star.

Macs play well with Windows, PCs and PC networks

You don’t have to switch to all Macs all at once. Macs and PCs now “talk” to each other very well on networks of every size, from Microsoft Exchange servers to larger and more robust PC networks. Microsoft Word, Excel, PowerPoint and Entourage (the Mac equivalent of Outlook) are all available for the Mac, and PC users have no problem opening and collaborating on documents created in the Mac versions of those applications. For Access users, Mac has FileMaker Pro, a cross-platform, relational database program so robust that Microsoft chose not to port Access to the Mac.

And if you just have to have a specific Windows program for your professional or personal use, Intel Macs now run Windows XP or Vista, either by booting up into Windows exclusively in Boot Camp on the Mac, or by running it simultaneously on the Mac desktop through the third-party programs Parallels or VMWare Fusion, all of which options allow you to use Windows network connections.

Three reasons to buy a PC instead of a Mac

The Mac is proprietary

Only Apple makes Macs and, at least as long as Steve Jobs is around, only Apple will make Macs.

There are only six basic Mac computer configurations: three types of laptops, one small console, one large desktop box and one all-in-one. If you don’t like these options, you’re out of luck. For example, if you want a tablet computer, you have to go to a third-party manufacturer, Axiotron, to buy a Mac tablet, converted from a current MacBook.

There are very few (read, “close to no”) user-replaceable or customizable Mac hardware parts. If you like to build computers, you’re out of luck with Macs. Additionally, one cannot buy a lot (read “any”) discount Mac computers or components to swap in and out.

The Mac’s market share is small

On a good day, one can argue that Mac’s market share is on its way to 10 percent.

This means that there is not nearly the selection of software for the Mac that there is for Windows. For example, at a major national retailer in the Indianapolis area, where there are 2½ aisles of Windows software, there is less than ¼ an aisle of Mac software. There is, however, a much larger selection of Mac software on the Internet.

Mac onsite tech support is not nearly as ubiquitous as Windows and PC tech support.
Discovering the Secrets of Tabulations and Lists in Good Legal Writing

It is no secret that the most organized people rely on lists. Good legal writers should be no different. Good legal writers should understand both how to tabulate and use lists in their writing in order to clarify intent.

Tabulation is useful in presenting long, complex sentences, conditions, and cumulative requirements. Simply put, a tabulated sentence is a sentence that is broken apart visually to show how the parts of that sentence relate to one another.

It is written as a complete sentence and punctuated as a complete sentence, yet it uses white space and indentation to show relationships. A tabulated sentence is a helpful tool for drafted documents in particular because tabulation avoids unnecessary ambiguity.

Consider the following sentence:

An employee must provide receipts for meal expenses, lodging expenses, and miscellaneous charges that total more than $50.

This sentence is syntactically ambiguous because it has two possible interpretations. Specifically, a reader may argue that the modifier “that total more than $50” applies to the miscellaneous charges only. Another reader may argue that the modifier applies to all three categories of charges.

The writer could have tabulated the sentence to make the intended meaning clear:

An employee must provide receipts for:

- meal expenses; and
- lodging expenses; and
- miscellaneous expenses that total more than $50.

A writer could also have reorganized the order of the sentence to make the reach of the modifier clear and rewritten the sentence with a list. A list is useful in making long sentences more readable and focusing the reader on examples. Use of “for example” and “the following” in a sentence indicates a list structure.

An employee must provide receipts for the following expenses that total more than $50:

- meal expenses;
- lodging expenses; and
- miscellaneous expenses.

A list differs from tabulation because a list is preceded by a complete, grammatically correct sentence. A list is introduced by a colon. The items on the list are indented, numbered, and each item begins with a lowercase letter.

Further, the items must be of the same type (e.g., all nouns) and separated by semicolons. A list ends with an “and” or “or” before the last item and a period at the end. Importantly, a list can appear in a vertical arrangement (as shown above) or in a sentence, as shown below.

An employee must provide receipts for the following expenses that total more than $50:

- meal expenses;
- lodging expenses; and
- miscellaneous expenses.

There is one important rule to remember when creating lists: Never place a colon and a period at the end. The following rewrite is incorrect:

An employee must provide receipts for:

- meal expenses over $50;
- lodging expenses over $50; and
- miscellaneous expenses over $50.

Now the secret is out!

MAC V. PC continued from page 6

although any tech person trained in Unix, the platform of many government units and universities, can maintain Macs, too. But, it is worth repeating that Macs require far less maintenance and repair than Windows PCs and most times, when a Mac acts up, the problem can be solved by the user. Mac’s small market share also means that if you’re not calling Apple’s award-winning tech support, you’re a small software company where you often speak to the actual developer who is eager to help.

Macs are still marginalized, although less and less

Some Internet websites absolutely scream at you when you come in on the Mac web browser, Safari, telling you that you are not running an approved or compatible browser. This is because Safari is written to the international web standards, which are relatively stringent and require more careful design than too many web designers are willing to devote to their sites (and clients!).

In fact, every once in a while, you will run into a website that will not recognize any browser other than Internet Explorer. For those few backward sites, there is Mozilla’s Firefox web browser for the Mac, a free download. But this happens less and less because it’s becoming counterproductive to ignore the company that’s selling more than one of every six new laptop computers.

Interestingly enough, Microsoft just announced that it, too, will be writing Internet Explorer 8 to the same international web standards that Safari is written to. This will make web designers finally write to standards that all web browsers can depend upon, anywhere in the world.

So, where do all of these considerations leave you? If you like many who find that it’s time for a new computer due to age, frustration or Vista, this time, for the very first time, you’ll seriously consider (and probably buy) a Mac.

Legal Briefs

By Joan Dalton

Terrorism-related case study released

A new publication from the Federal Judicial Center discusses methods federal judges have employed to meet the challenges posed by cases related to terrorism. The publication is titled “Terrorism-Related Cases: Special Case-Management Challenges.” As a case study of terrorism-related cases, the publication was undertaken in furtherance of the center’s statutory mission to develop and conduct education programs for the judicial branch. The publication is available at the Federal Judiciary’s website at www.uscourts.gov.

Congressional hearing on capital case representation held

The adequacy of representation in capital cases was the focus of a Senate Congressional Hearing that took place on April 8 before the Senate Committee on the Judiciary’s subcommittee on the Constitution.

Former American Bar Association President Michael Greco provided testimony at the hearing, along with Bryan Stevenson, New York University law professor, the Honorable Carolyn Engel Temin, Pennsylvania Court of Common Pleas Judge, and Washington D.C. lawyer Donald Verrilli.

The testimony will be accessible at judiciary senate.gov.

Federal immigration related cases expected to increase

Sixth Circuit Court of Appeals Judge Julia Gibbons testified before House and Senate appropriations subcommittees in March and reported that the number of immigration-related cases will increase due to significantly increased resources committed to the southwest border.

Gibbons, who chairs the Judicial Conference Budget Committee, told the subcommittees that the number of Border Patrol agents has doubled since 2001, while 100 U.S. marshals and additional assistant U.S. attorneys have been added in the five judicial districts along the southwest border.

Gibbons said “[t]he resultant increase in criminal filings we expect to see from this infusion of resources will impact our district judges, clerk offices, probation and pretrial services offices, and federal defender offices on the border.”

Judicial Conference rejects DOJ proposal to limit access to plea agreements

The Judicial Conference’s Committee on Court Administration and Case Management recently rejected a U.S. Department of Justice proposal that would remove plea agreements from the Federal Judiciary’s public access to court records (PACER).

The proposal surfaced as the Judicial Conference Committee considered the implications of websites that attempt to identify undercover officers, informants, and defendants who provide information to law enforcement authorities. The committee determined that prohibiting access to all plea agreements, most of which do not disclose a defendant’s cooperation, and still leaving all plea agreements accessible to the public in clerk’s offices was not an adequate solution.

Noting that several district courts utilize solutions that work on a local level but would not work on a national level due to variations in circuit case law, the committee is asking district courts to adopt a local policy that protects information about cooperation in law enforcement investigations.

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Scott B. Cohen       Nancy A. Mangone       Bradley D. Pack
Todd B. Tuggle       Lorena E. Chavez

MCBA CALENDAR

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

MAY 2008

1 Construction Law Section 12-1 p.m.
YLD Law Day CLE: Avoiding Bar Complaints 4:5 p.m. at McCormick & Schmick’s Social follows

2 Estate Planning: Probate & Trust Section 7:30-8:30 a.m.

3 Paralegal CLA Review Class 9 a.m.

7 Family Law Section (with speaker) 5:30 p.m.

9 BREAKFAST AT THE BAR – Free for all members 7:30-9 a.m.
Hall of Fame Committee 12 p.m.
CLE: Primer on Environmental Remediation 1-4 p.m.

10 Paralegal CLA Review Class 9 a.m.

12 YLD Division 12-1 p.m.
Paralegal Division 5:30 p.m.-6:30 p.m.

13 Public Lawyers Section 12-1 p.m.
CLE and Game: Baseball, Apple Pie & CLE 5 p.m. with game following at 6:40 p.m. Chase Field

14 Environmental & Natural Resources Section 12 p.m.
CLE: Wealth Management and Divorce: Your Client’s Financial Picture 6-7 p.m.

15 MCBA Board of Directors 4:30 p.m.
CLE: Ethics and the Myth of Time Management 7:30-10:30 a.m.

16 MCBA Foundation Meeting 7:30 a.m.
CLE: Criminal Environmental Enforcement: Tales from the Frontline 1:30-4:30 p.m.

17 Paralegal CLA Review Class 9 a.m.

21 Employment Law Section 12-1 p.m.
CLE: When Your Business Client is Looking for a Way Out 12-1 p.m.

22 CLE: Arguing Briefs Before the Trademark Trial and Appeal Board (TTAB) 12-1 p.m.

23 Corporate Counsel Section
CLE: tba 11:45 a.m.-1 p.m.
MCBA Office closes 12 p.m.

26 MEMORIAL DAY HOLIDAY – MCBA Office closed

28 Real Estate Section 5:30 p.m.

31 Paralegal CLA Review Class 9 a.m.

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

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Richard Plattner, JD

3101 N Central, Suite 870, Phoenix, AZ 85012
(602) 795-8383
By Presiding Judge Barbara Rodriguez Mundell

Maricopa County is building a new criminal courthouse. Why now? Why at a time of tough budgets?

The short answer is that the criminal justice system moves on without regard to economy or tax revenues. In fact, in hard times, crime often goes up. Keeping the public safe, delivering speedy justice and protecting the rights of victims are key components of the new courthouse.

Growth in criminal caseloads has already resulted in a crisis. This year, 44,700 new felony cases are expected to be filed in our court. This is 6,101 more than the 38,599 filed last year. In 1998, there were only 24,708 new felony cases. Superior Court will soon run out of courtrooms to keep up with this criminal case surge.

More importantly, we have run out of courtrooms next to inmate holding cells needed to keep the public as safe as possible and prevent escapes in the courthouse.

Faced with this caseload growth, the court became a major innovator in creating new ways to resolve cases. In 1998, it took 106 days to close 50% of our felony cases. By 2007, it took 44 days to close 50% of our felony cases.

We know of no other major urban court in the U.S. that disposes of half of its felony cases in 44 days. But we are reaching maximum capacity. We must keep the courthouse from becoming the bottleneck in the justice system. That is why the new courthouse space is being designed to promote innovations for efficient case flow and increased safety.

Arizona is the first state to put a Victims’ Bill of Rights in our Constitution. Those rights include being treated with dignity and respect and receiving a speedy trial. Arizona law also requires courthouses that minimize contact between victims and defendants and their witnesses and families.

This courthouse’s design will be another first for Arizona—the American model courthouse to address victims’ rights by providing safe, dignified and private spaces for crime victims. The public’s money will be well spent—a courthouse that is safer for victims is safer for everyone.

What if the new courthouse is put on hold?

Taxpayers foot the bill for jail costs of over $73 per day per inmate. If we slide back to the 106 days it took to resolve half of the criminal cases in 1998, hundreds of millions of dollars could be wasted in just a few years.

This is not just a waste of money. Justice delayed is justice denied: witnesses die, memories fade, speedy trials for defendants and victims are jeopardized.

Can’t we just take judges off non-criminal assignments? Put courts in tents?

Sadly, family tensions and private legal disputes also increase during tough economic times. We cannot squeeze civil, family, probate and tax cases out of downtown. Downtown residents need to have their disputes resolved, estates settled, custody determined and tax appeals decided.

Ideas such as using tents fall by the wayside when we stop to think whether jurors should be forced to serve in a tent cooled by swamp coolers. And how safe would the jurors, witnesses, victims and the public be when defendants charged with violent crimes have hearings within the canvas walls of a tent?

Retired Justice Sandra Day O’Connor once described the role of the courthouse:

“My hope is that all those who enter [the courthouse] will leave secure in the knowledge that justice is open, illuminated, and makes room for everyone, and that in this place facts are determined correctly, legal issues resolved fairly and wisely, and equal justice under law is rendered to all.”

We are not willing to waste millions of dollars while delaying justice. A new criminal courthouse is critical to keeping up with the criminal case load, keeping the community safe, and realizing the ideals of justice—for all.
“Supporting the MCBA and its Members in the Greater Phoenix Area for over 10 years”

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TRIAL ATTORNEY POSITION WITH NATIONALWIDE TRIAL DIVISION—Scottsdale, AZ law office is seeking a Trial Attorney with 3+ years of experience in civil litigation required. Potential management opportunity. Excellent computer skills, strong verbal and written communication skills. Proven knowledge of litigation practices and procedures. Tribal court experience a plus. Our company offers a competitive salary and an excellent benefits package. Please e-mail your resumes to thorpj22@nationwide.com and/or apply online at Nationwide.com. EEO, M/F/DV.

TUCSON LAW FIRM with fast growing domestic practice seeks an associate attorney, preferably with 3+ years of domestic experience. Excellent writing and communication skills are a must. Must be a self-starter. The firm offers a competitive salary and benefits, including 401K. Excellent opportunity for significant growth. Please submit resumes by email to post@tcalawaz.com or by mail to Thrush, Clark & Associates, 4011 E. Broadway, Suite 101, Tucson, Arizona 85711.
Volunteer Lawyers Program Thanks Attorneys

The Volunteer Lawyers Program thanks the following attorneys and firms for accepting these 34 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.

Other cases that have been evaluated and need assistance from volunteer attorneys include uncontested adult guardianships, bankruptcy, consumer, non-profit organizations, housing, and real estate.

To help, please contact Pat Gerrich at the VLP at (602) 254-4714 or pgerrich@clsaz.org.

**Family Law/ Domestic Violence**
- Melanie G. McBride
- Gust Rosenfeld
- DeShon Pullen
- Nicole M. Goodwin
- Robert D. Myers
- Katherine F. McLeod
- Snell & Wilmer

**Adoption**
- Matthew R. Henriksen
- Ballard Spahr Andrews & Ingersoll
- Janet S. Story
- Sole Practitioner

**Bankruptcy**
- Alyce D. Schwartz
- Phillips & Associates
- Robert Ray Teague
- Sole Practitioner

**Consumer**
- Joseph G. Adams
- Stephen P. Ingersoll
- Donald R. Alvarez
- Sole Practitioner
- Timothy H. Barnes (Eight clients)
- Brier Irish Hubbard & Errhart
- Richard J. Boyd
- Sole Practitioner

**Assistance to Children (Other)**
- Bradley D. Shwer
- Fennemore Craig

**Court-appointed Advisors/Gal for Children in Family Court**
- Jalaia L. Commerford
- Fennemore Craig
- Nikki Fico
- Quares & Brady
- Nicole M. Goodwin
- Holly L. Marshall
- Sole Practitioner
- Michael A. McCauson
- Ballard Spahr Andrews & Ingersoll
- Jennifer W. Shick
- Shick Law Offices
- Gary Shullaw
- Quares & Brady

**Guardianship of Incapacitated Adults**
- Brent Johnson
- Snell & Wilmer
- Jeffrey Alan Sudder
- Snell & Wilmer

**Home Ownership/Housing Issues**
- Michael R. Palumbo
- Jennings Strouss & Salmon

**Tort Defense**
- Michael P. Stark
- Burch & Cracchiolo

**Outstanding Individual Volunteers**
- Samantha E. Blevins
- Irene Boland
- Roger E. Brodman
- Stay D. Click
- Sandra J. Creta
- Carolyn B. Crook
- Harry P. Friedlander
- Maureen A. Goodwin
- Stephanie L. Jackson
- Mark A. Kille–Yavapai County
- Ruth Levitt
- Katherine F. McLeod
- Robert D. Myers
- Judith C. Ruhl O’Neill
- Anthony Ortiz–Yavapai County
- David M. Osterfeld
- Janice M. Palmer

**Outstanding Operations & Litigation Support Volunteers**
- Andia Boci, Paralegal
- Sandra Ramsey Lines, Forensic Document Examiner
- Robin Rennells, Red Mountain Investigations
- Philip F. Rust, Rust Investigations

**Recipients of the For Love of Justice Pro Bono Awards, recognizing outstanding service during 2007**

**Outstanding Pro Bono Collaboration Award**
- Intel Corporation & Snell & Wilmer LLP
- Bryan Cave LLP
- DeShon Pullen & Associates
- Quarles & Brady LLP
- Snell & Wilmer LLP

**Frank X. Gordon Jr. Traveling Award**
- The Civil Justice Clinic
- Sandra Day O’Connor College of Law
- Arizona State University

**John P. Frank Advocate for Justice Award**
- Janet S. Story

**Chief Justice McGregor**

Chief Justice McGregor described the immeasurable value of contributions made by those who donate their time and expertise to serve VLP clients, saying, “Measuring the contribution of VLP lawyers and support volunteers presents a challenge.

“We can count the hours donated and calculate the dollars those hours represent, but the result is just a number. To those they help and to our justice system, the contribution is priceless.”

The Volunteer Lawyers Program Awards

National Volunteer Week was created in 1974 when President Richard Nixon signed an executive order to establish the week as an annual celebration of volunteering. This year, the week beginning April 27 was proclaimed the week to celebrate.

On April 30, the Volunteer Lawyers Program celebrated in style with a reception to honor all its volunteers and the presentation of the For Love of Justice Pro Bono Awards at the Wyndham Downtown.

The Honorable Ruth V. McGregor, chief justice of the Supreme Court of Arizona, presented awards to outstanding volunteer lawyers, law firms, law students and other legal and business professionals who made it possible for low-income residents of Maricopa and Yavapai counties to receive pro bono civil legal assistance through the VLP in 2007.

Problems faced by VLP clients involve a wide range of issues most often related to housing, consumer and family law. Each year, hundreds of VLP volunteers contribute to rendering services to thousands of people in need.

Chief Justice McGregor noted that hundreds of VLP volunteers provide assistance to support professionals, training, materials, mentors, and consultants.

“We can count the hours donated and calculate the dollars those hours represent, but the result is just a number. ‘To those they help and to our justice system, the contribution is priceless.’”

PHOENIX SCHOOL OF LAW

is currently accepting submissions for the Spring 2009 issue of

THE PHOENIX LAW REVIEW

The Editorial Board invites members of the legal community, including scholars, justices, judges, and practitioners, to submit full-length articles.

Deadline for submissions is June 30, 2008.

For further information, contact: PhoenixLawReview@phoenixlaw.edu
LEADING THE NEWS

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

THE BULLETIN BOARD
News from the legal community

MOVES AND NEW HIRES

James C. Goodwin
J. Arthur Eaves
Shanks Leonhardt

Sanders & Parks, PC, is pleased to announce that James C. Goodwin and J. Arthur Eaves have become partners with the firm. In addition, Shanks Leonhardt has become an associate with the firm.

Lewis and Roca, LLP, is proud to announce that Lizette Alameda Zubey has been appointed as the new president of Los Abogados, Arizona’s Hispanic Bar Association. Zubey is an associate in the firm’s Intellectual Property and Technology Practice group and focuses her practice on intellectual property issues.

Karen Dickinson, a partner in the Phoenix office of the Quarles & Brady national law firm, has been named as chair of the Arizona District Export Council. The non-profit council, with members appointed by the U.S. Secretary of Commerce, provides professional advice to Arizona businesses looking to expand internationally.

Dickinson is a partner with the firm’s intellectual property practice and is co-chair of the firm’s Technology Law Group as well as the firm’s China Law Group.

Jill Covington

Jill Covington has joined the Phoenix office of Fenimore Craig as a director in the firm’s business and personal injury torts practice group. She primarily practices in the area of medical malpractice litigation, healthcare law, and labor and employment law.

Quarles & Brady LLP is pleased to announce that C. Christine Burns was selected to serve on the University of Arizona James E. Rogers College of Law’s national Board of Visitors, an important and distinguished body of advisors to, and supporters of, the college. Burns’ practice includes a broad spectrum of litigation, primarily focusing on labor and employment litigation.

Events and News

Julie A. Pace and David A. Selden, partners in the Labor, Employment & Immigration Group at Ballard Spahr Andrews & Ingersoll, LLP, are co-editors-in-chief of the 2008 Arizona Human Resources Manual, issued by the Arizona Chamber of Commerce. Pace and Selden also wrote a large portion of the book.

The manual is a non-technical guide to the evolving world of labor and employment law. The book provides employers and human resources managers with key information on managing employees. Topics covered in the manual include recruiting and hiring, performance evaluations, immigration, discipline and termination.


The fund, established by the Law Society of Arizona State University, was announced at the 40th Annual Law Society Dinner, held at the college on April 1, and attended by nearly 100 members of the legal community, as well as White’s family and friends.

The Wake Forest Intellectual Property Law Journal has accepted third-year Phoenix School of Law Student Adam Stephenson’s article for publication in its spring edition due out this month.

Stephenson’s article, “A View of the Future in Semiconductor Process: Patent Prosecution in Class 368 under the United States Patent and Trademark Office’s Final Claims and Continuations Rule,” examines actions taken during prosecution by practitioners and examiners on 530 publicly available patent applications and issued patents. He then analyzed the impact of these actions and concludes that in negotiation of patent prosecutions, alternative dispute resolution principles would apply under the new rules.

The Arizona Justice Project, a non-profit organization dedicated to exonerating those wrongfully convicted and correcting other manifest injustices, is moving to the Sandra Day O’Connor College of Law at Arizona State University. For 10 years, the project has been housed at Osborn Maledon, PA, where attorney Larry Hammond has served as chair.

The move is made possible by a $150,000 grant from the Arizona State Bar’s non-profit foundation, the Arizona Foundation for Legal Services and Education, which also will allow the project to hire its first permanent staff, including an executive director, a development director and an administrative assistant.

Awards
Quarles & Brady LLP is pleased to announce that Sandra J. Creta was selected to receive the Guardianship Attorney of the Year Award from the Volunteer Lawyers Program recognizing her exceptional pro bono service. The award was presented on April 30 at the Wyndham Phoenix.

NEW MCBA MEMBERS

MCBA welcomed 10 new members to the Association. New members are those who have never been, or have not been for at least one year, a member of the MCBA.

Kristin L. Nordeen
Tempe
Lorena E. Chavez
Engelman Berger, PC
Phoenix
Benjamin W. Graff
Lazarus & Associates, PC
Phoenix
Guy Floyd Brown
Fulton & Friedman, PLLC
Phoenix
Caroline Day McCaskill
McCaskill Law, PLLC
Scottsdale
Jill M. Hulsizer
Jaburg & Willk, PC
Phoenix
Lynn A. Keeling
Keeling Law Offices
Phoenix
Rebecca M. Marquis
Scottsdale
Michael A. Minicozzi
Scottsdale
Craig J. Rosenstein
Rosenstein Law Group, PLLC
Scottsdale

Mary Schroeder
who is stepping down after seven years as chief judge for the 9th U.S. Circuit Court of Appeals, was honored this week as the Sandra Day O’Connor College of Law awarded a $10,000 prize in her honor to a law student committed to public service.

The prize, organized and funded in large part by Schroeder’s current and former law clerks, was given to Cheryl Kane, a third-year law student who will graduate in May.

Phoenix-based commercial law firm
Engelman Berger announces the addition of Scott B. Cohen as partner. Mr. Cohen brings over 15 years of experience in resolving commercial disputes, reorganizing troubled companies, and enforcing debtor and creditor rights, both in federal and state court.

A scholarship fund, planned to be the largest at the Sandra Day O’Connor College of Law at Arizona State University, has been established in honor of Patricia White, who is stepping down to return to teaching after nearly a decade as dean of the college.

Phoenix Daily
November 10, 2009

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Caroline Day McCaskill
McCaskill Law, PLLC
Scottsdale
Jill M. Hulsizer
Jaburg & Willk, PC
Phoenix
Lynn A. Keeling
Keeling Law Offices
Phoenix
Rebecca M. Marquis
Scottsdale
Michael A. Minicozzi
Scottsdale
Craig J. Rosenstein
Rosenstein Law Group, PLLC
Scottsdale

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Engelman Berger announces the addition of Scott B. Cohen as partner. Mr. Cohen brings over 15 years of experience in resolving commercial disputes, reorganizing troubled companies, and enforcing debtor and creditor rights, both in federal and state court.

A scholarship fund, planned to be the largest at the Sandra Day O’Connor College of Law at Arizona State University, has been established in honor of Patricia White, who is stepping down to return to teaching after nearly a decade as dean of the college.

The fund, established by the Law Society of Arizona State University, was announced at the 40th Annual Law Society Dinner, held at the college on April 1, and attended by nearly 100 members of the legal community, as well as White’s family and friends.

The Wake Forest Intellectual Property Law Journal has accepted third-year Phoenix School of Law Student Adam Stephenson’s article for publication in its spring edition due out this month.

Stephenson’s article, “A View of the Future in Semiconductor Process: Patent Prosecution in Class 368 under the United States Patent and Trademark Office’s Final Claims and Continuations Rule,” examines actions taken during prosecution by practitioners and examiners on 530 publicly available patent applications and issued patents. He then analyzed the impact of these actions and concludes that in negotiation of patent prosecutions, alternative dispute resolution principles would apply under the new rules.

The Arizona Justice Project, a non-profit organization dedicated to exonerating those wrongfully convicted and correcting other manifest injustices, is moving to the Sandra Day O’Connor College of Law at Arizona State University. For 10 years, the project has been housed at Osborn Maledon, PA, where attorney Larry Hammonds has served as chair.

The move is made possible by a $150,000 grant from the Arizona State Bar’s non-profit foundation, the Arizona Foundation for Legal Services and Education, which also will allow the project to hire its first permanent staff, including an executive director, a development director and an administrative assistant.

Awards
Quarles & Brady LLP is pleased to announce that Sandra J. Creta was selected to receive the Guardianship Attorney of the Year Award from the Volunteer Lawyers Program recognizing her exceptional pro bono service. The award was presented on April 30 at the Wyndham Phoenix.
If you are looking for the best CLE, you have come to the right place. Check out the list of seminars below. To register, use the registration form on this page, go to www.maricopabar.org, or call Kimberly Balogh at (602) 257-4200. Unless otherwise specified, all CLE programs will be held at the MCBA office: 303 E. Palm Lane, Phoenix, AZ 85004.

**May 1, 2008**

**Thursday • May 1**

4-5 p.m. (social follows from 5-7 p.m.)

Avoiding Bar Complaints—YLD Law Day CLE & Social

1 ethics credit hour

**LOCATION:** McCormick and Schmick’s, 2575 E. Camelback

**PRESENTER:** Robert Van Wyck, Chief Counsel, McIntyre & Friedlander, PA, Phoenix

**SPONSORED BY:** Young Lawyers Division

**COST:**
- MCBA members: $25
- Non-members: $70
- Both include Club Level game tickets

**DEADLINE FOR REGISTRATION:** Thursday, May 8, at 5:00 p.m.

Register early—we expect a sellout.

**Register/boy tickets online for this event**

**Friday • May 9**

1-4 p.m.

Primer on Environmental Remediation

3 credit hours

The three presenters will address the following areas:

- How to cooperatively work with environmental consultants, including competitive bidding contracts, and professional relationships. You’ll learn how to use a consultant’s expertise to give effective legal advice.
- Learn about the practical aspects of field hydrogeology, including well installation and groundwater sampling methods. Includes discussion of the various methods of well drilling and sampling tools used in Arizona. Most importantly, you’ll learn how to be more critical of technical reports about groundwater flow conditions, water supply, and water quality assessments.
- What you need to know about soil remediation: Learn about the application of new and old soil remediation standards, site investigation data, and various methods of clean-up.

**PRESENTERS:**
- Jerry D. Worsham II, Cuningham & Bournam, PLC, Phoenix
- David L. Kinchler, Basin & Range Hydrogeologists, Inc., Phoenix
- Pejman Eshragh, Brown and Caldwell, Phoenix

**SPONSORED BY:** Environmental & Natural Resources Section

**COST:**
- ENR Section members: $75
- MCBA members: $90
- Non-members: $130
- Law student members: Free

**Tuesday • May 13**

5 p.m.

Baseball, Apple Pie, and CLE!

1 credit hour

Meet at Chase Field for CLE and stay for the game as the Arizona Diamondbacks take on the Colorado Rockies at 6:40 p.m. CLE speaker is Michael K. Kennedy of Gallagher & Kennedy, PA, who will address sports-related issues based on his wealth of experience in representing sports teams and his role as chair of the 2008 Super Bowl Committee.

**LOCATION:** Ballroom on Upper Level of Chase Field near Section 301

**COST:**
- MCBA members: $50
- Non-members: $70
- Both include Club Level game tickets
- Extra game tickets: $20 each ($37 value)
- Tickets will be mailed to registrants.

**DEADLINE FOR REGISTRATION:** Thursday, May 8, at 5:00 p.m.

Register early—we expect a sellout. Register/boy tickets online for this event.

**Thursday • May 15**

7:30-10:30 a.m. (breakfast included)

Ethics and the Myth of Time Management

3 ethics credit hours

This is really two programs in one. You’ll learn about ethics issues in trust and probate from Ken Reeves and about how you can create a lifestyle that allows for both professional and personal success from James Fassold, a probate litigation attorney and a consultant and consulting firm co-founder.

**PRESENTERS:**
- Kenneth W. Reeves III, Deputy Trust Counsel, Northern Trust, NA, Phoenix
- James A. Fassold, Gray & Fassold, PC, Phoenix

**SPONSORED BY:** Estate Planning, Probate & Trust Section

**COST:**
- MCBA members: $95
- Non-members: $155
- Law student members: $5

**Friday • May 16**

1:30-4:30 p.m.

Criminal Environmental Enforcement: Tales from the Frontline

3 credit hours, including .5 ethics

This program will present:

- The elements of an environmental crime
- The investigation process
- Do’s and don’ts for your clients during the investigation
- Parallel civil and criminal proceedings
- An overview of high profile Arizona cases

**PRESENTERS:**
- Jeff Cantrell, Arizona Attorney General’s Office, Environmental Enforcement Section
- Christina Fitzpatrick, Arizona Attorney General’s Office, Criminal Division
- Mark Horlings, Arizona Attorney General’s Office, Environmental Enforcement Section

**SPONSORED BY:** Environmental & Natural Resources Section

**COST:**
- ENR Section members: $75
- MCBA members: $90
- Non-members: $130
- Law student members: Free

**Wednesday • May 21**

12-1 p.m. (lunch included)

When Your Business Client is Looking for a Way Out

1 credit hour

This program focuses on how you can best advise your business clients on succession, exit and transition issues.

**PRESENTERS:**
- Nathan S. Suchs, CLU, ChFC, CBRS, Blue Prints for Tomorrow, Founder & Owner, Scottsdale

**SPONSORED BY:** MCBA

**COST:**
- MCBA members: $40
- Non-members: $60
- Law student members: $10

**Thursday • May 22**

12-1 p.m. (lunch included)

Arguing Briefs Before the Trademark Trial and Appeal Board (TTAB)

1 credit hour

This program will focus on:

- Tips for arguing appellate briefs before the TTAB, including the use of video conferencing
- Structuring the argument and anticipating questions
- Responding to the position of the examining attorney
- Overcoming the disadvantage of not appearing live
- Making the best of video technology

**PRESENTER:** Scott L. Claas, Matscal, Weeks, McIntyre & Friedlander, PA, Phoenix

**SPONSORED BY:** MCBA

**COST:**
- MCBA members: $40
- Non-members: $60
- Law student members: $10
Eight Important Functions of a Competent Marketing Program

By Trey Ryder

Many lawyers think they have effective marketing programs until they itemize exactly what their marketing programs do. To see how your marketing effort measures up, ask yourself these questions:

**Does your marketing program attract genuine prospects?**  
Your marketing message should attract calls not from tire kickers, but from genuine prospects who want solutions to their legal problems. The most effective way to attract inquiries from genuine prospects is to offer educational materials that identify and explain your prospects’ problems and the solutions you can provide.

**Does your marketing program increase referrals?**  
Your message should educate your former clients and colleagues so they clearly understand the services you offer and how you can help prospects send your way. If you don’t keep referral sources up to date on your activities and services, they may start referring to other lawyers who openly invite referrals.

**Does your marketing program cement loyalty?**  
Loyalty results from value delivered over time. The more you educate former clients, current clients, prospects, and colleagues, the higher they perceive your value—and the more likely they are to return for services and refer their friends and associates.

**Does your marketing program build your image as an authority?**  
A competent marketing program should turn the spotlight on you so clients, prospects and referral sources respect you for your knowledge. The most effective way to demonstrate your knowledge is by marketing with education through media publicity, articles, seminars, newsletters and websites.

**Does your marketing program screen out prospects you don’t care to represent?**  
Any marketing program can make your phone ring, but attracting calls from more and more prospects can translate into a big waste of time if you have to spend hours screening calls. The more you educate former clients, current clients, prospects and colleagues, the higher they perceive your value—and the more likely they are to return for services and refer their friends and associates.

**Does your marketing program spell out important differences between you and competing lawyers?**  
Prospects don’t hire you because you’re the same as other lawyers. They hire you because you’re different. Make sure your marketing program emphasizes how you differ from other attorneys in ways that prospects believe are important.

**Does your marketing program establish urgency so prospects act now, rather than delay?**  
Long ago, salespeople learned that the way to get a prospect to act was to apply sales pressure. But when you market with education, you don’t need such disgusting methods.

Instead, you simply educate your prospect so he understands what he gains by acting now—and what he may lose if he chooses to delay.

The most effective way to establish urgency are to (1) describe a case history of someone similar to your prospect who decided not to act and the terrible consequences that resulted, and (2) describe a case history of a client like your prospect who followed your recommendations and achieved the result he wanted. In most cases, one compelling example of each should provide the urgency your prospect needs to make a decision.

**Does your marketing program build the highest level of credibility as quickly as possible?**  
The fastest way to build trust is to use education-based marketing to (1) explain your prospect’s problem in terms he can understand, (2) recommend the solution that best suits his needs, (3) describe to other clients you have helped in similar circumstances, and (4) provide testimonials and letters from clients and colleagues who attest to your high level of knowledge, skill and experience. The fastest way to destroy your credibility is to act like a salesperson and try to sell your services.

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**Does your marketing program emphasize the value you bring to clients so the value/price equation always tips in your favor?**  
The value/price equation says: Prospects will hire your services—and clients will continue to use your services—as long as they believe that the value they receive from you is (1) greater than the price they pay, and (2) greater than the value they would receive from another lawyer for the same fee. In most cases, unless both of these conditions are met, you’ll lose clients.
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