

MARICOPA LAWYER

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February 2002

Some Superior Court filing fees increase

Fees for civil, family, probate and tax cases filed in Maricopa County Superior Court increase by \$40 on Feb. 1.

The increase applies to all initial complaints and answer/responses, as well as a variety of other filings. The fee increase does not apply to criminal, juvenile dependency and delinquency or Justice Court cases.

Here is a sampling of the new fees. The former fee is in parenthesis.

- ▶ Civil complaint or petition: \$190 (\$150)
- ▶ Civil answer or initial appearance: \$136 (\$96)
- ▶ Petition for dissolution: \$231 (\$191)
- ▶ Response or initial appearance in dissolution: \$186 (\$146)
- ▶ Petition to open formal probate: \$166 (\$126)
- ▶ Petition for informal probate: \$166 (\$126)
- ▶ Transfer from Justice Court (appellant): \$190 (\$150)
- ▶ Transfer from Justice Court (appellee): \$136 (\$96)

The \$40 increase is a combination of two separate \$20 fee-increase requests made to the Maricopa County Board of Supervisors by the Clerk of the Court's Office and Superior Court. The supervisors approved both requests last month.

The court's \$20 fee increase will fund additional Family Court hearing officers, enhance and expand Conciliation Services and install money-saving technology in courtrooms.

The clerk's \$20 fee increase will be used to develop and implement the Electronic Document Management System. The system will allow the Clerk's Office to take advantage of computer technology to electronically store and manage all documents. □

Agreement that could affect how a case is tried must be disclosed

Attorneys suspended 6 months for 'charade'

By Daniel P. Schaack
Maricopa Lawyer

For the second time in the life of one unusual and curious case, the Arizona Supreme Court has taken an out-of-the-ordinary action to deal with attorneys who participated in a sham trial.

In its most recent action, the court took *sua sponte* review in a disciplinary proceeding arising from the so-called sham-trial case and increased the attorneys' punishment to a six-month suspension. *In re Richard A. Alcorn and Steven Feola*, No. SB-01-0075-D (Jan. 9, 2002). Neither the attorneys nor the State Bar of Arizona had sought review of the Disciplinary Commission's recommendation of a 30-day suspension.

Alcorn and Feola's troubles began when they were hired to defend Dr. James R. Bair against a medical-malpractice suit filed by Thomas W. Newcomb. Newcomb sued Bair and Scottsdale Memorial Health Services after his wife died in childbirth and the child was born with severe brain damage.

After the hospital won summary judgment, Newcomb's Florida attorney, Timothy J. Hmielewski, along with local counsel Rodney G. Johnson, moved for reconsideration. They also reached a secret agreement with Alcorn and Feola to go ahead with trial against Bair even though they agreed to dismiss the case with prejudice. This was evidently done to "educate" the trial judge in connection with the request for reconsideration of the judgment for the hospital.

When the trial judge later learned that he had conducted an eight-day jury trial that turned out to be a farce, he fined the four attorneys \$15,000 each. Hmielewski, Alcorn and Feola appealed, but the Court of Appeals affirmed the sanctions in a memorandum decision. The attorneys petitioned for review. The Supreme Court denied the petition but took the unusual step of asking the Court of Appeals to publish its decision as an opinion. The Court of Appeals acquiesced: *Hmielewski v. Maricopa County*, 192 Ariz. 1, 960 P.2d 47 (App. 1997) [See CourtWatch, "Sham trial earns four lawyers \$60,000 in sanctions and a published opinion," *Maricopa Lawyer*, June 1998]

The State Bar then filed disciplinary complaints against the attorneys. Hmielewski was

censured and had his *pro hac vice* status revoked, in hopes that the Florida bar would take further action. Johnson, who played a mostly passive role, consented to a censure.

Alcorn and Feola disputed the disciplinary charges. After a hearing, the hearing officer recommended that the charges be dismissed. The Disciplinary Commission rejected that recommendation, voting instead for a 30-day suspension. Neither the respondents nor the State Bar petitioned for review.

The Supreme Court — after first having taken the unusual step of asking the Court of Appeals to publish its damning decision in the appeal of the trial court's civil sanctions — then took its second out-of-the ordinary

step: it assumed *sua sponte* review of the disciplinary case.

The court expressed some sympathy for Alcorn and Feola because circumstances made their representation of Bair difficult. His insurer was insolvent and, because of his own precarious financial condition, he asked the attorneys to do as little work as possible. Nevertheless, Bair's exposure was great and, as the Supreme Court stated, "the undertaking to represent him naturally put respondents in a pressure-filled situation."

At first Alcorn and Feola were able to ride on the coattails of the hospital's defense. But then the hospital won summary judgment, and the attorneys were left to fight Bair's battle alone. It was at this point that the questionable agreement arose.

Hmielewski had moved the court to reconsider the summary judgment, asserting that he had newly discovered evidence. But the trial against Bair was set to start before the court held the hearing on the motion.

Hmielewski then proposed a novel agreement — See *Courtwatch* on page 7



Don't forget!
Barristers Ball
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Information: 602-257-4200

Northwest court facility, with four judges, to open by July 1

By Jack Levine
Maricopa Lawyer

After many years of anticipation, the northwest Valley is getting its own branch of the Maricopa County Superior Court.

The new facility will be located near Litchfield and Greenway roads in Surprise and is expected to be open for business by July 1. A groundbreaking ceremony for the new courthouse was to be held Jan. 30.

Studies by the court have shown that population in the western Valley has increased by 80 percent over the past 10 years, compared to an overall Maricopa County population increase of 39 percent. An analysis of court records indicated that caseloads generated by West Valley residents and businesses not only rivaled those from the eastern part of the county but also, in probate matters, greatly exceeded them.

Following the pattern earlier established

in the southeast part of the Valley, which had a temporary facility for six years before the permanent facility was built, the northwest facility likewise will be a temporary one for the next eight to 10 years until the Surprise Center, which will house the permanent regional court facility, can be completed.

The temporary facility will cost just under \$3 million. Mary Bucci, court management analyst for the Court Administrator's Office, will serve as project manager. Lafferty Construction Co. is the general contractor.

The temporary facility will be composed of modular units constructed off-site and dropped into place on a prepared concrete base. According to Hugh Gallagher, deputy court administrator, modular units not only will save on construction costs, but also can be removed and relocated when the permanent facility is built.

The new temporary northwest facility will — See *Northwest* on page 4

The first flex-scheduled, telecommuting judge

By Mike Jones
MCBA President

I do love my job. Many of you know me as a Criminal Court or Family Court judge. However, since June, I have been the Superior Court's first flex-scheduled, telecommuting judge, with a new calendar.

Last year, Superior Court Presiding Judge Colin Campbell established a lower-court-appeals calendar that consolidated all appeals from the municipal and justice courts. I took on that calendar.

I work from home at least two days a week — Tuesdays and Thursdays — reading briefs and transcripts, researching and writing opinions.

My 11-year-old daughter is the biggest fan of my new schedule. Because my wife, a pediatric dental hygienist, also works a flex schedule — 10 hours a day, four days a week — my daughter now has a parent available to take and pick her up from school and supervise



homework and piano three out of the five work/school days each week.

I'm not the only Superior Court judicial officer with a flex schedule. We have many judicial officers who handle criminal initial appearances and work a flex schedule of five or seven days on and five or seven days off. They work around the clock, and on weekends and holidays, and I understand they enjoy the flexibility, too.

It is easy to see the benefits to our families of flextime or telecommuting. There are, however, downsides. Those necessary "kid interruptions" and "kid crises" that take time away from the daytime workday require one to work evenings and weekends. I find that I regularly work more evenings and weekends to keep on top of the caseload, but I willingly make that trade.

An unexpected downside has been the

imperative need for me to better manage and organize my own time while away from the office. I don't have a secretary or clerk at home to keep me on schedule.

I'm also finding a great deal of substantive job satisfaction with the new assignment. There is a great need for consistency among the lower-court appeals and I've found an outlet for my interest in writing. The issues and cases are

important, too. They include DUIs, domestic-violence offenses and orders of protection, all misdemeanors, and many civil cases, including forcible and special-detainer actions.

Like other lawyers who telecommute from home, the computer has made my life much easier. I can access the court's computer system, send and receive email, use

— See Jones on page 4

It's time for trial court's rotation system to cycle out

Judges should be recruited, appointed to permanent assignments

By Jack Levine
Maricopa Lawyer

In a recent interview concerning items on his agenda, new Arizona Supreme Court Chief Justice Charles E. "Bud" Jones hinted that the practice of rotating trial judges in Maricopa and Pima County might be on its way out, or at least scrutinized.

"Maybe when we recruit candidates...for Superior Court judgeships, do we want to notify people ahead of time that we have a vacancy in a given department and raise the



possibility that we would like to have applicants who know something about that area of the law?" he said in an interview published in the January issue of *Arizona Attorney*.

"We have special needs, and we need to start thinking about finding people [who] can help satisfy some of those individual needs."

For as long as anyone can remember, trial court judges, like military personnel, have done a "tour of duty" on an assignment, usually lasting up to three years, and then are rotated to a new court calendar. This practice has been thought necessary to prevent

— See Commentary on page 6

MARICOPA LAWYER

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Errors will be corrected in a subsequent issue.

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Build a book of business from the inside out

By Susan Wissink
MCBA / YLD President

One of the most difficult tasks for new lawyers is focusing on marketing and developing new business. Most new lawyers find it difficult to bring in business during the early stages of their new careers. The Young Lawyers Division of the American Bar Association recently held a seminar for lawyers on marketing, and gave some valuable tips that I want to share.



Your first "clients" will be the partners, senior associates or managers for whom you work. These individuals will provide you with your business and are the internal clients to whom you should market. Treating these individuals as clients helps you develop an internal reputation as a competent, valuable and responsive attorney. And, learning from the partners, senior associates and managers will help you develop as an attorney and build for the future.

One way to succeed in internal marketing is to cross-sell your skills to attorneys in your office. For example, introduce yourself to attorneys in other practice areas and find out about their clients. Let the attorneys know your areas of practice and your willingness to provide assistance to their clients. Often, the members in your firm will be your greatest referral source and these attorneys usually will refer the business to someone with whom they've worked or developed a relationship.

A new lawyer also can develop future business outside his or her law firm by keep-

ing in touch with law school classmates and joining bar or civic organizations. Although you may not see the business immediately (or even for years), you are maintaining and making great contacts with attorneys who may someday have a client who needs an attorney in your area of practice. Some day, or perhaps even today, these classmates will be decision-makers and have the ability to refer business to you.

A few tips on cultivating and maintaining these relationships:

- ▶ If you see an article about the person, send it to him or her with a congratulatory note.
- ▶ If you run into the person at a meeting or event, invite him or her to coffee or lunch.
- ▶ Send that person notices about your firms' seminars, speaking engagements or articles.
- ▶ Send personalized holiday or birthday cards.

One unexpected source of business for lawyers is from opposing counsel. Treating opposing counsel with respect and demonstrating excellent legal skills can lead to clients. The opposing counsel may run into a conflict and think of you when trying to find a referral source. Additionally, opposing counsel could practice in another state and need local counsel to assist with a client.

Focusing on internal and external marketing early in your career will help you in the future. By treating everyone with whom you work as a client, cross-selling within your firm, developing and maintaining relationship with outside attorneys and working well with opposing counsel, you can build a book of business. □



LETTERS

Suggest rule changes – or deletions

Editor:

The State Bar of Arizona's Civil Practice and Procedure Committee is charged with studying and recommending changes to the Arizona Rules of Civil Procedure and other court rules relating to civil procedure.

I am writing to all civil trial and appellate lawyers. If, in your work, you confront a rule you believe needs improvement or should be eliminated, please write to me about it. The address is: Christopher M. Skelly, chair, State Bar Civil Practice and Procedure Committee, 3003 N. Central Ave., Suite 2600, Phoenix, Arizona 85012.

We have too many rules. We'd like to eliminate unnecessary rules and improve the others.

Thank you.

Christopher M. Skelly
Fennemore Craig □

Court suspends revamped pro hac vice rule

By Pat Sallen
Maricopa Lawyer

The Arizona Supreme Court has suspended its already approved amendments to the *pro hac vice* rule after prominent attorneys at some of the biggest law firms in Phoenix complained that they didn't know the rule change was even being considered.

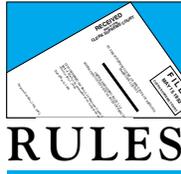
The motion by the six attorneys — filed four days before the revamped rule was to take effect Dec. 1 — in general argued that the proposed rule changes had not been sufficiently scrutinized and that they were unnecessary and unworkable.

In a Jan. 9 order, the Supreme Court granted the attorneys' motion to stay and suspended its amendments to Rule 33(d), Ariz.R.S.Ct., saying, "The pending motions raise issues not brought to the court's attention during the comment period provided prior to adoption of Rule 33(d)." The court did not specify the "issues."

The court suspended its previously approved amendments until April 9, and directed that anyone interested in the amended Rule 33(d) may file, by Feb. 10, "a petition to adopt, amend or repeal" the amended rule.

The now-suspended revamped rule would require that non-resident lawyers who wish to appear *pro hac vice* in an Arizona courtroom comply with new procedures, including filing an application with the State Bar of Arizona for each case in which the applicant wishes to appear. Among other information, the applicant would have to disclose recent previous requests to appear *pro hac vice* as well as provide a certificate of good standing for all bars in which the applicant is a member.

Last April, the State Bar filed a petition to adopt the revised Rule 33(d). It also proposed a



structure in which the State Bar would essentially serve as a clearinghouse for all non-member attorneys who wish to practice in Arizona.

Allen Shayo, the State Bar's general counsel, argued in the petition that the then-existing rules allowed for local counsel to be "little more than a mail drop in Arizona." In addition, he noted, no mechanism existed to alert judges of "repeated" *pro hac vice* admissions.

"This has resulted in some non-members of the State Bar of Arizona maintaining an 'active' *pro hac vice* practice in Arizona... without compliance with the admissions and character and fitness requirements," he wrote.

The petition drew several comments during the comment period. Calvin C. Thur, Thur & O'Sullivan, objected that the changes would favor corporate defendants over individuals. The proposed rule would consider a longtime attorney-client relationship as a factor in determining whether *pro hac vice* status would be granted. Thur argued that corporate defendants are more likely than individuals to have such relationships with out-of-state lawyers who would need to appear in Arizona courts.

The executive director of the state Board of Dental Examiners supported the changes, in part because she said her office has had "unpleasant experience" with a non-resident attorney. Other than filing the original documentation to obtain *pro hac vice* status for the non-resident attorney, local counsel was not involved. In fact, she wrote, she tried to send documents to the local counsel one time and was chastised by the non-resident attorney for doing so.

The Supreme Court adopted the rule-change petition Oct. 22, with the changes to take effect Dec. 1.

On Nov. 26, six attorneys — John Bouma of Snell & Wilmer, Mark Harrison of Bryan Cave, Kenneth Sherk of Fennemore Craig, William Maledon of Osborn Maledon, Donald Wall of Squire Sanders & Dempsey and Don Bivens of Meyer Hendricks & Bivens — filed their motion asking the court to stay the effective date and reconsider the proposed changes. Two weeks later, John Frank of Lewis and Roca asked to join in the collective motion.

The attorneys insisted that the proposed

rule change had not received sufficient scrutiny, noting that few private practitioners are on the court's distribution list to directly receive rule-change petitions. In addition, they noted that the State Bar's Civil Practice and Procedure Committee and the Committee on the Rules of Professional Conduct did not support the change.

They also argued that the rule should not be amended until the State Bar's new Multijurisdictional Practice Task Force has completed its work.

On substantive grounds, the attorneys said the rule "would be taken by many as a sign that Arizona... is returning to provincialism."

They claimed the new rule imposes "administrative and bureaucratic obligations" that will be detrimental to the Arizona legal system. In part, they argued, it would discourage the filing of amicus briefs and complex actions.

In addition, they said judges already have inherent power to control attorneys' behavior in their courtrooms "rather than by making out-of-state attorneys leap burdensome administrative hurdles that do nothing to ensure that the attorneys, once admitted, will abide by the rules."

They also complained that the amended rule requires applicants to report on all Arizona *pro hac vice* applications within the past three years by not only themselves but also by all other attorneys in their law firms.

The Arizona Attorneys for Criminal Justice also filed an objection, arguing that defendants may be denied counsel of their choosing under the changes.

In response to the objections, the State Bar said that the proposed rule had been distributed to 55 sections and committees and discussed or debated at six separate meetings of the board of governors, which unanimously supported the proposal. It noted that the professional committee voted not to support the rule, while the civil practice and procedure committee did not vote on it at all and that neither entity — nor any of their members — submitted any objections to the Supreme Court once the rule-change petition was filed. It also noted that the July issue of *Maricopa*

— See **RULES** on page 16

New ADR rule applies to Family Court cases

By Mark W. Armstrong
Special to Maricopa Lawyer

On Oct. 22, the Arizona Supreme Court approved new Rule 16(g), Ariz.R.Civ.P., titled "Alternative Dispute Resolution." It applies to actions filed after Dec. 1.

Although the rule was a long time in the making, it is fairly short and easy to understand. Essentially, it has two parts. The court is authorized to direct the parties to an ADR program created or authorized by local rule and the parties are responsible for considering ADR, conferring about it and reporting to the court.

Rule 16(g)(2) requires the parties, including unrepresented parties, to confer about ADR within 90 days after the first appearance of the defendant or respondent. The rule imposes a duty on the parties to attempt, in good faith, to settle the case or agree to an ADR process, and requires the parties to report to the court within 30 days after their conference.

The ADR report must be in "a text prescribed in an official form promulgated pursuant to Rule 84." The Supreme Court has approved a form that should be used for this purpose. The parties must report whether they have agreed to an ADR process and, if the parties have not agreed, each party must choose the process they deem most appropriate or state why they believe ADR is not appropriate. Any party also may request that the court conduct a conference to consider ADR. Finally, the rule provides that the court may direct the parties to discuss ADR with a court-appointed ADR specialist.

This rule obviously applies to civil cases because it is in the Rules of Civil Procedure. Some have questioned, howev-

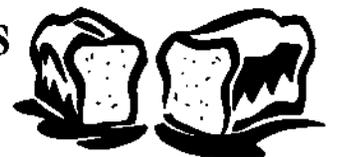
er, whether it also applies to family law cases. I believe it does. Maricopa County Local Rule 6.2(a) specifically provides that the civil procedure rules apply to proceedings in Family Court. Therefore, beginning with cases filed after Dec. 1, family law attorneys should follow the new rule.

ADR is, of course, no stranger to family law. Many consider it the foundation for therapeutic jurisprudence in the Family Court. Rule 6.1(a) of our local rules states that one of the goals of the Family Court is "[p]rocessing cases fairly, promptly and efficiently, using non-adversarial means to the extent possible and appropriate." Rule 6.10, entitled "Mediation, Open Negotiation, Arbitration and Settlement," similarly provides, in paragraph (a), that "[t]he intent of this rule is to encourage the resolution of family-related cases using non-adversarial means to the extent possible." Paragraph (b) requires mediation or open negotiation in cases involving a controversy over child custody or parenting time.

As suggested by these rules, several types of ADR are available in family law cases. Mediation is widely available privately or through the Family Court's Conciliation Services. Arbitration also is widely available privately although, unfortunately, it is seldom used. An approved stipulation and order for arbitration is available at the court's website. The court also has a strong settlement conference program using court commissioners as well as attorneys acting as judges pro tem. More information about any of these programs is available through the court's ADR Department at 602-506-7884.

► Mark Armstrong is the associate presiding judge of the Maricopa County Superior Court. □

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Northwest...

Continued from page 1

have four court divisions and will handle civil, family law and probate cases. Judges David R. Cole, Colleen A. McNally, Norman J. Davis and Joseph B. Heilman, who live in the northwest Valley and volunteered for the assignment, will staff the new facility.

By agreement with Surprise, the facility will not have a criminal calendar. Juvenile matters originating from the west and northwest Valley will continue to be heard at the Durango complex.

Two of the four judges will be designated to handle probate matters because of the large retirement communities in the northwest and a projected annual growth in probate cases of 5 percent.

According to Superior Court Presiding Judge Colin Campbell, establishing a northwest facility has been a priority of both court administration and county government, because of the enormous growth in the west valley and the need to have court services in those communities.

Because of tight budgeting, the new facility will not contain a law library, clerk's office or court administration office. It will, however, offer a self-service center, a jury assembly room,

a security office, an on-site court manager, self-help specialists, conciliation services and an alternative dispute resolution coordinator.

All of the courtrooms will have state-of-the-art video recording, computer imaging and other high-tech equipment.

When built, the permanent court facility will be only one component of an ambitious project being undertaken by a partnership of Maricopa County, Surprise and Westcor. According to those close to the project, the new facility is in large part due to a 10-year effort by Jan Brewer, immediate-past chair of the Maricopa County Board of Supervisors. Her advocacy for a northwest regional court center began while she was a state legislator representing the area and continued during her past seven years on the board of supervisors.

Brewer acknowledged that the northwest facility was one of the highlights of her political career and that she was "thrilled and delighted that the parties involved were able to bring this project to fruition."

She predicted that it would have "immense benefits for our court system and for the people in the northwest part of the county."

According to Brewer, the intergovernmental agreement calls for Surprise to provide the land for the courthouse at \$1 per year for 10 years, in return for the county

agreeing to locate a permanent county complex in the area.

The facility will be on more than two square miles bounded by Bell Road on the north, Greenway on the south and Litchfield Road on the east, extending beyond Reems Road on the west. When the permanent center is completed, it will include an eight- to 10-division court facility, a governmental complex for Surprise, a park plaza, a performing arts theater, a museum, a county library, an aquatic facility, movie theaters, office buildings, a medical center, retail stores, a lake and spring training baseball facilities for the Kansas City Royals and the Texas Rangers.

Brewer hopes people from Wickenburg and Sun City no longer will have to travel to downtown or to the southeast courts to fulfill their jury obligations. She reported that some of her elderly, civic-minded constituents from Sun City, when summoned to jury duty in Mesa, have driven to the southeast facility and rented hotel rooms for the remainder of their jury service to avoid the 100-mile round trip each day. Brewer hopes that with the new facility this type of sacrifice no longer will be necessary.

Recognizing these concerns, Superior Court administrators recently sent computer experts to study Los Angeles and Orange counties' systems for matching summoned jurors with courts closest to their residences. According to Campbell, a computer program is being developed for Maricopa County that would permit jurors in the southeast or northwest communities to be assigned to the court facility closest to them until a quota is filled. However, once the juror needs of the northwest and southeast facilities are met, Campbell said it would still be possible that Wickenburg jurors would be required to travel to the downtown courthouse.

Campbell sees the new proposed method for assigning jurors as an integral part of the court's commitment to regionalize the system. He looks on the northwest facility as improving the court system's efficiency and operation, as well as providing long-delayed benefits for residents of that area.

Bucci, the project manager, predicted that, with the establishment of the northwest facility, interest in a northeast court facility would increase. However, Bucci said, such a facility is years away and largely dependent on county budget considerations. □

Jones...

Continued from page 2

Westlaw to do research and send drafts back and forth to my clerks. With the assistance of our court Judicial Information Services, we have established a data bank with an index of my opinions for my and my staff's use.

My staff members have been affected by the new assignment, as well. My bailiff works only half time — 20 hours a week. This change was at her request, and she shares duties with two new law clerks, who each work 10 hours a week. My secretary has been stretched a bit thin, though, and it is still difficult to cover the phone 40 hours each week, so I encourage anyone trying to reach me to leave a voice-mail or email message, and I will get right back to you. Though I may not be physically in the office, I am always available by phone or email to my staff.

I'm also available to MCBA members by email. My address is mjones@superior-court.maricopa.gov. I would particularly enjoy hearing from other lawyers who successfully telecommute or work an alternate-hours work schedule. We are thinking of putting together a seminar for our members on this issue and I would appreciate your interest and input.

A few reminders

Our MCBA website is www.maricopabar.org. Have you checked it out? We still are recruiting members for our Website Committee, so if you are interested, please call or email me.

The Barristers Ball is Feb. 9 at the Camelback Inn. I hope to see many of you there. Do you need information? Do you need to make a reservation? Call Shane Clays, 602-257-4200, ext. 111.

Finally, please mark your calendars for Feb. 14 (Valentine's Day) for the annual Volunteer Lawyers Project awards luncheon, For Love of Justice. For reservations and information, call Sharon Frye, 602-257-4200, ext. 294. □

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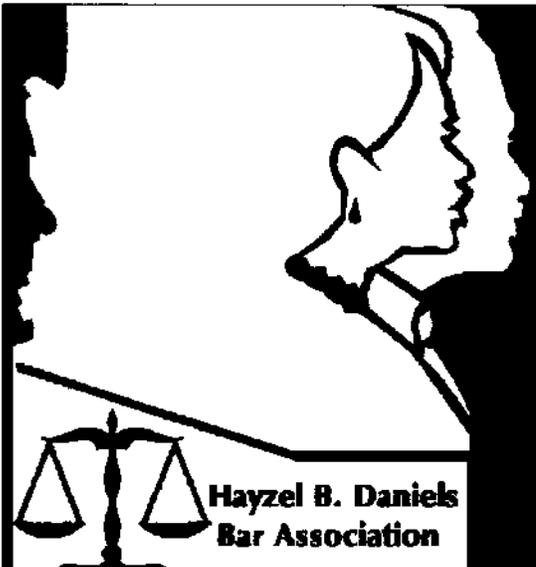


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More than 2 dozen judicial officers to rotate in three waves this year

By J.W. Brown
Maricopa Lawyer

A variety of factors influenced the reassignments and relocations of more than two dozen Maricopa County Superior Court judges taking place this year. New judges, new courtrooms, innovative programs, the court's needs and judges' preferences were all considered in formulating the 2002 rotation plan, which started and will conclude by year's end.

Access to the court by the public and legal community will improve when four newly constructed courtrooms open in July at the northwest regional facility in Surprise. Civil, family and probate cases will be handled at the regional site by four Superior Court judges — Dave Cole, Norman Davis, Joseph Heilman and Colleen McNally — who will relocate from Phoenix as part of the rotation plan. [See related article about Northwest facility, page 1]

"The northwest calendars will be swept from all existing calendars for westside cases, and each judge will have a blended calendar of family and civil and two judges will also have probate," Presiding Judge Colin Campbell explained.

This is the court's second regional site. More than a decade ago, the concept of moving Superior Court facilities to regional locations became a reality with the opening of the Southeast Regional Facility in Mesa.

New construction at the southeast facility also is prompting changes. In July, when two additional courtrooms will open, judges Douglas Rayes and David Udall will relocate to Mesa from downtown.

"Judicial rotations this year were decided with an eye towards the budget and new calendars in Mesa and the northwest," said Campbell.

Another innovative program — Probation Revocation Court — will be implemented downtown in July. Judge Carey Hyatt has been assigned the program's presiding judge. Courtrooms and offices for the Probation Revocation Court will be located on the eighth and ninth floors of the East Court Building.

Minimum changes are being made to departmental presiding judge assignments. Family Court Presiding Judge Bethany Hicks will move to a criminal department assignment in July. Superior Court Associate Presiding Judge Mark Armstrong will assume the responsibilities of Family Court presiding judge.

In total, eight judges are rotating off Family Court: judges Mark Aceto, Anna Baca, J. Richard Gama, Warren Granville and Ronald Reinstein, as well as Hicks and Hyatt.

The second change of a departmental presiding judge assignment is planned as part of the mid-fiscal year rotations in December or January. Current Presiding Civil Judge Edward Burke will move to a criminal calendar then. His replacement has not yet been named.

Feb. 7 deadline to apply for Supreme Court

The Commission on Appellate Court Appointments is taking applications until Feb. 7 to fill the vacancy on the Arizona Supreme Court created by Justice Frederick Martone's appointment to the federal trial bench.

The commission will meet Feb. 21 to select which of the applicants it will interview on March 7.

Applicants must be admitted to practice law in and be a resident of Arizona for the past 10 years.

Applications may be obtained from the Administrative Office of the Courts, Human Resources Division, 1501 W. Washington, Suite 227, Phoenix; by calling 602-542-9311; by sending an email request to jnc@supreme.sp.state.az.us; or from the court's website, www.supreme.state.az.us/hr (judicial vacancies).

The original and 16 copies must be submitted to the Human Resources Division by 3 p.m. Feb. 7.

The commission may use applications filed for this vacancy to nominate candidates for any additional vacancies known to it before the committee meets to screen applications for this vacancy. □

Campbell said mid-fiscal year changes will "accommodate a Civil Department reorganization."

Judges moving to the Civil Department include Baca, Peter Reinstein and Robert Gottsfeld.

Judges moving to the Criminal Department include Brian Hauser, Robert Myers, Aceto, Gama, Hicks, Hyatt and Ronald Reinstein. Judges rotating to Family Court are A. Craig Blakey II, Connie Contes, Alfred Fenzel, Robert Oberbillig and James Padish and Burke. Judges moving to

Juvenile Court include J. Kenneth Mangum, Linda Miles and Michael McVey.

While the majority of rotations become effective in July, the recent judicial appointments of Blakey, Contes and Miles created an early, first round of assignment changes that began in mid-January and will be completed by the end of this month.

Contes assumed a newly created Family Court calendar in mid-January. Blakey assumes Granville's Family Court calendar this month. Granville rotates to Gottsfeld's criminal calendar and Gottsfeld assumes a civil calendar that was being temporarily handled

— See **Rotations** on page 6

Judicial rotations in a nutshell

January and February 2002

Judges

Contes — new Family Court calendar (Jan. 14)
Blakey — assumes Granville's Family Court calendar (Feb. 2)
Granville — Family Court to Gottsfeld's Criminal Court calendar (Feb. 2)
Gottsfeld — Criminal Court to civil calendar, replacing Pillinger (judge pro tem) (Feb. 2)
Miles — Sticht's civil calendar to Kamin's Juvenile Court calendar (Feb. 18)
Kamin — Juvenile Court Durango facility to Juvenile Court dependency and severance calendar

Commissioner

Jacobs — Southeast Juvenile Court to southeast Family Court

Hearing officers

Nothwehr — assumes Faust's Early Disposition Court calendar
Faust — Early Disposition Court to Woodburn's Criminal Court probation revocations calendar
Woodburn — Criminal Court probation revocations to Civil Court

July 2002

Judges

Aceto — Southeast Family Court to Oberbillig's southeast Criminal Court calendar
Oberbillig — Southeast Criminal Court to Aceto's southeast Family Court calendar
Rayes — Family Court to Myer's southeast Civil Court
Myers — Southeast civil calendar to Padish's Criminal Court calendar
Padish — Criminal Court to Rayes' Family Court calendar

Udall — Family Court downtown to southeast Family Court

Hicks — Family Court to Heilman's Criminal Court calendar

Heilman — Criminal Court to northwest Family Court

Davis — Criminal Court to northwest Family Court

McNally — Civil Court to northwest Civil Court

Cole — Juvenile Court to northwest Civil Court
Mangum — Civil Court to Cole's Juvenile Court calendar

Gama — Family Court to Fenzel's southeast Criminal Court calendar

Fenzel — Southeast Criminal Court to Hyatt's downtown Family Court calendar

Hyatt — Family Court to Probation Revocation Court presiding judge

Hearing officers

Eckhardt — Criminal Court to Probation Revocation Court

Faust — Criminal Court to Probation Revocation Court

Mid-fiscal year (December to January)

Judges

Burke — Civil Court to Criminal Court calendar of Ronald Reinstein

Ronald Reinstein — Family Court to McVey's Special Assignment Criminal Court calendar

McVey — Criminal Court to Hauser's Juvenile Court calendar

Hauser — Juvenile Court to Criminal Court calendar of Peter Reinstein

Peter Reinstein — Criminal Court to Civil Court

Steinle — Civil Court to Baca's Family Court calendar

Baca — Family Court to Steinle's Civil Court calendar

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Rotations...

Continued from page 5

by Pro Tem Judge Terry Pillinger.

Miles is handling Judge John Sticht's calendar into early February. Sticht may be retiring soon because of health problems. His calendar will be dissolved, with cases being reassigned to other judges.

This month, Miles moves to a Juvenile Court assignment at the Durango complex, taking over Judge Alan Kamin's calendar. Kamin moves downtown, to handle a newly created juvenile dependency and severance calendar. Judge William Sargeant, who has been on special assignment due to health problems over the past several months, also will handle a juvenile dependency and severance calendar downtown. Commissioner Thomas Jacobs moves from Juvenile Court to Family Court.

Rotations also affect a group of hearing officers this month. Newly hired hearing officer Richard Nothwehr is assuming Aimee Faust's Early Disposition Court (EDC) calendar downtown. She is moving to R. Jeffrey Woodburn's criminal-probation revocation calendar. Woodburn takes a civil hearing officer calendar that had been Miles', before she became a judge.

The next round of changes occurs in July. Aceto and Oberbillig swap their calendars. Aceto takes Oberbillig's criminal calendar and Oberbillig takes Aceto's Family Court calendar. Rayes assumes Myers' civil calendar. Myers takes Padish's criminal calendar and Padish rotates to Rayes' Family Court

calendar. Udall remains on Family Court but rotates from downtown to the southeast court facility. Mangum rotates to Juvenile Court to assume Cole's calendar when he relocates to the Northwest facility.

Hicks rotates from her duties as Family Court presiding judge to assume Judge Joseph Heilman's criminal calendar when he moves to the northwest facility. Armstrong adds the duties of Family Court presiding judge to his responsibilities.

Gama moves from a downtown Family Court calendar to assume Fenzel's criminal calendar at the southeast facility. Fenzel rotates downtown, taking Hyatt's Family Court calendar when she becomes Probation Revocation Court presiding judge. Hearing officers Carl Eckhardt and Faust are tentatively assigned to Probation Revocation Court.

The final round of reassignments is planned in a mid-fiscal year rotation that will occur in December or early January. Judge Roland Steinle swaps calendars with Baca. She assumes his civil calendar and he takes her Family Court calendar. Burke rotates from civil presiding judge to Family Court, taking Ronald Reinstein's calendar. Ronald Reinstein takes McVey's special assignment criminal calendar. McVey rotates to Juvenile Court taking Hauser's calendar. Hauser assumes Judge Peter Reinstein's criminal calendar and Peter Reinstein rotates to civil. A new civil presiding judge has not been named.

► *J.W. Brown is the Maricopa County Superior Court's communications director.* □

Commentary...

Continued from page 2

burnout, particularly for those serving in the high-stress assignments of family and criminal law, and to avoid the development of "cronism," in which lawyers appeared before the same judges on a regular basis.

Before the adoption of merit selection, rotating judges made good sense. Judges were routinely rotated through civil, criminal, juvenile, probate and domestic-relations assignments every few years. Even the position of presiding judge was sometimes considered part of the rotation among the more senior judges on the court.

Before merit selection, judges more easily made the transition from one specialty to another because, in those simpler times, most lawyers "specialized" in everything. Emulating the country or family lawyer was everyone's ideal and it was thus unthinkable for a lawyer to refuse to handle a divorce, probate a will, represent a client in a personal-injury case or defend one accused of a crime. At one time, it was even considered unethical for a lawyer to limit his or her practice in any way because a lawyer's law license was thought to represent to the public that the lawyer was capable of handling all legal matters. Thus, because of these traditions, when a lawyer was appointed or elected to the bench, he or she was normally well equipped to preside over virtually any kind of case.

However, over the past 30 years, with the growing trend toward specialization, the practice of law has evolved into a fundamentally different profession. Now, almost everyone is a specialist in a narrow area of the law. Undoubtedly, these changes have had great benefits for the profession and the public. However, many lawyers feel it has impacted the quality of judicial decision-making at the trial court level.

At first, the effects of specialization on the trial bench were not apparent because many of the judges holding office in 1974 — when merit selection was initiated — remained on the bench. These judges came from the old school of generalists, and while they were still present in significant numbers, rotation through the various court departments had little effect on the quality of decisions.

By the end of the 1980s, however, many of these generalists were gone and our trial courts in Pima and Maricopa counties came to be dominated by judges who, until their appointment to the bench, had practiced in relatively narrow areas. They became confronted with judicial duties in areas of the law with which they were totally unfamiliar. Thus, in a classic application of the Peter Principle, highly skilled lawyer specialists, in increasing numbers, were being rewarded for their achievements by promotion to positions where they were almost certain to meet with failure, unless, by chance, their judicial assignment happened to coincide with their previous professional specialty.

Although the court has judicial orientation courses available to familiarize judges with the procedural rules and statutory law relevant to their new assignments, the vast body of judicial decisions that have evolved over hundreds of years in some of the specialty areas cannot be mastered in a short

period of time no matter how skilled or dedicated a judge might be.

The average civil trial judge in Maricopa County now has approximately 1,000 active cases on his or her calendar. Due to the large number of cases being handled, it should be no surprise that many of our trial court judges do not have the time to read and digest the cases and authorities cited in legal memoranda that lawyers prepare. If all of our judges were knowledgeable in all areas of the law, this might not be necessary. However, given the fact that many of our present judges have not had the benefit of a broad legal experience prior to assuming the bench, it would be difficult for a judge to be confident that his or her decision was correct.

This is not to say that a particular judge cannot overcome such handicaps and gain competence in unfamiliar areas of the law after being appointed to the bench. In the past, some of our judges have been successful in accomplishing this. However, such an undertaking takes much time and hard work. With the press of work, judges may no longer have the contemplative time needed to learn an unfamiliar area of the law, or even to decide which of two closely competing legal principles should apply in a given case so that issues are correctly decided.

Precisely because of the high expectations that the public and the bar have for the judiciary, few things cause more disillusionment with our legal system than to have legal issues wrongly decided by a judge. In recent years, far too many opinions coming down from our appellate courts are a reflection of errors of law by our trial judges that involve basic legal principles that ordinarily should not be the subject of dispute or uncertainty at the trial court level. When this occurs, the benefits of stare decisis and the predictability that this provides for our legal system become meaningless.

Specialization among the judiciary is long overdue. Most lawyers feel that it is virtually impossible to keep up with more than one or two areas of the law, and do so competently. Yet those who administer our trial courts and set judicial policy have ignored this reality. Understandably, our judges may prefer to rotate through the various court departments every two or three years as has been the practice and, concededly, some of these judicial assignments are not as enjoyable as others. However, we are well beyond the point where we can afford the luxury of having judges, who are not specialists, deciding matters they may not be equipped to handle, in which the life, liberty or property of our citizens are at risk. Nor should litigants and others appearing before our trial courts be put to the expense and delay of having to take unnecessary appeals or special actions on legal issues because of errors on the part of our trial judges.

Instead of selecting and assigning judges as we presently do, judges initially should be recommended and appointed under the merit-selection system as either civil judges, criminal judges, domestic relations judges, juvenile judges, probate judges or tax judges, based on their past legal experience in their particular specialty or area of concentration. Once appointed, such judges should be

— See *Commentary* on page 7

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Courtwatch...

Continued from page 1

ment. He wanted to use the trial to “educate” the trial court about his motion against the hospital. He proposed the following: the trial would go ahead as scheduled; Bair would receive a covenant not to execute; Bair’s attorneys would not object the evidence Hmielewski put on; at the close of the plaintiff’s case, Hmielewski would dismiss the action against Bair and not name him in any further litigation in the matter; and, finally, the arrangement would be kept secret. After researching the matter and consulting with other attorneys, Alcorn and Feola concluded that the deal was kosher and — because it got their client completely off the hook — accepted.

The trial was conducted as agreed. Alcorn and Feola even called an expert witness that the hospital had hired — and the hospital paid for his fees. As agreed, Hmielewski dismissed the case against Bair, but not before the trial judge became suspicious about the conduct of the trial. He

Commentary...

Continued from page 6

required to serve in that assignment permanently unless they wish to compete with new applicants for an opening in another judicial specialty before the Commission on Trial Court Appointments.

The appointment of judicial specialists to serve in their individual areas of expertise also would go a long way toward reducing judicial burnout. Psychologists point out that a major cause of burnout is exposure to high degrees of stress over a prolonged period of time. It is difficult to imagine circumstances more stressful than serving under the present rotation system and having to make decisions that will have an enormous impact on people’s lives, without having some inner confidence that one’s legal rulings are correct. If a judge is a specialist in a particular area of law and is knowledgeable and confident in the decisions he or she is making on a day-to-day basis, much judicial stress might be eliminated. Furthermore, ending the rotation practice and adopting a system leading to the permanent appointment of judges in their area of expertise would go a long way towards instilling a far greater degree of confidence in the judiciary.

Few would disagree that we have many able and conscientious judges on our trial bench. They deserve a system that will permit them to live up to their fullest potential. Bringing about changes in our judicial system is, by its nature, a slow and difficult undertaking. The present system, however, is an anachronism that has long outlived its usefulness. The recent reflections of our new chief justice on ending the system of rotation of trial court judges should be enthusiastically supported by the judiciary, the bar and the public for the significant benefits it would have for all. □

inquired of the attorneys and warned them that they better not have reached any “sweetheart” deal. They assured him that no such deal existed.

The judge learned the truth later, during argument on Hmielewski’s motion to reconsider the hospital’s summary judgment. In imposing the sanctions, he commented that “[t]he lawyers involved duped the Court into conducting a mock trial at the taxpayers’ expense ...”

In reviewing the case, Justice Stanley G. Feldman — writing for a unanimous court — first agreed that Alcorn and Feola had a good-faith belief that they were not required to divulge the covenant not to execute. However, Feldman left no doubt that their good-faith belief was wrong: “We hold today, as strongly as possible, that any agreement that has the potential of affecting the manner in which a case is tried is one that may encourage wrongdoing and must therefore be disclosed to the trial judge and all litigants in the case.”

Feldman then turned to the question of whether the attorneys had violated the ethical rules in agreeing to conduct the sham trial. He determined that they had violated ER 8.4, which prohibits conduct prejudicial to the administration of justice.

“While research and consultation on and about our previous cases might have led Respondents to conclude there was no duty to disclose the covenant,” Feldman began, “no research could have produced the conclusion that a lawyer could fail to tell a trial judge that the case being tried for two weeks was actually a moot court exercise.” He noted that under the adversary system, opposing parties are to adopt self-serving strategies, but that had not happened here: “Whatever may have happened during the trial, the agreement itself transformed Dr. Bair from an adversary into a marionette that Plaintiff’s counsel could manipulate in furtherance of their own ends.”

Thus, Feldman concluded, the agreement was collusive on its face. Although it furthered Bair’s interests in the long run because it relieved him of liability, “the agreement was inherently collusive because it committed Respondents to further a scheme to use a seemingly adversarial trial for an improper purpose.”

He further found the explanation for the

“charade” “patently illegitimate.”

“If the trial judge was to be educated for the pending motion on the order granting summary judgment to the Hospital, the parties should have presented whatever newly discovered evidence or argument there might have been in the motion proceedings and not by means of a mock trial,” he wrote.

Feldman next held that the attorneys had violated ER 3.3, which prohibits lawyers from making false statements to the court.

“Even assuming,” he wrote, “that after adequate research Respondents reached a good-faith conclusion that they had no duty to disclose the existence of the agreement, this certainly would not justify failing to tell the trial judge that it had been agreed that the trial would not go to verdict, that there was to be no result except to inform the judge’s decision on an issue not even being tried.”

Feldman concluded that the lawyers had “actively misled the trial judge.” He rejected their arguments that they had actually truthfully answered the judge’s narrow questions.

“True, the judge’s inquiry was not as precise as it might have been; true, Respondents correctly represented that there was no agreement regarding future testimony or payment of consideration,” Feldman wrote.

“But,” he continued, “to paraphrase Justice Stewart, while we may not be able to define a sweetheart deal, we know enough to recognize one when we see it.”

Feldman took them to task for not being frank and open when the trial judge clearly wanted to know what was happening.

Instead, he wrote, “they gave the judge a response that must be characterized as knowingly evasive at best and deliberately misleading at worst.”

In chastising the attorneys, Feldman commented on the trial judge’s role in the adversarial system.

“While the judge is not a party ... he or she is more than a referee presiding in a merely formal or ritualistic role. [T]he judge is responsible for ensuring that justice is accomplished according to the substantive rules and procedural mechanisms established by law. Those procedural rules do not contemplate hoodwinking judges any more than jurors. While some things must be excluded from jurors’ consideration ..., the rules do not contemplate hiding the true nature of the proceeding from the judge. Nor do they permit lawyers to remain silent when it is evident that the judge has been misled about what is occurring in his own courtroom.”

Feldman next turned to the appropriate sanction. He first rejected any thought of disbarment. While he was “deeply troubled” by their “serious violations of duty,” he also concluded that their actions “were more likely the result of a failure to grasp their true obligations to the tribunal rather than an attempt to misuse the process for personal gain.” He also agreed that the attorneys “were motivated by an honest desire to do everything within their power to help their client.”

Notwithstanding, Feldman determined that their misconduct caused very serious

— See **Courtwatch** on page 8

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Courtwatch...

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injury. Besides the waste of time and resources, Feldman cited the fact that “the jurors and witnesses had their time wasted and lives disrupted in furtherance of a farce, thus eroding public confidence in the integrity of our profession.” He also noted that their client had suffered as a consequence: when the trial judge learned of the scheme, he vacated the dismissal against Bair, who was “again left facing trial as the sole defendant, notwithstanding that he incurred \$45,000 in attorneys’ fees to Respondents.”

Considering mitigating factors — including the lawyers’ cooperation with the State Bar and the fact that they had already been fined, and the existence of a public record of their misconduct — Feldman and the court settled on a six-month suspension. Any longer would have required them to petition for reinstatement, a process that would have added time to the suspension.

If an insurer declines to defend or indemnify its insured for a suit a plaintiff has filed against the defendant/insured, the plaintiff and defendant often enter an agreement to limit the defendant’s exposure and convey to the plaintiff any rights the defendant may have against the insurer. When that happens, is the insurer precluded from attempting to reach its own agreement with its insured to limit its liability for a bad-faith claim?

Division One of the Arizona Court of

Appeals has held that the insurer may take preemptive action without being held to have intentionally interfered with the plaintiff’s contract with the defendant. *Strojnik v. General Ins. Co. of America*, No. 1 CA-CV 00-0209 (Dec. 18, 2001).

On behalf of its clients, the law firm of Dioguardi, Poli & Ball sued Peter and Tanya Strojnik for fraud and racketeering. After the suit was dismissed, the Strojniks sued the law firm for malicious prosecution, seeking \$2.5 million in damages. The firm notified its malpractice carrier, GICA. GICA agreed to defend but reserved its right to challenge coverage.

In the face of the reservation of rights, the law firm negotiated a *Morris* agreement with the Strojniks, under which it would stipulate to a judgment against it for the full \$2.5 million and assign to them its rights against GICA. In return, the Strojniks would not execute on the judgment against the firm.

As required by *United Services Automobile Ass’n v. Morris*, 154 Ariz. 113, 741 P.2d 246 (1987), the law firm notified GICA of the impending agreement and warned it that unless it agreed to withdraw its reservation of rights, it would sign the agreement. The firm informed GICA that it preferred not to sign the *Morris* agreement.

GICA then negotiated its own agreement with the law firm, in an attempt to prevent the execution of the *Morris* agreement. The two entered into an agreement. The firm agreed that there was no coverage under its policy for the Strojnik suit. GICA continued to represent the firm in the suit, and would

indemnify it up to a maximum of \$450,000, in the event of judgment or settlement. And the firm agreed not to settle the Strojnik claim without GICA’s consent. Because of the new agreement with GICA, the firm declined to sign the *Morris* agreement with the Strojniks.

The Strojniks then sued GICA for intentional interference with their prospective contract with the law firm. The trial court granted GICA summary judgment.

The Court of Appeals affirmed. Judge Ann A. Scott Timmer held that GICA had not acted improperly in negotiating its own agreement with the law firm, rejecting the Strojniks’ arguments that GICA used improper means and had an improper motive in supplanting the *Morris* agreement.

Timmer first held that GICA did not use improper means in squelching the *Morris* agreement. She rejected the Strojniks’ argument that by its agreement with the law firm, GICA had violated the common law and A.R.S. § 20-1123, which prohibits an insurer from retroactively annulling a policy after a claim arises. GICA neither invalidated the law firm’s policy in its entirety nor voided any coverage for the Strojnik claim.

“Instead, GICA and the Poli Firm simply resolved their coverage dispute by agreeing that GICA would provide partial indemnity to the Poli Firm in exchange for the firm’s concession that the policy does not cover the Strojniks’ claim,” she wrote.

Timmer found it important that “the insurance policy remains intact” and GICA’s agreement with the law firm “does not affect GICA’s obligation to pay the Strojniks’ claim if they succeed in obtaining a judgment against the Poli Firm and coverage under the policy is established.” She reasoned that a claimant “is not bound by the agreement of an insurer and its insured that coverage does not exist under a policy.”

Timmer also rejected the argument that the agreement between GICA and the law firm violated *Morris* itself. The Strojniks argued that once they and the firm had agreed on a *Morris* agreement, GICA’s only options were to withdraw its reservation of rights or to challenge the validity of the stipulated judgment. Timmer found that *Morris* only held that an insured does not violate the policy’s cooperation policy by entering into

the agreement with the plaintiff; it does not purport to limit the insurer’s options at that point.

Timmer also held that the agreement in this case did not violate the rationale of *Morris*, which is to permit an insured to protect itself from the risk of noncoverage. To the contrary, GICA’s agreement with the law firm “eliminated both GICA’s risk that it would be bound by the proposed stipulated judgment and the firm’s risk that it would be left with no coverage.”

“In sum,” Timmer concluded, “we discern no reason why an insured, who, like the Poli Firm, does not wish to concede liability in a lawsuit yet is unwilling to risk noncoverage, cannot use the threat of a *Morris* agreement to negotiate a settlement of the coverage dispute that does not adversely affect the injured party’s rights.”

Timmer also rejected the argument that GICA had an improper motive — foreclosing the Strojniks’ *Morris* agreement — in reaching its own agreement with the law firm. She found that the Strojniks had confused motive with objective.

While GICA acted with the objective of prevent execution of the *Morris* agreement, Timmer held, “its motive was to protect its own economic interests rather than to inflict injury on the Strojniks.”

Judges Jefferson L. Lankford and Susan A. Ehrlich joined in Timmer’s opinion.

A party may choose to reduce costs by not having an expert witness at trial and instead examine the expert at deposition for use at trial. When the successful party does that, however, the party may not recover the deposition expenses as costs of trial under A.R.S. § 12-332(A). *Schritter v. State Farm Mut. Auto. Ass’n*, ___ Ariz. Adv. Rep. ___, No. CV-00-0226-PR (Dec. 13, 2001).

Injured in an automobile accident, Joanne Schritter sued the offending driver. When she was unable to locate her, State Farm intervened to defend. Rather than hire medical experts, Schritter deposed her treating physicians and used their depositions at trial. She won the case and filed a statement of costs in which she sought more than \$5,000 in deposition expenses. The trial court awarded the deposition expenses and the Court of Appeals affirmed. *Schritter v. State Farm Mut. Auto. Ass’n*, 197 Ariz. 411, 4 P3d 466 (App. 2000).

The Supreme Court reversed, in a unanimous opinion authored by Justice Ruth V. McGregor. She held that A.R.S. § 12-332(A) does not authorize a party to recover the costs of deposing her own experts to be used as trial testimony.

“If Schritter’s expert witnesses had testified at trial,” McGregor wrote, “she could have recovered only those witness fees authorized by A.R.S. § 12-303,” which are limited to the nominal sum of \$12 per day.

McGregor concluded that a party could not circumvent that limit by taking her experts’ testimony outside of the trial, at deposition.

“Because Schritter used her treating physicians’ depositions at trial, the fees she paid to obtain those depositions operated in essence as fees paid for their trial testimony,” McGregor wrote. □

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VLP celebrates 20 years of legal services to low-income people

By Peggi Cornelius
Special to Maricopa Lawyer

As people age, celebrating birthdays is sometimes a challenge, but there's no resistance to organizational aging. The older an institution, the more revered it becomes. With that in mind, the Volunteer Lawyers Program will celebrate its 20th "birthday" in grand style on Feb. 14.

VLP's annual For Love of Justice luncheon and pro bono awards ceremony will feature Gov. Jane Dee Hull. Hull's keynote address will recognize nearly 2,000 attorneys and support volunteers who have joined VLP to provide equal access to justice for low-income residents of Maricopa County.

The pro bono awards will honor those who contributed time, expertise and financial support to VLP in 2001. Attorney DeShon Pullen will receive the Attorney of the Year award for her diverse volunteer endeavors, including advising and representing consumers, tenants and children, as well as recruiting colleagues to join VLP.

Of her work with tenants, Pullen said, "I find their cases compelling and volunteer lawyers are especially needed in justice court. Judges and even opposing attor-

neys' rights advice clinic at least twice a week. In May 2001, Phoenix Body Positive honored VLP's HIV/AIDS Law Project with an award for a decade of outstanding legal assistance to people with HIV/AIDS.



DeShon Pullen

This year marks the 10th anniversary of VLP's Family Lawyers Assistance Project, designed to offer legal advice to unrepresented parties in family law cases at Superior Court. The number of FLAP consultations has increased each year, starting with 1,200 in its first year and rising to more than 3,500 in 2000. FLAP volunteers currently work at courts in Phoenix and Mesa.

In 1993, members of the State Bar of Arizona Bankruptcy Section collaborated with VLP to develop self-help assistance for VLP clients needing to file no-asset bankruptcy. One of the first clients expressed the need for such a service: "I felt so alone and destitute. My credit was ruined, and I was unable to maintain a position because of wage garnishment."

VLP's Children's Law Center was established in 1998 to address the unmet legal needs of children. CLC volunteers assist with guardianship and adoption proceedings, serve as guardians ad litem for children in custody disputes, assist in obtaining benefits for disabled children, and provide legal advice to teenagers at community shelters.

VLP's most recent special projects focus on increased services to victims of domestic violence and pro bono opportunities for transactional attorneys who join Arizona Community Legal Assistance. ACLA volunteers provide transactional legal help to nonprofit groups that serve children or low-income populations in Arizona.

Although VLP has reached a 20-year milestone, the saying "Old is when your memories exceed your dreams" doesn't apply to it. The governing and advisory boards are vital and active, planning to co-sponsor a golf tournament with the Maricopa County Bar Foundation in 2002, and always exploring the best ways to meet the civil legal needs of those whom VLP serves. VLP's participation in a statewide attorney recruitment campaign launched in November already has resulted in nearly 200 responses, including 110 newly enrolled volunteer attorneys.

For more information about VLP's services and successes, attend VLP's pro bono awards program at the Hyatt Regency on Feb. 14. If you golf, call for advance information about this year's tournament to benefit VLP. Contact director Pat Brown at 602-254-4714. □

► Peggi Cornelius is VLP's programs coordinator.

VLP thanks attorneys who accepted cases

The Volunteer Lawyers Program, co-sponsored by Community Legal Services and the Maricopa County Bar Association, thanks the following attorneys and firms in Maricopa County who recently agreed to assist low-income clients with these civil legal needs:

Child protection - dependency

Cheri L. McCracken, sole practitioner

Consumer

Lynn M. Allen, Christian & Mariano
Kerry Patterson, Quarles & Brady
Streich Lang
Harry Stone, sole practitioner
Christopher D. Strickland, Bonnett
Fairbourn Friedman & Balint
Kenneth B. Vaughn, Grant Williams
& Dangerfield

Debt collection

Daniel P. Beeks, Mohr Hackett Pederson
Blakley Randolph & Haga
Richard J. Boyd, sole practitioner
Nathaniel B. Rose, Mohr Hackett
Pederson Blakley & Randolph

Family law/domestic violence

Tracey A. Bardorf, Brown & Bain
Francis G. Fanning, sole practitioner
Christine Marie Meis, Quarles & Brady
Streich Lang
Keith A. Moore, sole practitioner
Christine E. Mullenbaux, Edythe H. Kelly
& Associates
Stephen Murphy, sole practitioner
Rebecca S. Smith, Jones Skelton
& Hochuli

Guardians ad litem for children in Family Court

Logan F. Boren, sole practitioner
Annette T. Burns, sole practitioner
R. Austin Goodale, Hultstrand & Goodale
Amy Elizabeth Hinderer, Snell & Wilmer
Pamela Ellinger Hollern, Brown & Bain
Tracy M. Krall, Goldberg & Jones
Ruth A. Lusby, sole practitioner
Terrance C. Mead, Mead & Associates

Wendy S. Neal, Snell & Wilmer
Rebecca L. Owen, sole practitioner
Danielle H. Riordan, Mead & Associates
Robert G. Vaught, Snell & Wilmer

Guardianship of minor children

Linda S. Batts, Norris Lischer Batts
& Somerville
Antonio Dominguez, sole practitioner
Jerome L. Froimson, sole practitioner
Sheila E. Harmer, Skeens & Anderson
T. Troy McNemar, sole practitioner
Frank I. Powers, Harris Palumbo Powers
& Cunningham
Larry C. Schafer, Warner Angle Hallam
Jackson & Formanek

Home ownership

Daniel P. Beeks, Mohr Hackett Pederson
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J. Stanley Edwards, sole practitioner
Renee B. Gerstman, Gerstman
& Zdancewicz
Jason M. Kelly, Lewin & Schneider
Reed W. King, sole practitioner
Phoebe Moffatt, Snell & Wilmer
Thomas D. Proffitt, sole practitioner
John D. Shaw, sole practitioner
Geoffrey M.T. Sturr, Osborn Maledon

Non-profit corporations

William D. Baker, Ellis & Baker
Steven T. Lawrence, Gallagher
& Kennedy
Charles Mitchell, NCS Pearson
Nancy Pisaruk, Osborn Maledon
Laura Sawicki, Quarles & Brady
Streich Lang

Tenants' rights

Jason Ebe, Snell & Wilmer
DeShon Pullen, Snell & Wilmer (2 cases)
Jeffrey R. Simmons, DeConcini
McDonald Yetwin & Lacy
Matthew H. Sloan, Jennings Haug
& Cunningham
Michael P. Stark, Treon Strick Lucia
& Aguirre

Tort defense

Glenn B. Jenks, sole practitioner □

neys have appreciated my work there. I'm also motivated by the clients' gratitude. Those I've helped have expressed appreciation for my support, even when we haven't won."

Sponsored by Community Legal Services and the Maricopa County Bar Association, VLP was created in 1981 to serve clients and lawyers alike. Clients receive help with a broad range of civil legal problems, and attorneys are offered a variety of opportunities to do gratifying pro bono work. In 20 years, the primary goal of matching one attorney to one client in need of representation has not changed, but legal advice clinics, self-help guidance and legal rights educational materials augment direct representation and enable volunteers to help greater numbers of people.

VLP program development often has reflected clients' requests for help in a particular area of law, or a desire to meet the needs of an under-represented group. For 13 years, volunteer attorneys have staffed

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Courtroom of the Future II is here

By Winton Woods
Special to Maricopa Lawyer

The Courtroom of the Future at the University of Arizona has emerged from a mid-life crisis with new energy, new technology and new partners.



Early last fall, the courtroom's technological infrastructure began to crumble. Each effort to repair the system was successful for a while but ultimately would fail as old components gave up and died.

This was a professional and personal crisis of major proportion. My students expected to be trained in the basic tools available to them in electronic courtrooms now in place around the state. But, without a major

LAW OFFICE COMPUTING

upgrade in both equipment and infrastructure, we would be unable to deliver the promised basic hands-on training. To make matters worse, no money was available to purchase and install the necessary upgrades.

My efforts to find money privately were unsuccessful. Then, with the help of our new primary corporate partners, Lex Solutio Corp. (www.lexsolutio.com), Boeckeler Instruments (www.boeckeler.com) and Mediatech (www.gomEDIATECH.com) we were able to rebuild the courtroom and bring it once again into the mainstream of courtroom technology. Here is the story.

Eight years ago, when I began construct-

ing the first Courtroom of the Future, I could turn to electronic-equipment manufacturers who saw the same future for using display and imaging technology in courtrooms. Major national companies such as an NEC, nView, Stewart Filmscreen and Extron all made significant contributions to the development process.

One major contributor of both equipment and knowledge was Boeckeler Instruments of Tucson. Boeckeler is the designer and manufacturer of the Pointmaker telestrator you have seen on Monday Night Football and other sportscasts. Pat Brey of Boeckeler saw the future for using the Pointmaker in court proceedings and jumped into the original Courtroom of the Future with enthusiasm and his tremendous knowledge of audiovisual technology.

In the ensuing years, Brey's vision turned out to be correct. The Boeckeler Pointmaker now is a critical component of the hundreds of electronic courtrooms that have come online in the last few years.

Brey knows almost everybody in the business and I decided to seek his advice regarding the necessary upgrades. He told me that Boeckeler was in the process of developing a remarkable new tool that integrates the Pointmaker with a distribution and switching system that could replace the entire complicated infrastructure of the Courtroom of the Future with a single box the size of a VCR.

The new product, PVI-X100, appeared to be the key to salvation of the courtroom infrastructure. But the product's cost and installation approached \$10,000 — an unattainable sum for us. Brey spent an afternoon at the UA law college, poking around in the maze of wires and electronic equipment that comprised the old courtroom infrastructure. At the end of the day he announced that he could redesign the courtroom infrastructure around the PVI-X100 and use many of the existing components, thus saving tens of thousands of dollars. Most importantly, Brey announced that Boeckeler would provide us with a PVI-X100 and the necessary labor and expertise to replace the existing system.

The only major component that we

would have to buy would be a projector. Brey put me together with Sean Smiley at CCS Presentation Systems in Chicago (ssmiley@ccsprojects.com) who had worked at Boeckeler some years ago. By donating his profit to our project, Smiley was able to get us the needed \$10,000 projector essentially at manufacturer's cost. I had a small amount of money set aside from the sale of some equipment that turned out to be just enough to allow us to buy the projector. (I later learned that Smiley and I had both grown up in Bloomington, Ind., but that is a story for another night.)

Over a couple of days, my assistants T.J. Ryan and Robert Ashley worked with the people from Boeckeler to rebuild the courtroom. It was done just in time to support the final student presentations using the new equipment.

We now are moving ahead with the finishing touches. Mediatech, a Florida designer and builder of electronic classrooms with whom we have worked at the ABA TechShow, is building and contributing a new integrated podium for us. Lex Solutio, the Phoenix litigation-support firm where I serve as part-time general counsel, has provided financial support. Smiley is committed to providing other future needs at cost or less. Some of our old components, such as our 10-foot retractable Stewart Filmscreen, are still state of the art.

Over the next few months we expect to have the Courtroom of the Future II in place and ready to train lawyers, judges and students on how to use electronic courtrooms.

Fortunately, the National Institute for Trial Advocacy (www.nita.com) has released several books that deal directly with the use of electronic courtrooms. When combined with Mike Arkfeld's famous book, *The Digital Practice of Law*, we now have in place a complete training program in electronic courtrooms. We look forward to showing it to you.

All of this trouble has served to focus the mission of the Courtroom of the Future Project and educate us about the possibilities for building inexpensive but full-featured electronic courtrooms in courthouses and law firms. At the 2002 ABA TechShow March 13-16 in Chicago, we will be focusing the Courtroom of the Future Demonstration Center on affordable courtroom technology for courts and law offices. If you drop by, we will show you a portable courtroom that you can carry on a plane and lots of other innovative tools that make sense in difficult economic times. Go to www.techshow.com for up-to-date information.

► Winton Woods is a lawyer, professor at the University of Arizona College of Law and director of the college's Courtroom of the Future project. He also serves as general counsel to Lex Solutio Corp. and as an electronic litigation consultant. He welcomes questions and comments by email at wintonwoods@mail.com or by phone at 520-881-6118. Visit him at www.wintonwoods.com or www.digitaltrial.net. □

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Legal Brief

■ Stanford Law School Professor Lawrence Lessig, an expert on law and cyberspace, will deliver the inaugural Hogan & Hartson Jurimetrics Lecture in Honor of Lee Loevinger on Feb. 14 at ASU. The lecture will be held beginning at 7 p.m. in room 105 at the law college. The event is free and open to the public. Lessig will address how the Internet was built to inspire innovation and how government and commerce currently promote regulation that undermines such innovation. □



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2002 MCBF contributors

This list reflects members of the legal community and others who paid the \$10 MCBF contributions as of Jan. 15. We apologize if you paid by that date but your name does not appear on this list. We will publish additional names or any corrections in the next issue of *Maricopa Lawyer*.

That means those of you who haven't already contributed have a second chance to make the list. Haven't had a chance to pay the meager \$10 dues to belong to the MCBF? Reconsidering your decision to opt-out of paying the \$10 when you paid your MCBA dues? Hey, it's not that much money. Pay the \$10 by Feb. 8 and make next month's list.

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Shawn Aiken

Foundation's goal: increase awareness (and, of course, raise more money)

By Brian Schulman
MCBF Chairman

"Nobody ever reads those columns!"

That was the reaction I got from my wife, a fellow attorney, when I told her that I, as the new chairman of the Maricopa County Bar Foundation, was going to pen a column in *Maricopa Lawyer*. Perhaps she'll read this one.

The MCBF is the charitable arm of the Maricopa County Bar Association. It was incorporated Jan. 3, 1983, with the goal of promoting educational, literary, scientific and charitable purposes and to facilitate the administration of justice and education of lawyers. This year's trustees are Jeffrey Crockett (chair-elect), Patricia Nolan (treasurer), Steven German (secretary), Joseph Kreamer (immediate past chair), Mary Brooksby, John Hendricks, Gregory Knight, Barry Markson, Lucas Narducci, Maricopa County Superior Court Judge Barry Schneider, Darrow Soll, Frederick Stannard and Julio Zapata.

Unfortunately but understandably, the MCBF operates in the shadows of the much larger Arizona Bar Foundation and, to some degree, the MCBA. One of our goals this year is to increase awareness of the MCBF and, more importantly, the organizations that we help.

Each year, the MCBF raises money that is distributed to non-profit organizations throughout the county in the form of grants. Over its lifetime, the MCBF has donated more than \$475,053 to more than 50 organizations. This past year, the MCBF donated \$42,500 to Advocates for the Disabled Inc.; the Arizona Senior Citizens Law Project; the Arizona State

University College of Law; Save the Family Foundation of Arizona; The Never Again Foundation; Volunteer Lawyers Program (Children's Law Center, Domestic Violence Project, Family Lawyers Assistance Project and the Tenants' Rights Project); the William E. Morris Institute for Justice; and Wilson Elementary School District #7.

Unlike the Arizona Bar Foundation, the MCBF does not receive any part of the interest on trust accounts. Our grant money is raised primarily from bar members like you who agree to donate funds through the "dues check-off" option found in your annual MCBA dues statement. If you don't already participate in the dues check-off program, please consider it in the future. It is a simple way to make an important impact in our community. A list of this year's donors to date accompanies this column. On behalf of the MCBA, the MCBF, the grant recipients and our community, I thank you for your generosity.

Dues are not the MCBF's only source of funding. One of our more visible sources is our annual golf tournament. In recent years we've added a CLE component to encourage participation. In addition to raising money for our grant recipients, our "CLE on the Green" Zeldes & La Prade Memorial Golf Tournament is an opportunity for lawyers to earn one hour of ethics credit in a rather painless environment (bunker shots aside). Ethics questions at each hole offer multiple-choice answers. The foursomes hotly debate the correct answers, which are then discussed by a panel of esteemed judges (and ace golfers, by the way) at the luncheon. We are expecting some exciting changes to the tournament this year, so be on the alert for future announcements. □

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Ernest Collins Jr.	Michael Dean	Steven Ellsworth	Steven Fox	Stuart Goldstein	Kristopher Harman	Christopher Hossack
Carol Colombo	Diane Dear	Jerome Elwell	Terry Fox	Robert Goodwater III	Kevin Harper	Glenn Hotchkiss
Robert Coltin	Dennis DeBerry	Evelyn Ely	Jay Fradkin	Keith Goljan	William Harrell	Michael Hough
Christopher Combs	Joel Deciancio	William Emerson	Jorge Franco Jr.	Cynthia Gonzales	Irwin Harris	Robert Houser Jr.
Edward Comitz	Lois Dee	Melody Emmert	Don Francone	J. Christopher Gooch	Myra Harris	James Howard
Louis Comus Jr.	Robert Deeny	Darryl Engle	Gary Frank	Stephen Good	Ralph Harris	Susan Howery
John Conley	Cathrine Dehlin	Joe English	Jeffrey Frankel	R. Austin Goodale	Ray Harris	Amy Howland
Deanna Conn	Manuel Delgado	Lance Entrekin	Timothy Franks	Stanley Goodfarb	Scott Harris	Joy Hubbard
Thomas Connelly	Michael Delgado	Douglas Erickson	Todd Franks	Louis Goodman	James Harrison	Shelley Hubbard
Rafael Contreras	Thomas Delgado	Jennifer Erickson	Jay Noland Franz	Brian Goodwin	Wendy Harrison	John Hudock
P. Bruce Converse	Richard Delo	Richard Erickson	Douglas Freeman	James Goodwin	William Harrison	Gary Hudson
Richard Cooledge	Bruce Demaree	Scott Erickson	Michael Freeman	Andrew Gordon	James Hart II	John E. Hudson
Samuel Coppersmith	Susan de Mars	Karen Errant	Shelton Freeman	Rick Gordon	Robert Hartman	Donald Hudspeth
Jeffrey Corben	William Demlong	George Esahak-Gage	Scott Frerichs	Sharon Meyer Gorman	Sharon Meyer Gorman	Suzanne Harward
Jody Corbett	Paula DeMore	Cynthia Estrella	Gretchen Friedlander	Mark Goss	Mark Goss	Daniel Haug
Terry Corbett	Roger Denning	Richard Friedlander	Richard Friedlander	Michael Gottfried	Michael Gottfried	William Haug
Elizabeth Cotter	Larry Denslaw	Charles Friedman	Charles Friedman	Gary Gotto	Gary Gotto	D. Lamar Hawkins
John Coulter	Mark DePasquale	Jere Friedman	Jere Friedman	Robert Gottsfeld	Robert Gottsfeld	Michael Daly Hawkins
David Cox	Laurence De Respino	Joel Friedman	Joel Friedman	Connie Gould	Connie Gould	Ronnie Hawks
Daniel Cracchiolo	David Derickson	Steven Friedman	Steven Friedman	Mark Gove	Mark Gove	Robert Haws
James Craft	J. Matthew Derstine	James Frisbie	James Frisbie	John Philip Grace	John Philip Grace	John Hay
Lowell Crary	Rita Desoto-Ekpe	Gary Fadell	Sandra Fromm	Michael Graham	Michael Graham	Ray Hayes
Karen Cravcov	Noel Dessaint	Francis Fanning	John Fry	Jay Graif	Jay Graif	Sharon Haynes
Robert Crawford	Gregory De Vico	Melvin Faraoni	Michael Fuller	Jolyon Grant	Jolyon Grant	Rory Hays
Judith Creckmur-Morgan	John Dewulf	Phillip Fargotstein	Mark Fullerton	Sarah Grant	Sarah Grant	James Hazlewood
Vincent Creta	Barry Dickerson	Elizabeth Farhart		Warren Granville	Warren Granville	David Heap
C. Webb Crockett	Russ Dickey	Tom Farr	Dawn Gabel	Robert Grasso	Robert Grasso	John Hebert
Stephen Crofton	John Dillingham	Michael Farrell	Jennifer Gadow	Christopher Graver	Christopher Graver	David Heller
Michael Cronin	Phillip DiMatteo	T. Dawn Farrison	John Gaertner	Scott Gray	Scott Gray	Celeste Helms
John Crotty	Dean Dinner	James Fassold	Gerald Gaffaney	Alisa Gray	Alisa Gray	Ed Hendricks
Tom Crowe	Dorinne Dobson	Fred Fathe	Hillary Gagnon	Benjamin Green	Benjamin Green	Ed Hendricks Jr.
Larry Crown	James Domaz	Aimee Burr Faust	Tom Galbraith	Jennifer E. Green	Jennifer E. Green	Keith Hendricks
James Csontos	Monica Donaldson	Andrew Federhar	Angila Gallenstein	Jordan Green	Jordan Green	Brian Hendrickson
Leslie Cuevas	Edward Doney	Janet Feeley	Aris Gallios	Michael Green	Michael Green	Deborah Hendrickson
Gene Cullan	Pamela Domison	Alan Feldman	Margaret Gallogly	Stephen Green	Stephen Green	Steven Hreen
Samuel Cullan	Jason Donkersley	Glenn Feldman	Richard Galvan	George Griffith	George Griffith	Michael Hensley
Casey Cullings	Philip Donnelly	Robert Feldman	Grady Gammage Jr.	Debra Griffith	Debra Griffith	Michele Hentrich
Frederick Cummings	Sheila Donovan	Jeffrey Feller	Rajendra Gangadean	Kerry Griggs	Kerry Griggs	Charles Herf

William Inman	Daniel Kiley	Mark Lazell	Scott Malm	Colleen McNally	Michelle Morris	Steven Oman
Janice Innocenzi	Ron Kilgard	Mary J. Leader	Michael Mandell	Michael McNamara	David Morrison	Amy O'Melia-Endres
Jay Ireland	Charles King	Catherine Leas	J. Mangum	Stephen McNamee	Randi Morrison	John O'Neill
Craig Irish	George King	Gail Ledward	John Mangum	John McNeill	Richard Morrison	Judith O'Neill
David Itzkowitz	Jack King	Kenneth Lee	Daryl Manhart	Christopher McNichol	James Morrow	Richard Oney
	Michael King	Stephen Lee	Colleen Manley	Terrance Mead	Judith Morse	Donna Ong
Darrel Jackson	Pamela Kingsley	Frederic Lemberg	Jay Mann	Dawn Meidinger	Susan Mortensen	Richard Onsager
Stephen Jackson	Charles Kirkland	Donald Lenkszus	Susan Mann	Anthony Meier	Frank Moskowitz	Patricia Orozco
Tara Jackson	Lisa Kiser	James Leonard Jr.	Christine Manno	Rita Meiser	Joseph Mott	James Osborne
Raoul Jacques	Terry Kiser	Craig Lerner	Sidney Marable	Mark Meltzer	P. Robert Moya	Patricia Osmon
Jonathan James	C. Mark Kittredge	Stanley Lerner	James Marburger	Andrea Mengedoth	Jay Moyes	Karyn Osterman
Norman James	Richard Klauer	Rex Ching Chue Leung	Valerie Marciano	William Merchant	Charles Muchmore	Dow Ostlund
Frank Jancarole	Jack Klausner	Warren Levenbaum	Bradley Marcus	Nancy Jo Merritt	Brian Mueller	Brad Ostroff
Kathryn Jann	Matthew Kleifield	Sheri Levin	Eric Mark	Ann Merry	George Mueller	James O'Sullivan
Daniel Jantsch	Danny Klein	Jack Levine	Christina Marko	Nathan Metzger	Michael Mulchay	David Ouimet
Kenneth Januszewski	Thomas Klein	Jeffrey Levinson	Anthony Marks	Paul Meyer	Bryan Murphy	Keith Overholt
Bradley Jardine	Anne Kleindienst	Ruth Levitt	Merton Marks	Ronald Meyer	Patrick Murphy	Bernard Owens
Theodore Jarvi	Robert Kleinschmidt	Dana Levy	Stanley Marks	Donald Meyers	Robert S. Murphy	
Robert Jastrow	Debra Klement	Lisa Lewallen	Barry Markson	Bruce Meyerson	Kendis Muscheid	Julie Pace
Robert Jeckel	Daniel Kloberdanz	Dena Lewerke	Craig Marquiz	Kip M. Micuda	Robert Myers	Daniel Packard
John Jefferies	Scott Klundt	Barry Lewin	Richard Marsh	Michael Middleton	Howard Myers	Jose Padilla
William Jenkins	Cathy Knapp	Byron Lewis	Wayne Marsh	Scott Midgley	Alicia Mykyta	David Paige
Curtis Jennings	Craig Knapp	John Lewis	Nancy Marshall	Amber Mied	Melanie Myrick	Dorothy Payne
Robert Jensen	David Knapper	Kelly Lewis	Timothy Martens	Mark Mignella		James Pak
Donna Farar Jewett	Gregory Knight	Jeffrey Leyton	Carolyn Martin	Blair Mücke	Adam Nach	Jon Paladini
Augustine B. Jimenez III	James Knollmiller	Marc Lieberman	James Martin	Joseph Mikiush	Joan Nackerud	Thomas Palen
Charna Johnson	Christina Koehn	Juliet Ann Lim	Karen Martin	Joel Milburn	Thomas Nadzieja	Lawrence Pallas
Eric Johnson	Matthew Koglmeier	John Lincoln	Kristen Martin	Robert Miles	Janet Napolitano	Richard Palmatier
H. Wayne Johnson	Elizabeth Kohnen	K. Michelle Lind	Susan Martin	Matthew Millea	Daniel Nastro	Steven Palmer
James Johnson	Chad Kolodisner	Donald Lindholm	Felicity Mason	Douglas Miller	Taras Naum	Anthony Palumbo
LaDonna Johnson	Yuri Kondo	K. David Lindner	Michael Mason	Jeffrey Miller	Kevin Neal	Michael Palumbo
Laurie Johnson	Michael Korenblat	Diane Lindstrom-McClure	Stan Massad	Joan Miller	Ian Neale	David Panzarella
Lora Gayle Johnson	E.J. Kotalik Jr.	Diane Linkiewicz	Sandra Massetto	Judy Miller	William Nebeker	William Papazian
Rosann Johnson	Lynn Krabbe	Steven Linn	Daniel Massey	Leo L. Miller	Peter Neisser	Franklin Parascandola
Fredrick Jones	Tracy Krall	Steven Lippman	John Masterson	N.L. Miller Jr.	Julie Nelson	Thomas Parascandola
Leland Jones	Jay Kramer	Vicki Liszewski	Clarence Matherson	Norman L. Miller	Mark Nesvig	Kevin Park
Lindsey Jones	Robert Kramer	Christopher Littlefield	Bonnie Matheson	Robert Miller	Michael Nevels	Carolyn Parker
Michael Jones	Mark Kramoltz	Laura Lo Bianco	Alan A. Matheson Sr.	Thomas Miller	Stephen Newmark	Jeffrey Parker
Robert Jones	Andrea Kravets	F. Harlan Loffman	Carolyn Matthews	Robert Milligan	John Nicholas	John Parks
William Jones	Karen Kravcov	George Logan III	Charles Maxwell	Jojene Mills	Kent Nicholas	Michael Patten
Brian Jordan	Joseph Creamer	Karen Lohmeyer	Donald Maxwell	Don Miner	Vernon Nicholas	James Patterson
Douglas Jorden	Kathryn Krecke	Colleen Lomax	Daniel Maynard	Dominica Minore	J. Bradley Nichols	Cecil B. Patterson Jr.
James Jorgensen	David Kresin	Michelle Lombino	Elizabeth Mcalister	A.J. Mitchell	Jane Nicoletti-Jones	Lawrence Pavilack
John Jozwick	Robert Kreutzer	James Long	Michael McAllister	Cherylanne Mitchell	David Niederdeppe	Debra Pawlowicz
Theodore Julian Jr.	Joseph Kruchek	Brian Longenbaugh	Sean McCabe	George Mitchell	Kathleen Nielsen	Barbara Payne
Ronald Junck	Paula Krulisky	Thomas Longfellow	Thomas McCann	Philip Mitchell	Walter Nielsen	Thomas Payne
	Ryan Kuhl	Preston Longino	Craig McCarthy	Robin Mitchell	Alexander Nirenstein	Henry Paytas
James Kahn	Gary Kula	Diana Lopez	Daniel McCarthy	Steven Mitchell	Dawn Noble	Robert Peak
Marc Kalish	Donald Kunz	Donald Lord	Thomas McCarthy	Anthony Mitten	Anoma Nolan	John Pearce
Alan Kamin	Neal Kurn	Janet Weinstein Lord	Gail McCollum	Michael Mizel	Patricia Nolan	Hank Pearson
Marc Kamin	Terrence Kurth	Richard Lorenzen	Beverly McConnell	Elan Mizrahi	Todd Nolan	Betty Pecha
Eneas Kane	William Kurtz	Jess Lorona	Karen McConnell	Walter (Pete) Moak	Joel Nomkin	Arthur Pederson
Marvin Kantor		John Lotardo	J. McCormley	Carm Moehle	Jennifer Nore	Barbara Pedzimaz
Morris Kaplan	Joseph La Rue	Charles Lotzar	Kevin McCoy	James Moeller	Douglas Northup	Janis Pelletier
Richard Karam	Sid Lachter	D. Kim Lough	Cheri McCracken	Gordon Mohr	Doryce Norwood	Clarisse Pendleton
Donald Karl	Brian LaCorte	Brian Loutos	A. Melvin McDonald	Loren Molever	Gregory Novak	John Penner
Katherine Karolczyk	Edward Ladley	Kenneth Love	Kelly McDonald	Jeffrey Molinar	James Novak	Thomas Peppler
Martin Karp	Gary Lafleur	Ronald Lowe	Leonard McDonald	William Monahan	Sandra Novak	Michelle Perkins
Levon Kasarjian	Mitchell Laird	Dan Lowrance	Mary McDonald	Stephanie Monroe	William Novotny	Bryan Perry
David Kash	Brian Lake	Wesley Loy	Thomas McDonald	Gary Monteilh	Christina Noyes	Christopher Perry
Richard Katz	Sean Lake	Diane Lucas	Roderick McDougall	Michael Montgomery	E.G. Noyes Jr.	M. Virginia Perry
Alan Kaufman	Dennis Lamber	Leilani Lugo	Barbara McDugald	Anna Montoya-Paez	Dona Nutini	James Perry
Brian Kaven	Marc Lamber	Karen Lugosi	Jenelle McEachern	Serena Montague	Mary Nykamp	Andrew Peshke
Theresa Keeley	Jennifer Land	Todd Lundmark	Therese McElwee	Bryan Moody		Lawrence Peshkin
Steven Keist	Gary Lane	RuthAnn Luthin	Kevin McFadden	John Moody	Edward Ober	Karen Peters
Craig Keller	Robert Lane	Richard Lynch	Amy McGaw	Susan Moon	Scott Oberg	Nicholas Peters
Brian Kelley	Lynn Laney Jr.	George Lyons	Terry McGillicuddy	Paul Mooney	Sean O'Brien	Nancy Petersen
Peter Kelly II	Richard Langerman	Kevin Lytle	Mark McGinnis	Gerald Moore	Daniel O'Connor Jr.	Pamela Petersen
Ryan Kelly	Elizabeth Langford		Paul McGoldrick	J. Moore	Mark O'Connor	Paul Peterson
Stephen Kemp	Jefferson Lankford	Thomas Macblain	Thomas McGovern	John P. Moore	Michael O'Connor	Scott Peterson
Joseph Kendhammer	R. Chip Larsen	Jennifer MacLennan	Ruth McGregor	Louis "Bud" Moore Jr.	Timothy O'Connor	Michael Petitti
Laura Kennedy	Daniel Larson	David Maddox	Patrick McGroder	Paul Moore	Sally Odegard	Donald Petrie
Robert Kennedy	Ronald Larson	Lisa Maggiore-Conner	Jeffrey McKee	Robert Moore	Kathleen O'Donnell	M. Brent Peugnet
Thomas Kennedy	Mark Lasee	Kristin Magin	Jace McKeighan	Ronald Moore	Consuelo Ohanesian	W. Ralph Pew
Edward Kenney	Wendy Laskin	James Mahoney	G. Wayne McKellips	Tracy Morehouse	Christopher O'Hara	Janet Phillips
Deborah Kerr	Gary Lassen	Richard Mahrle	Elaine McKenna	William Morga	Jonathan Olcott	Jeffrey Phillips
Todd Kerr	Richard Lassen	Joseph Maisto	Susan McKenzie	Jerry Morgan	Garrett Olexa	Mary Phillips
Zelena Kersting	Matthew Lavelle	Kandace Majords	Lisa McKnight	Joseph Moritz Jr.	R. Shawn Oller	Kathryn Pidgeon
Nancy Khiel	Michael Lavelle	Daniel Malinski	Chester McLaughlin	William Moroney	Alfred Olsen	Michael Pietzsch
Geoffery Khotim	Slade Lawson	Robert Mallin	Susan McLellan	Dan Morris	Duane Olson	Terry Pillingier
Bobbi Kiese	Larry Lazarus	Denis Malm	Christi McMurdie	Kevin Morris	Kevin O'Malley	

Jacqueline Pincus	Joseph Richter	Stephen Savage	Thomas Shumard	Roger G. Strand	Nicholas Vakula	Charles Whetstone
Terry Pineda-Liversedge	Jim Rigberg	Kimberly Sayre	Cynthia Shupe	Bernard Strass	Michael Valder	C. Tim White
Jeffrey Pitcher	Kristi Riggins	Scott Sayre	James Silhasck	Gerald Strick	Barbara Valdez	David White
Elizabeth Randall Pitre	Sheila Rinder	Daniel Schaaack	Cortland Silver Jr.	Cindy Strickland	R. Michael Valenzuela	Jo White
Mike Plati	Gary Ringler	Dewey Schade	Barry Silverman	Richard Strohm	Christine Vallarelli	Steven White
Richard Plattner	Robert Ripa	Louis Schaeffer	Louis Silverman	Daniel Struck	James Valletta	Marshall Whitehead
Jay Polk	Maria Rivera	Larry Schafer	Robert Simbro	Rosemary Strunk	James Van Bergen	Blake Whiteman
Jeffrey Pollitt	Sal Rivera	Suzanne Scheiner	William Simon	Sarah Strunk	Joyce Van Cott	Richard Whitney
Maxine Polomski	Christopher Robbins	Joseph Schenk	Shirley Simpson	Jeanne Stump	Rebecca van Doren	Michael Widener
William Ponath	Joel Robbins	Aaron Schepler	Terrance Sims	Eileen Sullivan	Peter Van Haren	Kathleen Wieneke
Natalie Pons	Mark Robens	Beth Schermer	William Sims	Jean Sullivan	Albert Van Wagner	John Wilborn
Ellen Poole	Jean Reed Roberts	Chad Schexnayder	Howard Singer	Neal Sundeen	Douglas Vande Krol	Billy Wilda
Robert Porter	Frederick Robertshaw	Victoria Schierbeck	John Sinodis	Charles Surrano III	Kim Vandenberg	Carole Wilder
Austin Potenza	Ann Robertson	Ira Schiffman	Morton Siver	Edward Susee	Tracey VanWickler	Jeff Wilhelm
Karen Potts	Dean Robertson	Romy Schlecht	Dennis Skarecky	Mark Svejda	Lee Vaughan	Karen Wilhelm
Alexander Poulos	John Robertson II	Robert Schlosser	Christopher Skelly	Robert Swan	Kenneth Vaughn	Adrienne Wilhoit
Sara Powell	John Rogers	Christopher Schmaltz	Christopher Skinner	Bridget Swartz	Robert Venberg	Bart Wilhoit
James Powers	Katrina Rogers	Nancy Schmidt Clarke	Linda Skon	Ruth Swenson	Stephen Venezia	Frank Willey
Theresa Prater	Gary Rohlwing	Paul Schmidt	Steven Skousen	Susan Swick	Danielle Ventura	Scott Williams
Jennifer Prendiville	Donna Rohwer	James Schmillen	K. Thomas Slack	Thomas Swift	Gary Ventura	Anne Michael Williams
Charles Price	James Rolle III	Barry Schneider	Charles Slack-Mendez	Shane Swindle	Maria Verdin	Peter Williams
Andrew Pringle	Jeffrey Romaine	Beth Schneider	Terrence Slaven	Scott Swinson	Debbie Vesco	Joseph Willy
Tawn Pritchette	Julia Romero	Brian Schneider	Francis Slavin	James Syme Jr.	Barbara Vidal	Charles Wilmer
Janice Procter-Murphy	Arthur Romley	Jonathan Schneider	Sharon Slifko		David Vieweg	Thomas Wilmoth
Jane Proctor	Joe Romley	Steven Schneider	Matthew Sloan	J. Tyrrell Taber	James Viles	Douglas Wilson
Peter Prynkiwicz	Richard Romley	Charles Schock	Raymond Slomski	Eric Tack	David Villadolid	R. Craig Wilson
Mary Pryor	Anne Ronan	Karen Schoenau	Stanley Slonaker	Ryan Talamante	Pamela Virtue	Wendell Wilson
LaValle Ptak	Carlos Ronstadt	William Schrank	Garrett Smith	Loyd Tate	Stephanie Vitoulkas	Stephen Winkelman
Kimberly Pugh	Edward Roper	Mary Schroeder	Kenneth Smith	David Allen Tatkin	Carrie Voegtli	Gennell Winkler
Jimmie Pursell	Antonio Rosacci	Milton Schroeder	Roger Smith	John Tatz	C. Robert Von Hellens	Peter Winkler
	C. Kimball Rose	Lisa Schuh Decker	Scott Smith	Lon Taubman	William Vose	Kenneth Winsberg
Allison Quattrocchi	Jorden Rich Rose	Brian Schulman	Stacie Smith	Karren Taylor		Matthew Winter
Daniel Quigley	Scott Rose	Jami Schulman	Stephen Smith	Wayne Taylor	Shirley Wahl	Lawrence Winthrop
Kevin Quigley	Fred Rosenfeld	Christopher Schultz	Susan Smith	Wilford Taylor	William Wahl	Charles Wirken
Thomas Quigley	Susan Rosenfield	Amy Schwartz	Timothy Smock	Terry Tedesco	Neil Vincent Wake	Richard Wisner
	David Rosenthal	David Schwartz	Martin Solomon	Paul Theut	Thomas Walcott	Susan Wissink
Les Raatz	Gregory Rosenthal	Kevin Schwartz	Roxanne Song Ong	Thomas Thinnis	Przemyslan Walecki	David Withey
Burgess Raby	Jay Rosenthal	Robert Schwartz	Mary Ann Sophy	Christopher Thomas	Brooke Walker	Carrie Withey
Michael Radosevich	Andrew Rosenzweig	Joseph Sciarrotta Jr.	Alfred Sorenson	Gary Thomas	Geoffery Walker	C. Edwin Witt Jr.
Buddy Rake	Paul Roshka	J. Kyle Scoresby	George Sorenson	John Thomas	James Scott Walker	Michael Wolf
Raymond Ramella	Michael Ross	Deborah Scott	Christopher Soto	Martha Thomas	Mary Walker	Elliot Wolfe
Robert Ramirez	Susan Ross	Melody Seal	Jennifer Sparks	Neal Thomas	William Walker	Steve Wolfson
John Randolph	James Rossie Jr.	Natalee Segal	Rita Spears	Timothy Thomason	Richard Walker	Christopher Womack
Calvin Raup	Michael Roth	Richard Segal	James Speer	David Thompson	Donald Wall	Shawna Woner
Sharon Ravenscroft	Nancy Rowen	Susan Segal	G. Peter Spiess	Donn Thompson	Stephen Wall	Dane Wood
John Rawling	Marilyn Rowley	David Selden	Peter Spiller	Frederick Thompson	George Wallach	Joshua Woodard
Melissa Rawlinson	Robert Royal	Rena Selden	Alan Spragins	David A. Thomson	Nicholas Wallwork	R. Jeffrey Woodburn
Douglas Rayes	Edward Rubacha	Jeffrey Sellers	Robert Spurlock	Robert E. Thomson	Madeleine Wanslee	Ann Woodley
Russell Rea	David Rubin	Geoffrey Semro	Louis Stahl	Wm. Charles Thomson	Randall Warner	Wendy Woodrow
Richard Rea	Michael Rubin	Darin Ann Sender	Edwin Stanley	William Thorpe	Ted Warner	Claudia Work
Michael Reagan	Richard Rubin	Steve Serrano	Thomas Stanley Jr.	Samuel Thumma	Martha Wasson	Jerry Worsham II
Mark Reardon	Scott Ruby	John Sestak Jr.	Frederick Stannard	Chadd Tierney	Susan Watchman	Ariel Worth
Daphne Reaume	Philip Rudd	Douglas Settel	Christopher Staring	Michael Tiffany	Daxton Watson	Karl Worthington
David Reaves	Paul Ruderman	Jennifer Settles	Michael Startk	Ann A. Scott Timmer	Timothy Watson	Bradley Wright
Deanna Recker	Jay Ruffner	Edward Sexton	Dale States	M. Anne Timmes	Darlene Wauro	James Wright
Faith Redman	Fred Ruotolo	Barry Shalen	Lyndon Steimel	Craig Tindall	David Weatherwax	Jim Wright
Cathy Reece	Philip Rupprecht	John Shamblin	Henry Stein	Gregory Tishkoff	Joseph Webb	Matthew Wright
Celia Reed	Crystal Russell	Howard Shanker	Lee Stein	J. Robert Tolman	Louis Webb	Michael Wright
Christopher Reed	Bertrand Russell Jr.	Eric Shapiro	Maria Stein	Henry Tom	James Wees	Timothy Wright
Steven Reed	Patricia Russo	Jay Shapiro	Karen Sterling	Frank Tomkins	Wendy Weigand	Anne Wurth
Brian Rees	Elaine Ryan	Myron Shapiro	Melvin Sternberg	Timothy Tonkin	Brian Weinberger	Chester Yon
Kenneth Reeves III	Barbara Ryan	Laurence Sharlot	Patricia Sterns	Thomas Toone	Allison Weinstock	Sonja Yurkiw
Mitchell Reichman	James Ryan	Ernest Shaver	Kent Stevens	Richard Traulsen	Lauren Weinzweig	
Clarissa Reiman	Michael Ryan	John Shaw	Heather Stewart	Arturo Trevino	Paul Weiser	Christopher Zachar
Ronald Reinsel	Stephen Ryan	Robert Shaw	Jay Stewart	James Trimble	Judith Weiss	Julio Zapata
Mary ReKate	James Ryder	Michael Sheedy	Patricia Jerome Stewart	Karen Trumpower	Stephen Weiss	Richard Zawtocky
John Relihan		Valerie Sheedy	Robert Stewart	G. Michael Tryon	Richard Weissman	Michael Zdancewicz
Steven Rendell	Scott Sahlman	Barry Shelley	William Stinson	Gregg Tucek	Paul Welch	Andre Zenda
Terrie Rendler	Joe Saienni	Kenneth Sherk	James Stipe	Michael A. Tucker	Elizabeth Weldon	Michael Ziegler
Darcy Renfro	Paul Sala	Rick D. Sherman	Mary Stockman	Michael J. Tucker	John Weldon Jr.	Jeffrey Zimmerman
Mitchell Resnick	Maria Salapska	Gerald Sherrill	Ronald Stolk	Andrew Turk	J. Brent Welker	Lorence Zimbaum
Robert Resnik	Richard Sallquist	James Shields II	David Stoll	Michele Tyler	Edward Welsh	Lynn Ziolk
Gary Restaino	Robert Salminen	James Shinn	Paul Stoller	Calvin Udall	Steven Wene	Craig Zirbel
James Reynolds	Riney Salmon II	Rosemary Shockman	Harry Stone	Ann Uglietta	Paul Wentworth	Daniel I. Ziskin
J. Scott Rhodes	Patrick Sampair	Douglas Shook	Thomas Stoops	Curtis Ullman	Robert Werner	Michael Ziton
Edward Ribadeneira	Mark Samson	William Shore III	Lee A. Storey	Thomas Ulreich	Elliot Wernick	Thomas Zlaket
Alfred Ricciardi	Michael Samuels	Laura Short	Lesa J. Storey	Paul Ulrich	Robert Wertsching	Mark Zukowski
Michael Rich	Barry Sanders	William Shostak	Janet S. Story	Kathryn Underwood	John West	Michael Zukowski
Leonce Richard	Teresa Sanders	Robert Shull	John Stoss	Laura Underwood	Jacque Westling	Jay Zweig
Russell Richelsofph	Teresa Sanzio	Allison Shulman	Laura Stover	Theodore Updike	Meghan Wharton	Cynthia Zwick
Steve Richman	Paulette Sarp	Silas H. Shultz	Robyn Nordin Stowell		Julianne Wheeler	Frank I. Zygeła □

LEGAL MOVES

■ **William F. Begley**, who joined Jennings Haug & Cunningham in 1999, has become a partner. He focuses on appellate and insurance coverage law. **Donald J. Baier**, who concentrates on commercial and construction defect litigation, has joined the firm as an associate.

■ Four Bryan Cave lawyers have been elected to partnership from the firm's Phoenix office. **Sally S. Duncan** (J.D. 1989, University of Arizona) joined the firm in 1999 and is a member of the commercial litigation and corporate compliance and defense practices. **Kathleen M. Giancana** (J.D. *summa cum laude* 1979, Ohio State University; LL.M. 1983, New York University) joined the firm in 1998 and is a member of the entrepreneurial, technology and commercial practice and tax advice and controversy practice. **William W. Pearson** (J.D. 1971, Georgetown University) joined the firm in 1996 and is a member of the commercial litigation and environmental practices. **Pavneet S. Uppal** (J.D. with honors 1993, University of Texas-Austin) joined

the firm in 1996 and is a member of the labor and employment practice.

■ **Gallagher & Kennedy** has opened an office in Prescott. Paul Madden will be the initial resident attorney in the Prescott office.

■ Gallagher & Kennedy has three new attorneys in its Phoenix office. **Patrick J. McGroder III**, formerly of Goldstein & McGroder, has joined the firm as a shareholder. McGroder (J.D. 1970, UA) will continue to focus on plaintiffs' catastrophic personal injury trial litigation, including wrongful death, product liability, aviation, consumer advocacy and professional negligence. **William F. Allison** and **Andrew G. Miller** have joined the firm as associates. Allison (J.D. 1986, master of urban planning 1988, University of Illinois at Urbana-Champaign) practices in the areas of governmental affairs and land-use regulation. Prior to joining the firm, he spent 13 years as a city planner for Phoenix and also served as the city's zoning administrator. Miller (J.D. 1992, University of Iowa) practices in the area of real estate transactions. Prior to joining the firm, he was associate general counsel for Del Webb Corp.

■ **Stephen J. Anthony** (J.D. 1995, NYU) has joined Sacks Tierney as an associate. His practice will focus on construction law and commercial litigation. Prior to joining the firm, he was an associate at Jennings, Haug & Cunningham.

■ **David J. Bodney** has taken over as the new managing partner of Steptoe & Johnson's Phoenix office. Bodney joined the firm in 1992.

■ **Julie A. Pace** and **David A. Selden** have joined Morrison & Hecker as partners. Formerly partners with Quarles & Brady Streich Lang, Pace (J.D. *cum laude* 1992, Arizona State University) and Selden (J.D. *magna cum laude* 1982, Georgetown) will continue their practice in labor and employment counseling and litigation, construction litigation, commercial litigation, OSHA and administrative law.

■ **Kraig J. Marton** now is of counsel at Jaburg Wilk. He will continue to practice in the areas of complex litigation and health care, employment and First Amendment law.

■ **Todd C. Lockwood** (J.D., University South Dakota; LL.M. taxation, NYU) has joined Walker Silver. Formerly with Snell and Wilmer, he practices in all



William F. Allison



Julianne D. Blumenreich



Timothy G. Kasperek



Todd C. Lockwood

areas of income taxation, business planning and transactions, and tax-exempt organizations.

■ **Chris R. Baniszewski**, who practices construction litigation and employment law, has become a shareholder in Warner Angle Hallam Jackson & Formanek. **Tracey Van Wickler**, who will practice civil litigation, and **Eric A. Peterson**, who will practice real estate and commercial transactions, have joined the firm as associates.

■ **Barry L. Brody** has relocated his office to 5050 E. Thomas Road, Phoenix, 85018; telephone 602-381-0111.

■ **Julianne D. Blumenreich** and **Timothy G. Kasperek** have joined Sanders & Parks. Blumenreich (J.D. 1998, Benjamin N. Cardozo School of Law) previously was a deputy Maricopa County attorney. She practices commercial litigation. Kasperek (J.D. 1974, Cleveland Marshall College of Law) concentrates his litigation practice in the areas of professional liability, products liability, insurance coverage and bad faith, construction, OSHA and commer-



Patrick J. McGroder III



Andrew G. Miller



Julie A. Pace

cial. He is licensed to practice in Ohio as well as Arizona.

■ **Bruce K. Childers**, formerly of Childers & Rosser, continues his practice devoted primarily to family law at 8655 E. Via de Ventura, F-100, Scottsdale, 85258; telephone 480-951-1776.

■ Christian & Mariano is now **Mariano & Allen**, with members Carl F. Mariano, Lynne M. Allen and Robert K. Lewis. The firm continues to handle insurance coverage and bad-faith litigation, general liability defense, medical malpractice, construction defects and large property loss subrogation matters. □



David A. Selden

BAR DISCIPLINE DEFENSE

Bar Complaints Disability Proceedings
Reinstatements Ethics Consultation

Ralph Adams

10 years State Bar experience:

State Bar of Arizona,
Former Senior Bar Counsel
Utah State Bar,
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Rules...

Continued from page 3

Lawyer detailed the then-proposed rule change and provided the deadline for filing comments.

On the substantive issues, the State Bar argued that requiring that an attorney disclose all other *pro hac vice* applications is reasonable, because *pro hac vice* status "is not intended to be a substitute for regular admission to the State Bar."

"Indeed, against the backdrop of concern about *pro hac vice* abuses, the State Bar's concern was heightened by the lack of any reliable information about the number of lawyers admitted to practice *pro hac vice* in this jurisdiction and the frequency with which some applicants seek such admission," according to its response.

It said that requiring disclosure of all applications by the out-of-state lawyer's firm is necessary "otherwise the *pro hac vice* limitation on repeat admission might be skirted by a non-admitted lawyer who simply relied on others in his or her firm."

As for waiting until the Multijurisdictional Practice Task Force has completed its work, the State Bar said it "already has studied and taken a position on *pro hac vice* admission."

The Supreme Court has sent out a notice correcting what it calls a "significant typographical error" in an order issued last fall amending Rule 32.9, Ariz.R.Crim.P., which deals with review of decisions on petitions for

post-conviction relief.

The typographical error had nothing to do with the part of the rule actually being amended.

According to the court's Jan. 4 corrective order, the order amending Rule 32.9 "erroneously provided that the petition for review, cross-petition and all responsive pleadings...shall be filed with the trial court." The quoted language comes from Rule 32.9(c). The order should have said that the documents shall be filed "in the appellate court," according to the court. □

Legal Brief

■ A Feb. 22 conference will examine the federal criminal justice system, including the writ, new legislation and procedures after the Sept. 11 terrorist attacks. The conference is being organized by the Phoenix Chapter of the Federal Bar Association, with assistance from the offices of the federal public defender, the U.S. attorney and the state attorney general. The conference, intended for judges, lawyers, staff attorneys and law clerks involved in the federal criminal justice process, will be held at the Hyatt Regency Downtown. For more information, contact Elida Corranza, 602-266-5770. □

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Get minute entries off web

By Michael K. Jeanes
Clerk of the Superior Court

Word about the minute-entry feature on our website seems to be spreading, which is good because it is a service that is beneficial and convenient for the legal community. We hope many of you have had the opportunity to use it. If you haven't, here are detailed instructions for retrieving the minute entries for most newer cases:

- Go to www.courtminutes.maricopa.gov.
- Read the disclaimer.
- If you don't have Adobe Acrobat Reader, click on the Adobe Acrobat icon to have it installed.
- Click on "Continue to Minute Entries."
- You may search for a minute entry by case number or first or last name.
- To search by case number, enter the case number. Here are examples: CR2001005011 or DR-0231643 or P -0097088 (space between P and the dash)
- To search by name, type in the last name in the appropriate field. To narrow the search, type in the first name. You also may search by first name only. Party names must be typed and spelled exactly how they are entered on the docket.
- If you do a name search to find the case number, then you may want to do a search by the case number to ensure that you are seeing all of the minute entries.

CLERK'S CORNER

➤ After typing in the case number, click on "Retrieve Minute Entries." All available minute entries will be listed along with the party names and date of the minute entry. Click on "Retrieve Minute Entry" to view the minute entry. This site may not contain all of the minute entries for this case. Check the case file to see all documents filed.

➤ To print the minute entry, click on the printer icon.

Most criminal minute entries are available from January 2000 to the present; most probate minute entries from December 2000 to the present; most civil and tax minute entries from April to the present; and most Family Court minute entries from May to the present.

On another subject... My January column stated that the juvenile division and some criminal divisions are using our For the Record project, which uses digital-recording software. It should have stated that our juvenile division and some Family Court divisions are using it. □

Calendar

The divisions, sections and committees in the calendar are those of the Maricopa County Bar Association, unless noted otherwise. All events are meetings and take place at the MCBA office, 303 E. Palm Lane, Phoenix, unless noted otherwise.

- 4 YLD Domestic Violence Committee, noon
Maricopa Lawyer editorial board, 5 p.m.
- 6 Family Law Section, 5:15 p.m., University Club, 39 E. Monte Vista, Phoenix
- 7 Public Lawyers Division board, noon
Alternative Dispute Resolution Committee, 4 p.m.
- 8 Task Force for Recruitment and Retention of Minority Attorneys, 8:30 a.m.
- 9 Barristers Ball, Camelback Inn, 6 p.m.
- 11 YLD board, noon
Paralegal Division board, 5:30 p.m.
- 12 Scottsdale Bar Association lunch meeting, noon, restaurant at McCormick Ranch Golf Club, 7505 E. McCormick Parkway, Scottsdale. Speakers: Scottsdale City Council candidates. Lunch: \$13 in advance, \$16 at the door. Information and/or reservations: Jill Miller, 480-481-3047.
- 13 Executive Committee, noon
Environmental Section, noon
Hayzel B. Daniels Bar Association, 5:30 p.m.
- 14 VLP For Love of Justice lunch, 11:45 a.m., Hyatt Regency Downtown
- 15 Maricopa County Bar Foundation board of trustees, 7:30 a.m., and board retreat, 8 a.m.
- 18 MCBA closed in observance of Presidents' Day
- 19 Estate Planning & Probate Section executive committee, 7:30 a.m.
International Section, noon
Bankruptcy Section, 5 p.m., University Club, 39 E. Monte Vista, Phoenix

FEBRUARY	S	M	T	W	T	F	S
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- 21 Phoenix chapter of the Federal Bar Association lunch meeting, noon, Arizona Club, 38th floor, Bank One Building, 201 N. Central, Phoenix. Speaker: Paul Charlton, U.S. attorney for Arizona. Lunch: members \$15; government attorneys, public-interest lawyers, judges and law clerks \$13; all others \$18. Reservations must be made by Feb. 19. Information/reservations: Kevin Bonner, 602-528-4080 or kbonner@ssd.com.
MCBA board of directors, 4:30 p.m.
- 22 Corporate Counsel Division CLE luncheon, 11:45 a.m., University Club, 39 E. Monte Vista, Phoenix
- 25 Juvenile Practice Section, noon
- 26 Bench Bar Committee, 12:15 p.m.
- 27 Arizona Women Lawyers Association lunch meeting, Arizona Club, 38th floor, Bank One Building, 201 N. Central, Phoenix. Plate lunch will be served at 11:30; the formal program begins at noon. Speaker: Helen Perry Grimwood, attorney and Sudanese outreach coordinator, All Saints Episcopal Church. Program: "The Lost Boys of Sudan." Lunch: members \$15; non-members \$20. Reservations (required): 602-863-7678 by noon Feb. 25. Information: Amy Schwartz, 602-956-4438.
- 28 Continuing Legal Education Committee, noon

MCBA SECTION STUFF

Upcoming Section Meetings

- The Family Law Section will be meeting on Wednesday, February 6th, 2002 at 5:15 p.m. at the University Club, 39 E. Monte Vista, Phoenix.
- The Environmental Section will be meeting on Wednesday, February 13th, 2002 at 12:00 p.m. at the MCBA, 303 E. Palm Lane, Phoenix.
- The Sole Practitioners Section will be meeting on Wednesday, February 20th, 2002 at 11:30 a.m. at the MCBA, 303 E. Palm Lane, Phoenix.
- The Juvenile Practice Section will be meeting on Monday, February 25th, 2002 at 12:00 p.m. at the MCBA, 303 E. Palm Lane, Phoenix.

The following Section Executive Boards will meet in February:

- ESTATE PLANNING SECTION, on February 19th, at 7:30 a.m. at MCBA, 303 E. Palm Lane, Phoenix.
- INTERNATIONAL SECTION, on February 19th, at 12:00 p.m. at MCBA, 303 E. Palm Lane, Phoenix.

For information about Section membership or to register for events, please contact the
C.I.E. Department at:
phone: 602-257-4200
fax: 602-257-0522
e-mail: cle@mcbar.org

State Bar task force studying paralegal membership

By Joan Dalton
Special to Maricopa Lawyer

The State Bar of Arizona has formed a task force to study and make recommendations to the board of governors on whether paralegals should be offered associate membership.

The Task Force on Associate Membership for Paralegals and Legal Assistants is composed of Maricopa County paralegals and attorneys who were either recommended or who asked to serve on it.

If the task force recommends an associate membership category, it also must recommend the standards for such membership (to include a sponsoring responsible attorney admitted to the State Bar); the contents of the application (including a promise not to engage in, but rather, to report the unauthorized practice of law); and the appropriate continuing legal education requirements (the amount of which conforms with that required of attorneys and may include an additional component involving paralegal studies). Although State Bar staff will make recommendations about a membership fee, the task force has been asked to comment on an appropriate amount.

At its Jan. 8 meeting, the task force reviewed the results of a State Bar survey as it is reported in the Consumer Protection Committee's *Report and Recommendations Approved by the Board of Governors*. That survey reported that the same number of Arizona-licensed attorneys favored the licensing and regulation of paralegals as did the number that wanted criminal penalties imposed for the unauthorized practice of law. These results can be directly tied to current events in the legal community.

Stepped-up UPL enforcement

The American Bar Association recently reversed its previous "hands-off" stance on the unauthorized practice of law, and has recommended that state bar associations increase enforcement efforts. This change seemingly comes as the result of the continuing competition that the legal profession is facing with the business sector due to the Internet and the relationships that foreign businesses (in particular, accounting firms) can fashion with law firms. In an effort to remain competitive with business, many states' bar associations are considering restructuring the lawyer ethics rules that are perceived to create a disadvantage for lawyers in a business setting.

From a business perspective, the companion effort to this type of ethics rule revision is the stepped-up enforcement of the unauthorized practice of law. Increased UPL enforcement is advantageous to attorneys because it prevents non-lawyers from having the ability to perform some of the legal work that might otherwise be performed by the attorneys.

Licensing and regulation of non-lawyer legal service providers

Stepped-up UPL enforcement is troubling to attorneys and other individuals who are sensitive to the lack of access to justice by low- and moderate-income people. In fact, while all attorneys have an ethical obligation to promote access to justice, empirical studies show that current efforts do not even begin to meet current needs. In Washington, public comment necessitated the creation of a "Practice of Law Board" to insure access to justice to its citizenry when the Washington State Bar proposed a broad definition of the "practice of law." Championed by public interest and access-to-justice groups in that state, the Practice of Law Board is to evaluate whether the public interest can be adequately protected through non-lawyer regulation when qualified non-lawyers are allowed to offer limited services to consumers in unmet need areas. Advocates believe that regulating paralegals can improve access to justice while avoiding consumer fraud and abuse currently occurring in an unregulated market.

Paralegal associate membership

Paralegal associate membership in the State Bar can be set up to be either permissive (voluntary) or mandatory (regulatory). Last June, Robert LeClair, chair of the Hawaii State Bar Association Task Force on Paralegal Certification, reported to Hawaii's Supreme Court that voluntary programs are unsuccessful. He indicated that although voluntary programs had been established in both Oregon and Texas,

"Oregon has already abandoned its voluntary program... [and] Texas has only 500 certified paralegals under its program after years of effort."

When it comes to mandatory programs, some attorneys are frightened that paralegals will eat into their business should they become regulated. But that reasoning assumes regulation enables paralegals to work independently of attorneys. For example, fearful that paralegals might succeed in having legislative regulation of the profession, the Wisconsin State Bar organized a task force that designed a program of paralegal regulation. Although the Wisconsin regulatory scheme sets forth qualifiers for entry into the profession, paralegals still must work under the supervision of attorneys. John Goudie, president of the Paralegal Association of Wisconsin, acknowledged that it was believed that his organization's legislative goal was to win the right for paralegals to practice independently of lawyers. In an article in *Wisconsin Lawyer*, he explained: "Our intent was to formalize the profession. There are no formal standards of practice for paralegals...[and] we felt it was time they were needed."

In keeping with the efforts of paralegals in Wisconsin, the concerns most commonly reported by paralegals in Arizona and elsewhere are tied to issues of uniform competency standards among members of the profession, professional identity and professional recognition. When sorting out whether paralegals should be allowed associate membership, the State Bar of Arizona's task force will be charged with the heavy responsibility of addressing these concerns in the backdrop of current events in the larger legal community.

► *Joan Dalton is a legal assistant project specialist in the Arizona Attorney General's Office. She is a member of the MCBA Paralegal Division's board of directors and was recently appointed to the State Bar Task Force on Associate Membership for Paralegals and Legal Assistants.* □

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Justice system improvements in U.S.

Extensive improvements to the justice system are ongoing nationwide, according to the Summary of State and Local Justice Improvement Activities-2001 published by the American Bar Association's Coalition for Justice. The 184-page indexed report is based on a survey of courts and state and local bar associations in every state.

Among the report's findings:

► More than 1,201 areas of justice system improvement activity by courts, bar associations or bar foundations exist across the country. Activities include improving access, combating bias, establishing drug courts, improving judicial selection, enhancing jury duty, preserving independence and making courts more user-friendly.

► Outreach to non-lawyers is increasing. Such "justice initiatives" include activities to improve justice that involve non-lawyer community representatives in two-way communication with lawyers or judges in citizen conferences, on-going commissions and town hall meetings.

Nationwide there are more than 330 such projects, up from 34 in 1995.

► Virtually all states are addressing public trust and confidence in the justice system. Activities, many involving community, business and civic leaders, include steps to correct the justice system's perceived weaknesses and better communicate its strengths.

This effort is in part the result of a 1999 national conference sponsored by the ABA, the Conference of Chief Justices, the Conference of State Court Administrators, the League of Women Voters and the National Center for State Courts, with support from the State Justice Institute.

The full report is available at <http://www.abanet.org/justice>.

The ABA Coalition for Justice, part of the ABA Justice Center, includes lawyers, judges and members of non-legal organizations. Its mission is to promote confidence in the justice system by engaging the public as partners with the bench and bar in specific projects to improve the system. □

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■ **Ernest Calderón**, a partner at Jennings, Strouss & Salmon, has been elected to a four-year term on the Arizona Community Foundation board. The foundation is a nonprofit charitable organization that makes grants to nonprofit organizations and governmental agencies to impact social, educational, environmental, cultural, health and human services issues.

■ Tucson sole practitioner **Mark Rubin** is the new president of the Arizona Bar Foundation. The foundation funds legal services programs for the poor and sponsors law-related education programs for children throughout the state. During Rubin's one-year term, he plans to rejuvenate the foundation by reevaluating the organization's practices and procedures to make sure it is fulfilling its mission.

■ Members of **Bryan Cave** "adopted" 33 individuals during the holiday season. The firm's community affairs committee — "Cavers Who Care" — started by raising money during a silent auction in November. In addition to the action, Bryan Cave employees donated beds, washers, dryers, coats, sofas and boxes of used clothing. Many firm clients, including Ping, Orange Tree

Resort and Fairytale Brownies, also donated items. Approximately \$5,500 was collected.

■ **William D. Baker**, president of Ellis & Baker, received a certificate of lifetime achievement from the National Water Resources Association for his "outstanding contributions in water-related developments in the west."

■ Arizona State University law Professor **Myles V. Lynk** has been elected to the governing body of the American Law Institute. Lynk, the first Kiewit Foundation Chair in Law and the Legal Profession at ASU, will serve on an interim basis until the ALI's annual meeting in May, when his name will be submitted to the membership with the recommendation that he be elected to a regular term.

■ New officers of the Phoenix Legal Support Association are **Cindy Kelly**, Scottsdale City Attorney's Office, president; **Ginger Hinkhouse**, Rose & Hildebrand, secretary; **Glenda Ready**, Bryan Cave, treasurer; **Jackie Moore**, Bryan Cave, and **Kathy Sieckman**, Squire, Sanders &

Dempsey, directors of education; and **Carol Ewing**, Fennemore Craig, director of public awareness/marketing. At its Jan. 10 awards and installation banquet, the association honored Kelly with its 2002 Award of

Excellence; **Robert J. Hackett**, Fennemore Craig, as boss of the year; and **Fennemore Craig** as firm of the year. For meeting and membership information, contact Kelly at 480-312-1012. □

Got an itch to write more than motions?

Maricopa Lawyer welcomes contributions, from news and feature articles to humor and opinion pieces, that are law-related or of special interest to the legal profession.

For example, consider writing an editorial about a current legal issue that piques your interest, or a feature article about an interesting lawyer or judge.

The *Maricopa Lawyer* editorial board reserves the right to reject articles and to edit contributions for length or content. Contributions must be typed (double-

spaced) and submitted to *Maricopa Lawyer*, Maricopa County Bar Association, 303 E. Palm Lane, Phoenix, 85004.

A copy of the submission on computer disk or sent by e-mail would be appreciated. E-mail submissions to patricia.sallen@azbar.org

Even if you don't want to write the article, the editorial board welcomes story ideas as well as information for our Legal Moves and People in Law columns. □

Legal Briefs

■ Massachusetts U.S. District Court Judge Nancy Gertner will visit the Arizona State University College of Law Feb. 11-24 as the Merriam Judge in Residence. She will present faculty and student seminars and meet with Maricopa County Superior Court judges. Prior to her appointment to the federal bench in 1994, Gertner practiced in the areas of criminal, labor and civil rights law in private practice for more than two decades.

■ The Arizona Association of Law Libraries is hosting a series of legal research seminars in February, March and April. Scheduled seminars are treaties, Feb. 5 at Lewis and Roca; Internet legal research, Feb. 12 at the state law library; tax, Feb. 19 at the Superior Court law library; health law and bioethics, Feb. 26 at Jennings Strouss & Salmon; administrative law, March 5 at the Superior Court law library; securities, March 12 at Greenberg Traurig; Indian law, March 22 at Quarles & Brady Streich Lang; labor law, March 26 at Quarles & Brady Streich Lang; and public records/company information, April 2 at Greenberg Traurig. The first eight seminars will be held from noon to 1 p.m. The last one will be held from 5:30 p.m. to 7:45 p.m. Cost is \$25 per session, \$100 for five sessions or \$175 for all nine sessions. Association members receive a discount. To register, contact Corrine Guthrie at cguthrie@scll.maricopa.gov or 602-506-6101. For more information, contact Connie Strittmatter at Connie.S@asu.edu.

■ The Arizona Association of Health Care Lawyers will co-sponsor a symposium with the American Bar Association on the impact of undocumented aliens on Arizona's health-care system. The symposium is scheduled for 2 p.m. to 4 p.m. Feb. 27 at the Pointe Hilton Squaw Peak and is part of the ABA's mid-year conference on health-care law, which is being held in Arizona. For more information, contact Jerry Gaffaney at 602-285-5000 or Karen Owens at 602-381-5463.

■ The San Carlos Apache Tribal Bar Association will hold its semi-annual bar examination March 23 in San Carlos.

Tribal law provides that no one may practice law before any tribal court or within the San Carlos Apache Reservation except active members in good standing of the tribal bar association. Membership is open to all persons of good character, at least 21 years old, who possess any combination of education and experience that would indicate to the admissions committee that they would engage in the practice of law with the highest standards of ethics, integrity, learning, competence and public service, and who receive a passing grade on the tribal bar examination. Completed applications to take the examination must be received by March 4. For information and an application, contact the San Carlos Apache Tribal Bar Association, P.O. Box 351, San Carlos, Arizona 85550-0351.

■ The American Bar Association is accepting applications for several awards. The Jefferson Fordham Awards honor lawyers and law firms for excellence in state and local government law. The Harrison Tweed Award recognizes state and local bar associations that develop or significantly expand projects or programs to increase access to civil legal services to poor persons or criminal defense services to indigents. The John Marshall Award may be presented to any individual, including a nonlawyer, who has made a positive national impact on the justice system. The Pro Bono Publico Awards recognize lawyers and law firms for their contributions to extending legal services to those who cannot afford legal representation. The Hodson Award for Public Service recognizes outstanding accomplishments by a government or public-sector law office. The Nelson Award recognizes contributions to the ABA by an individual government or public-sector lawyer. The Dorsey Award honors an outstanding public defender or legal aid lawyer. The Livingston Hall Juvenile Justice Award honors lawyers practicing in the juvenile justice field who display the highest degree of skill and dedication in representing their young clients. All of the awards will be presented during the ABA's annual meeting in August in Washington, D.C. Guidelines and deadlines for all awards can be found on or through the ABA's website, www.abanet.org. □

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