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Put your swing to good use

The Maricopa County Bar Foundation is taking registrations for the 2003 Pro Bono Golf Classic to benefit VLP. **Page 6**

Legislative update: from jiggle keys to real estate

By Gerald F. Moore
Special to Maricopa Lawyer

Volume Two of the Arizona Legislative Service contains the first 52 enactments of the first regular session of the 46th Legislature. Some of the more interesting enactments:

➤ A motor vehicle manipulation key (also called a jiggle key) or a master key is now specifically identified as a burglary tool if not possessed as part of a lawful business. (Chapter 39)

➤ Prior felony convictions are used to increase the potential sentencing range after a conviction. Priors are generally valid for 10 years for class 2 or 3 felonies and five years for class 4, 5 and 6 felonies. Time spent incarcerated is excluded from the five and 10 year periods. Time spent on probation and time during "absconder" status also is excluded. (Chapter 11)

➤ After January 1, 2004, all persons convicted of a felony are required to provide a bodily substance for the extraction and retention of DNA information by the Arizona Department of Public Safety. (Chapter 12)

— See **Update** on page 10



We're taking a break! No August issue

Maricopa Lawyer will follow the example of many Maricopa County attorneys and take a short break in the month of August.

Look for your next issue in September.

JULY 2003 INSIDE

Is spam getting to you?

Woody tells you how to 'quarb' those annoying e-mails. **Page 5**

Family court gets some respect

More judicial resources and new programs raising status of Family Court. **Page 7**

County's top court administrator resigns

*Griller served court
16 years with 'grace
and distinction'*

By Teena Booth
Maricopa Lawyer

Back in 1987, when Maricopa County Superior Court Presiding Judge B. Michael Dann put the word out that he needed a new court administrator, the announcement was preceded by the court's reputation.

As far away as Minnesota, Gordon Griller, then the court administrator of Hennepin County, had heard "wonderful things" about the Superior Court in Phoenix and its development of modern techniques of case management.

Griller applied, was hired, and so began what he calls his "wild west adventure." That adventure will change directions on Aug. 31 when Griller resigns as the administrator of Maricopa County's trial courts.

"Gordy has served the court with grace and distinction for 16 years," said Presiding Judge Colin Campbell. "He has served under four presiding judges, and worked with more supervisors from the Board of Supervisors than I care to count." Meanwhile, Campbell added, the court has "nearly doubled in size... and grown two regional courts in the southeast and northwest."

During Griller's tenure, the national reputa-



Maricopa County Superior Court Administrator Gordon Griller looks on downtown Phoenix from the office he has occupied for the past 16 years.

PHOTO BY TEENA BOOTH

tion of the Maricopa County court was further polished and refined, leading to a number of awards, including the American Bar Association's Louis Brown Award for Legal Access. Griller also led the push to bring technology to the court, bringing dramatic improvement to the court's ability to process and track cases.

"When I first arrived here, all the case information was handwritten on color-coded cards that were filed away in a room," Griller recalled. "Every few months we'd count up the

green cards and the blue cards and that's how we kept statistics."

Today the court boasts a state-of-the-art computer network that allows for a sophisticated case management system, augmented by the court's 50 electronic courtrooms full of high-tech equipment.

Campbell acknowledged the sweeping changes ushered into the court by Griller as well as the challenges encountered in these past "extraordinary" years.

— See **Griller** on page 10

Court warns U.S. government lawyer on limits of zealous advocacy

Transferred intent misses mark

By Daniel P. Schaack
Maricopa Lawyer

In a recent appearance in the Valley, comedian Mario Joyner told a story about a man who was shot nine times and survived. Joyner was troubled that some people called the guy lucky. Would you feel lucky, he asked, after having been shot nine times?

Jose Aguado Cervantes, a 67-year-old Mexican national, recently suffered mightily at the hands of the U.S. justice system. Like the man in Joyner's story, Cervantes eventually prevailed, but one could question whether he considers himself lucky.

Cervantes' bad luck started when he bought a car at an auction of the U.S. Marshals Service. Four months earlier, the car had been seized for smuggling undocumented aliens into the country.

Unbeknownst to Cervantes, 17 pounds of marijuana were secreted in the car's bumper. Neither the Marshals nor the Immigration and Naturalization Service had properly searched the vehicle. Cervantes remained ignorant of the dope he was transporting until

U.S. Customs agents discovered it as he attempted to cross the border. His plea of ignorance went unheeded. He was arrested and incarcerated for drug smuggling.

Cervantes spent three and one-half months in prison until the United States dismissed the charges, having realized that it had failed to remove the marijuana when the car was seized. Cervantes sued the United States under the Federal Tort Claims Act, raising claims of false arrest, false imprisonment, and negligence. The district court ruled in favor of the U.S.

On appeal, the Ninth Circuit Court affirmed the dismissal of the false arrest and imprisonment claims. It held that the presence of drugs in the bumper of Cervantes' car gave the Customs agents probable cause to arrest him. *Cervantes v. United States*, No. 01-56929 (9th Cir. June 2, 2003).

— See **Courtwatch** on page 4

COURT WATCH

COLUMNS

Accomplished MCBA executive will be missed

The Maricopa County Bar Association says thank you and offers a hearty "Wish you well" to Executive Director Brenda Thomson, who has resigned from her position.

Brenda came to the MCBA more than seven years ago, giving up a challenging practice to serve her fellow attorneys. She had big shoes to fill in replacing long-term Executive Director Nan Wilder, who was synonymous with the MCBA in every way. It did not take long for Brenda to build her own reputation.

As a seasoned attorney, she understood the challenges faced by the association's public and private member attorneys. Her accomplishments included expanding MCBA programs, expanding the number of sections and

Yvonne R.
HUNTER
MCBA
PRESIDENT



divisions, and providing needed services. She helped develop relationships with our sister bar associations, represented the MCBA in professionalism programs, assisted the young lawyers division in their community service efforts, and contributed to numerous bench/bar events. Through hard work and dedication, she enhanced the presence and reputation of the MCBA in the legal community.

Stress relieving strategies deserve your attention

Stress is a big deal. I did not appreciate just how big of a deal it is until I started conducting research for this column. I plugged the phrase "stress management" into Google.com and the search engine returned 2.5 million results. Yes, 2.5 million!

Like any good young lawyer, I studied all the available data on this popular topic. Okay, I didn't study *all* the data; that would have been too stressful. I did, however, read a great deal of the material on the subject and learned a few lessons in the process.

To begin, I learned that there are a significant number of stressed-out people in the world. I already knew lawyers are stressed, but I never appreciated the stress levels experienced in the non-legal world. However, this fact brings me little consolation because my guess is that new lawyers are among the most-stressed of the entire stressed population.

I also confirmed my understanding that mental and physical health problems can arise when a person suffers from too much immediate stress or experiences stress over a prolonged period of time. Insomnia, depression, unhealthy addictions, anxiety, and agitation are just a few of the consequences. Again, I found this disheartening because many junior lawyers work under the double-whammy of heightened short-term stress *and* prolonged stress.

The many publications targeted at helping lawyers deal with stress provide coping strategies. These strategies are good advice and they are commonly presented in short

Lori A.
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PRESIDENT



phrases in a list format. The most common strategies include taking time out for yourself to relax, exercising regularly, getting a full eight hours of sleep each night, eating three meals a day, learning to say "no" to avoid taking on too many commitments, setting reasonable goals for yourself, and focusing on what you actually can control in your professional and personal life. This list of well-known coping strategies is so consistent that it almost it appears to have been cut and pasted from one article to the next.

As I read the list for the hundredth time (an exaggeration, but it sure did feel that way), I realized the list has become so generic that it actually may *detract* from the effectiveness of the message. Advice repeated too often becomes meaningless phrases easily glanced over.

My intent is not to belittle the helpful advice contained on the list. On the contrary, I believe the strategies for coping with stress are not only helpful but vitally important. We live in a stressful world, and work in stressful environments. After a while, the constant tension can begin to feel normal, particularly when people around you are equally stressed. It is analo-

Perhaps Brenda's ultimate reward as executive director was the opportunity to meet her best friend and husband Dave Thomson. They will celebrate their anniversary this year without Brenda having to rush off to a conference or take care of never-ending MCBA business. Brenda is going to take time and enjoy her family. Like many of us, she has aging parents and young children that require her attention. She looks forward to enjoying more of their company.

So, Brenda, please know that your efforts on behalf of the MCBA and its members are appreciated, and know that you will be missed. I know I speak for thousands of our members, past and present, in saying "Thank you and we wish you well." ■

gous to drinking the recommended daily dose of water: by the time you realize you are thirsty, your body already is suffering the effects of dehydration. By the time you realize you may be suffering from stress, your body is already experiencing the negative effects.

If you are aware that you will suffer from stress at various points throughout your life, you can take action now. And the next time you see a list that provides helpful advice for practicing stress prevention and coping techniques, ask yourself if you are practicing these techniques now. If the answer is no, commit yourself to making some of those techniques part of your daily routine. By incorporating stress management strategies into your life at times of little stress, you place yourself in a better position to reduce the negative effects you could suffer at a time when you are feeling overwhelmed. ■

Correction

Last month's CourtWatch column incorrectly stated that Judge Daniel A. Barker dissented in *State v. Sanders*, No. 1 CA-CR 00-0326 (Ariz. App. May 13, 2003). In fact, Judge Philip Hall authored the dissent. *Maricopa Lawyer* regrets the error. ■



Paralegal conference looks toward the future

The 2003 Arizona Paralegal Conference set for Friday, September 19, will focus on the theme "Where do we go from here? Looking towards the future." The conference, the premier event for paralegals in Arizona, will be held at the Pointe Hilton at Squaw Peak Resort Convention Center.

As paralegals, we have seen numerous changes in the legal field over the last 15 to 20 years. We have seen the use of the typewriter diminish to be replaced by word processors. We had no sooner adapted to word processors when personal computers hit the market. What a difference those 40 megabytes of hard drive made in the law office! Yet even as we plunked down anywhere from two to three thousand dollars for one of those early, state-of-the-art PCs, the next generation of computers were already rolling off the assembly line. Eighty megabyte hard drives were replaced by 120 megabyte drives, which were replaced by 500 megabyte drives. We now are seeing 15 gigabyte and higher hard drives, not to mention faster and faster processors.

As computers get faster and more complicated, law firms (along with other businesses) can find themselves in a quandary. In order to remain competitive, they have to do two things: 1) stay current with technological changes; and 2) ensure that they have qualified staff to use that new technology. With the daily use of Internet, intranet and the development of new and faster software, it is more important than ever for paralegals to stay current on the latest technological trends, how they are being used and the changes we'll be facing in the future. It is with this in mind that the 2003 Arizona Paralegal Conference will convene with a focus on these trends.

As paralegals, we have a decision to make. Do we look forward and prepare for the future, or will we become antiquated and live in the past? Come join us on Friday, September 19, 2003 and take that extra step to be a part of the future. ■



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Errors will be corrected in a subsequent issue.

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Arizona Supreme Court approves 'historic' amendments to governing rules

"A historic and significant change," is how Arizona Supreme Court Chief Justice Charles E. Jones characterized a one-word change in the Arizona Rules of Professional Conduct which will change the definition of what it means to be an attorney in Arizona.

In response to a comprehensive two-year study by a State Bar committee on ethical review, the Arizona high court last month removed the obligation of an attorney to be a "zealous" advocate of his/her client and substituted to "act honorably" in the furtherance of a client's interests.

According to the court, Arizona is the first state in the country to make this crucial rule change.

"This change may appear to be subtle," Jones said, "but in fact, it's a very significant foundational change in the Rules of the Court, and one that is designed to send a distinct message to attorneys."

The term "zealous" was eliminated from the preamble because it was erroneously being used by some attorneys to defend behavior that was seen as unprofessional and potentially belligerent, according to one committee member.

In December 2000, the State Bar's Board of Governors created the Ethical Rules Review Group (ERRG) to review and revise the Rules of Professional Conduct for attorneys. The panel reviewed recommendations from the American Bar Association's Ethics 2000

Commission and recent proposals by Arizona lawyers to amend the Arizona Rules. This review has been the most comprehensive assessment of the Rules since their adoption in 1985.

The overall set of changes will become effective December 1, 2003. Among other changes approved by the court:

- ▶ Lawyer fees and scope of representation will have to be in writing for all new clients and new client matters.
- ▶ The rule on confidentiality has been expanded to include several additional reasons that a lawyer may disclose information.
- ▶ The rule that implies the prohibition of sexual relationships with clients has been clarified as a specific prohibition.
- ▶ Lawyers with certain types of conflicts of interest may be screened within their firms to prevent "infecting" other attorneys within a firm.
- ▶ Another clarification brings Arizona Rules on attorney advertising closer in line with the American Bar Association's Rules.

The full order and complete list of changes is available online at the court's website, www.supreme.state.az.us. ■

Judicial nominees submitted to governor

The Maricopa County Commission on Trial Court Appointments has recommended candidates to Gov. Janet Napolitano for two vacancies on the Maricopa County Superior Court.

Nominees for the vacancy created by Judge Roger Kaufman's retirement are George H. Foster Jr., 49, a Democrat, a commissioner of the court; Kristin C. Hoffman, 54, Republican, a hearing officer of the court; Marc Kalish, 55, Democrat, with the firm

Meyer, Hendricks & Bivens; Michael W. Kemp, 44, Democrat, Assistant United States Attorney; J. Wayne Turley, 52, Republican, a partner with Martineu Turley & Johnson; and Robert J. Weber, 58, Republican, an attorney in private practice.

Nominees for the vacancy created by Judge Maurice Portley's appointment to the Court of Appeals are James W. Evans, 56, Democrat, a partner with Holloway, Odegard, Sweeney & Evans; Kristin C. Hoffman, 54, Republican, a hearing officer of the court; John C. Rea, 51, Democrat, vice-chief staff attorney for the Arizona Supreme Court; Peter B. Swann, 37, Democrat, a partner with Steptoe & Johnson; J. Wayne Turley, 52, Republican, a partner with Martineu Turley & Johnson; and Robert J. Weber, 58, Republican, an attorney in private practice.

Napolitano will make the appointments. ■

Court of Appeals taking applications

Applications are being accepted for a vacancy created on Division One of the Arizona Court of Appeals by the June 30 retirement of Judge Cecil Patterson.

The Commission on Appellate Court Appointments will review applications, interview selected applicants and recommend at least three nominees to Gov. Napolitano.

Applicants must be admitted to practice law in Arizona, a resident of the state for the past five years, under the age of 65 at the time the nomination is sent to the governor, and a resident of Apache, Coconino, La Paz, Maricopa, Mohave, Navajo, Yavapai, or Yuma counties for the past three years.

Applications may be obtained by calling (602) 542-9311 or at the Judicial Department web site: www.supreme.state.az.us/hr (Judicial Vacancies). Applicants for the recent Division One vacancies will be considered for the new opening and do not need to re-apply.

The original complete application and 16 copies must be returned to the Administrative Office of the Courts, Human Resources Division, 1501 W. Washington, Suite 227, Phoenix, by 3:00 p.m. on July 22, 2003. ■

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Courtwatch...

Continued from page 1

However, the court reversed the dismissal of the common-law negligence claim, pointing to Cervantes' continued suffering at the

hands of the government. Circuit Judge Kim McLane Wardlaw laid waste to the government's argument that the Tort Claims Act did not apply because of a rule that made it inapplicable to the detention of any goods by a Customs officer, the detention being the original seizure of the car. "Although rare," she

wrote, "on occasion, we see arguments that simply fail the straight-face test." The government's detention-of-goods argument was "patently without merit."

Wardlaw held that Cervantes' claim did not arise out of the government's detention of the automobile. Rather, it arose out of the car's subsequent sale: "The negligent act was the government's decision to sell the car without first inspecting it, an independent and intervening event from the detention itself."

"The plain text of the statute," Wardlaw wrote, "says the claim must relate to the detention, not to any activity that happened to involve a once-detained item."

Wardlaw did not mince words in taking the government to task for its position. "In asserting the detention of goods exception as its defense, rather than compensating a plaintiff it has seriously wronged, the United States thumbed its nose at its obligation to see that justice is done."

She noted that the U.S. Supreme Court had held that the U.S. Attorney "is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all." The U.S. Attorney is therefore compelled to not zealously crave victory, but to see that justice is done.

Wardlaw wrote that by "asserting a last-ditch, far-fetched defense in this case, the United States Attorney failed to meet this obligation." Joining her opinion were Judges James R. Browning and Alex Kozinski.

Sitting on an appellate court of general jurisdiction, a judge generally doesn't become a specialist in any one area of the law. But Judge John C. Gemmill of Division One of the Arizona Court of Appeals is certainly becoming qualified to write a treatise on one narrow criminal-law subject. In the space of less than two weeks, he penned two opinions concerning the law of transferred intent.

In the first case, *State v. Siner*, No. 1 CA-CR 01-1055 (Ariz. App. June 5, 2003), the court weighed transferred intent in a drive-by shooting. At issue was the question of whether someone who intended to shoot at an unoccupied vehicle could be found guilty when an errant shot struck an occupied house.

Pamela Jean Siner was convicted of drive-by shooting for driving her car past the victims' house and allowing a friend to fire shots at a pickup truck parked several feet from the house. Siner, who had some "bad blood" with the victims, had driven to the house specifically looking for the truck. When she spotted the vehicle she said, "Well, there it is." One of her passengers said, "I should blow some caps

in that truck." Siner replied, "Yeah, do it."

The residents were all in the house; the truck was unoccupied. As Siner drove past the truck, the passenger fired several shots from a handgun. Both the truck and the house were hit, but no one inside the house was injured. Siner then drove home.

Siner was later convicted of drive-by shooting, a crime committed when a perpetrator shoots at a person, another occupied vehicle, or an occupied structure. Over the objection of Siner's counsel, the trial judge had given an instruction on transferred intent. The instruction allowed the jury to find Siner guilty if her accomplice intended to fire at the truck but had hit the house instead.

On appeal, Gemmill held that the trial judge erred in giving the instruction. Transferred intent could not be applied to a drive-by shooting because it did not involve the element of intentionally causing a particular result, a *sine qua non* of the transferred-intent doctrine.

He held that the drive-by shooting statute criminalizes conduct, not conduct that causes a particular result. "Unlike offenses that require specific results as elements," he wrote, "the offense of drive-by shooting is complete no matter where the bullets went or whether any injury or damage occurred."

Gemmill was joined by Judges Philip Hall and Edward C. Voss in reversing Siner's conviction.

A few weeks later, Gemmill once again weighed the issue of transferred intent in *State v. Johnson*, No. 1 CA-CR 01-0204 (Ariz. App. June 17, 2003), a case involving an aggravated assault upon a police officer.

Benjamin Johnson had been convicted of aggravated assault when he shot a police officer. However, that same gunshot was also the basis of a second conviction of aggravated assault on civilian bystanders.

Two Phoenix police officers had stopped a car in a residential neighborhood. Onlookers from a nearby house gathered as the officers questioned the car's occupants. All involved, including the car's occupants, were being cooperative. Without warning, Johnson — who was standing over 100 yards away — aimed a 30.06 rifle and fired a single shot, striking one of the officers in the leg and inflicting serious, permanent injuries.

Johnson was convicted of aggravated assault on the police officer as well as aggravated assault on the bystanders on the theory that his intent to assault the officer transferred to the onlookers.

Once again, Gemmill held that the intent could not transfer. He traced the doctrine of transferred intent back to a medieval English case where a husband put poison in an apple,

— See *Courtwatch* on page 11



Arizona Paralegal Conference 2003

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Ask for MCBA Room Rate. Reservations must be made by September 6th.

EARLY Registration Fees:

- MCBA Paralegal Division Member \$150.00
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- Student \$ 50.00

Registrations received after August 1st and at-the-door will be assessed a \$25 late fee—students excepted.

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All reservations must be cancelled by September 10th to receive credit. Thank you!

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Been avoiding your inbox? How to 'Qurb' your spam

A few years ago, I watched an interview with Bill Gates and Andy Grove, two of the most influential leaders of the digital revolution. When asked about the most important contribution of digital technology, they both agreed that e-mail was at the top of the list. They also agreed that out of the many technologies that have changed our lives over the last twenty years, the one they could not live without was e-mail.

Although the interview took place years ago, I'm certain that if you were to bring Gates and Grove together again they would confirm that e-mail still is the most important tool they rely on for running their businesses. However, they also would likely add that e-mail has become a terrible burden because of a little problem we call spam (stupid pointless annoying messages).

Some of you may remember a controversy that arose about ten years ago when Phoenix lawyers Lawrence Cantor and Martha Siegel sent out a mass e-mail advertising their immigration practice. The use of the Internet for commercial purposes created a huge outcry among elitist techies and old school purists who were the major users of the Internet and its complicated e-mail systems. The thrust of the outcry was that the Internet was not a place for the crass purposes of commercial advertising. Yet only a few years after Cantor and Siegel shocked the Internet community, the development of browser technology allowed even the most technically unsophisticated users to get on the Internet. Today, the phenomenal growth of the Internet is equally matched by the growing discovery of its potential for distributing inexpensive advertising, or spam.

Many studies regarding the impact of spam on the Internet have been published. I have read that as much as 70 to 80 percent of the traffic on the Internet is properly classified as spam. My own unscientific analysis of my e-mail indicates that at least 50 percent of the e-mail I receive is spam. This spam has many consequences.

For example, I find it difficult to receive e-mail on my Palm Pilot by logging on to my computer directly from a remote location. Services which would forward my e-mail to my PDA charge by the quantity of e-mail one



receives. The high amount of spam in my inbox makes this service expensive. If I had a person in my office to forward the e-mails I need to see to a secret e-mail address, I might be able to get those e-mails. But because I am a "one man band," spam has made it impossible to use my PDA to retrieve e-mail. I am not alone. And I'm probably not alone in being desperate to find an efficient way to curb the spam that clogs my inbox and takes me much time and effort to eradicate.

Three basic tools have been developed in recent years to control e-mail. First, there are the intelligent systems that use highly-developed algorithms to read the e-mail. They search for words and phrases that indicate the e-mail is spam then direct the e-mail server to refuse the message. Second, there are so-called black lists which prevent the mails from arriving at your computer by blacklisting various addresses. Typically, the black list software looks for senders of e-mail who are known spammers then blocks all e-mail from that sender. Unfortunately, many of these products never let you know that an e-mail has been blocked. This creates problems when the software incorrectly concludes that a message is spam. Third, there are the so-called white lists which only allow those senders that you have pre-approved to get their mail through to you. The problem with white lists is that building a list of approved senders has been difficult to do.

None of the above techniques have had much impact on spam. Indeed, spam has grown by leaps and bounds. At the College of Law our technical people now spend about half of their time attempting to identify spam messages. Since the college uses an algorithm-based tool, we remain susceptible to clever spammers who use tricks like putting hyphens between the letters in the words (as in s-e-x) to overcome the algo-

rithm. Thus, the use of intelligent systems becomes a constant game of catch up that never ends. While the technical staff's efforts have reduced the amount of spam we receive, plenty still gets through.

Black lists that attempt to block e-mail coming from particular servers have caused huge problems. Legitimate servers can be commandeered by spammers, resulting in unwelcome placement on a black list. Only a few years ago a hacker invaded the law college mail server and started sending spam from it. The server was blacklisted and for several days all college e-mail was interrupted because the "block list" barred all e-mail from our server without regard to the actual person sending it. Indeed, it can be impossible to discover the server from which the spam has been sent because spammers are very clever and continually change e-mail addresses from one server to another.

In short, there is no easy answer to spam. The best answer I have found for now is a product called Qurb. Unfortunately, it works only with Outlook 2000 and above. But since most of the world now uses one of the recent versions of Outlook it is beginning to have an impact. For the individual user, Qurb works like a charm.

Qurb automatically builds its white list of approved senders by initially approving all of the addresses contained in your contacts folder as well as all of the addresses to which you have sent e-mail. It also can pre-approve all the e-mail you have received and have saved. In my case, the initial white list developed by Qurb for me contained about 11,000 e-mail addresses. Most of those e-mail addresses are from spammers, but since spammers constantly change their address-

es, the old spam addresses that found their way onto my white list don't cause a problem. And, unlike other white list programs, Qurb puts all messages from unapproved senders in a special folder and notifies you when it has done so. Your only task is to scan the folder and mark the addresses you would like added to your white list. A single click moves them to your list and you can then delete the remaining e-mails in that folder.

While Qurb does allow you to blacklist certain addresses with a click of the "block" button, this does little good in regard to the worst kind of spammers. Most spammers soon move on to a new e-mail address, so blacklisting doesn't do much. On the other hand, adding addresses from the Qurb folder to your approved list is very easy to do. That is really all you need to do to keep your e-mail flowing.

While Qurb only works on your desktop or laptop computer, they're now developing a program for Outlook Express and a server-based product as well. I will let you know when that happens. In the meantime, you may download a free trial product from www.Qurb.com or buy the full product for only \$24.95

► *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 e-mail 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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2003 Pro Bono Golf Classic tempts golfers of all levels

By Shane Clays
Foundation Director

"When I'm on a golf course and it starts to rain and lightning, I hold up my one iron, 'cause I know even God can't hit a one iron."

— Lee Trevino

Who could say it better than Lee Trevino? Even for the pros, golf is one of the world's most challenging, frustrating and fun games in existence. Each year, some of the Valley's best "weekend hacks" "sandbaggers" and "polished golfers" sign up to play the Maricopa County Bar Foundation Pro Bono Golf Classic. This year's classic is scheduled for September 13, 2003, at Westin Kierland Resort & Spa.

Proceeds from the event will benefit the Volunteer Lawyers Program (VLP), which provides legal aid to low-income clients. The mission of the foundation, a 501(c)(3) non-profit corporation since 1983, focuses on programs that relate to the administration of justice; ethics in the legal profession; legal assistance for the needy; the encouragement of legal research, publications and forums; and the education of the public. The VLP fits well within this mission.

"We're very pleased the program was chosen as the beneficiary of this year's tournament," said Pat Gerrich, VLP Director. "This support will make it possible for VLP to help more children who need guardians ad litem in family court, domestic violence victims, grandparents caring for their grandchildren, senior citizens, consumers, and others who would not otherwise have access to legal assistance."

John Hendricks, co-chair of the golf tournament committee, also noted the importance of the tournament to the foundation's yearly fundraising efforts. "For more than 15 years, our annual golf classic has been one of the primary sources of funding for the foundation and its grants program," he said. "If it wasn't for the generosity of the attorneys who come out and play at this event, the grants we give each year and the impact we have in the community would be greatly diminished."

Golfers will be treated to breakfast before a morning of golf on the Kierland course, regarded as one of the most beautiful golf courses in Arizona. Lunch will follow along with a raffle drawing. Last year, raffle winners walked away with prizes such as DVD players, Ping golf clubs and gift certificates to local restaurants.

"It's easy to tell that people truly enjoy this event from the atmosphere during the tournament," said Pat Fowler, also a co-chair of the tournament committee. "There's a lot of laughing and ribbing going on, so it's a lot of fun. Golfers get a chance to play on a great course, enjoy a wonderful lunch and the opportunity to win some great prizes, all while supporting an important charitable cause."

Golfers who register before August 1 qualify for the early bird registration fee of \$160. After August 1, registration is \$185 per golfer. Single golfers as well as foursomes are welcome. Non-golfers who are interested in supporting the VLP are encouraged to register in a phantom foursome for \$100. Tournament sponsorships also are available.

Please note: we have listened to your feedback and there will not be any CLE at this year's event. For more information or to register for golf, please visit us online at www.maricopabar.org/foundation, call Shane Clays at 602-257-4200. ■

Brian Booker (right), a partner at Quarles & Brady Streich Lang, enjoyed a morning of golf with his father, Ronald Booker, at last year's Pro Bono Golf Classic at the Westin Kierland Resort.



The Maricopa County Bar Foundation & The Volunteer Lawyers Program present the

2003 Pro Bono Golf CLASSIC

Saturday, September 13, 2003

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6:30 a.m. Registration & Breakfast

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We welcome letters to the editor. Letters generally should be no more than 300 words long. *Maricopa Lawyer* reserves the right to edit all letters for length. Letters to the editor must be typed on your letterhead, signed and submitted to Editor, *Maricopa Lawyer*, Maricopa County Bar Association, 303 E. Palm Lane, Phoenix, 85004.

Family Court growing rich in judicial resources, new programs

By Teena Booth
Maricopa Lawyer

Not long ago, Family Court was perceived as the "stepchild" of the court system, at least according to the court's presiding judge, Mark W. Armstrong. Many judges viewed it as an unpopular assignment, in part because of heavy caseloads.

"That's not the case anymore," Armstrong said. "The status of Family Court has improved. And the primary reason for that is the increase in judicial resources. Over the last few years, we've increased the number of judicial officers by 50 percent. We now have 32 judicial officers, which brings us very close to our goal of having one Family Court judge per 100,000 people in the county."

Since 1996, the court's case filings have remained at about 30,000 per year. More judges means cases are heard more quickly, and the judges may spend more time on each case.

Family Court judges also are gaining the advantages of new technology. Soon, computers will be installed on the bench in each courtroom, allowing judges to calculate child support or prepare orders of protection at the bench.

Yet even with such dramatic improvements, a Family Court assignment still holds challenges.

"Family Court is different from other courts in that it is multi-disciplinary," Armstrong said. "These judges not only have to know the law, they have to understand human relationships and child psychology and the many different emotional aspects that can play into a case. They have to delve into what is most private, and most personal for the family involved."

Because of the multiple facets of family law, Armstrong noted that the court often develops projects that would be considered unusual in other courts.

For example, Family Court has prepared a grant proposal for the governor to request funding for Community Parenting Time Centers, which would provide safe, home-like environments where children could be dropped off and picked up for visitation with parents.

Other projects launched over the last few years include the Family Violence Prevention Center, the Settlement Conference Program

and service enhancement programs such as the Family Court Navigator and Domestic Violence Division. Meanwhile, the Integrated Family Court Pilot Project, with its "one family-one team" approach, was recently expanded courtwide at the southeast court facility. In the coming months, Armstrong hopes to implement the project at other court locations in the county as well.

The court welcomes input from family law attorneys on its many projects, and for the past five years has sponsored an open Family Law Study committee which meets downtown every other month. The meetings provide an open forum at which members of bench and bar discuss current programs along with concerns, ideas and suggestions about future programs. The next meeting is scheduled for 12:15 p.m. July 15 in the east court building cafeteria, Table One Room. (Meetings also are scheduled for Sept. 16 and Nov. 19.)

"We're firmly dedicated to enhancing services at Family Court, as well as continuing to enhance the status of the court," Armstrong said. He believes it is unusual for a Superior Court to put such a strong focus on developing family law resources, and credits Presiding Judge Colin Campbell for helping to pave the way for a court that truly serves families.

"Ultimately, it's an internal judicial leadership decision," he added. "And with the commitment of Judge Campbell and myself, you will continue to see this court working to improve the family court in Maricopa County." ■



New Family Court judges (from left to right) Cari Harrison, Larry D. Grant and Harriett Chavez prepare to address a group of 60 Family Law Section members.

Family Law Section meets new Family Court judges

Three of the seven judges newly assigned to Maricopa County Family Court met with the MCBA Family Law Section on June 4. Judge Cari Harrison, who rotated from Civil Court, was joined by recently appointed judges Larry D. Grant and Harriett Chavez in addressing 60 members of the Family Law Section.

Family Court Presiding Judge Mark W. Armstrong introduced the judges and noted their enthusiasm for their new assignment.

"Of course, just because we call them our 'new' judges doesn't mean they are inexperienced," he added. "These are well-educated professionals with entire successful legal careers to draw from."

Harrison acknowledged that other judges had told her that "Family Court is the hardest assignment on staff." But after two years on Civil Court, she said she is looking forward to the challenge. She also remarked on "excellent and sometimes overwhelming training" given to the new judges by the court.

Grant started by saying he welcomed the

assignment. "I believe that dealing with issues of family impacts what goes on in our community," he said. "I am looking forward to this opportunity more than you will ever realize."

Chavez also emphasized the training received by the judges.

"This is one of the best trainings I've had in 12 years," she said. She continued with a promise to run an efficient calendar and remain open to "talking" with family law attorneys.

All three judges stressed the importance of mutual respect between bench and bar in the courtroom.

"Civility should be a watchword," Grant said. "In these cases, the issues are very contentious. Parties are usually very upset. Sometimes we will have to agree to disagree."

Chavez will be assuming a northwest facility calendar, while Judge Mark Santana has joined Grant and Harrison downtown. Judges Penny Willrich, Connie Contes, and Linda Akers are the new Family Court judges at the southeast facility. ■

MCBA Family Law Section Snapshot

Members: 275

President: Jeffrey G. Pollitt

Secretary: William D. Bishop

MCBA Section Liaison: Bonnie Glass

Meetings: First Wednesday of each month, 5:15 p.m., University Club

For a closer look at the Family Law Section, visit their new Web page at

www.maricopabar.org/sections/family.shtml

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LEGAL BRIEFS

El Mirage and Glendale courts win back control

The Arizona State Supreme Court recently returned administrative control of the El Mirage and Glendale municipal courts to their respective presiding judges.

In 2001, the court ordered supervision of a number of limited jurisdiction courts to be assumed by Maricopa County Superior Court Presiding Judge Colin Campbell until operational problems were corrected. In the Supreme Court's opinion, the El Mirage and Glendale courts now have corrected their deficiencies.

Proposed rule change would clarify jurisdiction issues

The State Bar's Task Force on Multijurisdictional Practice has written a proposal to change Rules 5.5 and 8.5, which deal with the practice of law in Arizona by lawyers admitted in other jurisdictions.

"These changes will make it easier for lawyers to represent clients where the client's needs are, while providing a means for state bar authorities to discipline lawyers who are

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not members of that bar but whose conduct occurs in their state," explained Myles Lynk, co-chair of the task force and recipient of an Award of Appreciation from the State Bar for outstanding service in that role.

The proposed amendments would permit limited forms of legal practice in Arizona who are admitted in other states but not in Arizona, and allow for greater enforcement of Arizona's rules against lawyers from other jurisdictions.

The proposal has been approved by the State Bar Board of Governors and submitted for adoption by the Arizona Supreme Court.

Public Defender conference debuts

Over 500 lawyers, investigators and administrators attended the first annual statewide Public Defender Conference on June 17 and 18 at the Tempe Mission Palms. Sponsored by the Arizona Public Defender Association, the one and one-half day seminar included six break-out sessions with seven to 11 choices for each.

Steven Rench, a premier teacher of trial advocacy in the United States, was among the lecturers, while former Attorney General Grant Woods entertained his luncheon audience with humorous courtroom war stories.

Three award recipients came from Maricopa County. Judge Dean Trebesch, former Maricopa County Public Defender, received the Gideon Award in recognition for his development of a public defender training fund. Christopher Johns was presented with a Lifetime Achievement Award and Linda Shaw received an award as Outstanding Urban Paraprofessional.

ABA provides resource for loan repayment assistance

Many law school graduates burdened by heavy educational loan debt are forgoing careers in public service in favor of more lucrative private practice. In response, the American Bar Association has created "The State LRAP Tool Kit," a resource guide for creating state loan repayment assistance programs, or LRAPS, for public service lawyers.

This free tool kit was designed to help states create programs to attract young lawyers to public service and keep public legal careers an option for recent graduates who pursued a law degree with the hope of serving their communities.

The tool kit includes sample LRAP legislation with an analysis and LRAP checklist, guidance on creating an independent non-profit organization to administer the program, and information about the eight existing statewide programs.

To download the tool kit at no charge, visit the ABA's Web site at www.abalegalservices.org/lrap.

New Ninth Circuit award honors memory of Phoenix attorney

Chief Judge Mary M. Schroeder of the Ninth Circuit Court of Appeals announced the establishment of the John P. Frank Award to recognize an outstanding lawyer practicing in the federal courts of the western United States.

The new award was named for the late John P. Frank, a renowned attorney, author, law professor, civil liberties advocate and legal historian. His law career spanned 62 years and included work on more than 500 appeals argued before the Arizona Court of Appeals, the Arizona Supreme Court, the Ninth Circuit Court, and the United States Supreme Court.

Frank, who died last year, was the first recipient of the award, presented last month at the Ninth Circuit Judicial Conference in Hawaii. Schroeder, who was mentored by Frank as a young attorney and later became his partner at the Phoenix firm of Lewis and Roca, accepted the award on his behalf.

Beginning in 2004, the award will be presented annually to a lawyer who has "demonstrated outstanding character and integrity; dedication to the rule of law; proficiency as a trial and appellate lawyer; success in promoting collegiality among members of the bench and bar; and a lifetime of service to the federal courts of the Ninth Circuit."

ABA report charts new course for judicial selection

"Justice in Jeopardy," a report released last month by the American Bar Association, attempts to break the deadlock in the debate over appointment versus election of state judges. The report also provides a blueprint for states on how to restore eroding public confidence in the courts, and addresses widespread funding problems brought about by the worst budget crises for states since the Depression.

Written by the ABA Commission on the 21st Century Judiciary, the report includes more than two dozen innovative recommen-

NEW ON THE WEB

New site offers legal advice to public

Arizona's legal aid organizations worked together to launch a statewide website to help low-income individuals find legal assistance. AZLawHelp.org is a free site designed to help users find legal aid where they live.

The site also features articles, forms and links to information about civil legal issues in the following topics: Family, Kids and Seniors, Housing, Immigration, Native American Law, Public Benefits, Work, Your Money, and Your Rights.

The site was created under a grant to Southern Arizona Legal Aid from the Legal Services Corporation and is managed by the William E. Morris Institute for Justice.

Legal reference site online

The Arizona Investigators Association has gone online with a 250-page reference site designed for lawyers, paralegals and legal assistants in Arizona.

www.investigators-a2z.com features pages of court locations, divisions, precincts, filing fee charts, forms and many other tidbits of information used by legal professionals.

Superior Court cover sheets, accident request forms, UCC forms and more are available in pdf format and set up for online fill-in to save time.

Maps of Arizona, its counties and additional detail maps, along with a full catalog of Arizona license plates, can be found on the site as well. ■

dations on improving state courts and judicial selection.

Electronic copies of the report are available on the American Bar Association Web site at www.abanet.org/media.

ABA asks lawyers to assist military reservists

As the war in Iraq winds down, the ABA has renewed its call for lawyers across the country to provide free legal assistance to the men and women called to serve.

To date, more than 200,000 reserve and national Guard personnel have been called to active duty in the nation's fight against terrorism and Operation Iraqi Freedom. As part of their preparation, all reservists undergo a "legal checkup" to ensure their legal affairs are in order before they are shipped out.

Despite such preparations, many reservists return home to face challenging legal issues, such as problems with creditors, threats to their savings and possible job loss. ■

O'Connor shares concerns at Inn of Court conference

By Terri Zimmerman
Maricopa Lawyer

U.S. Supreme Court Justice Sandra Day O'Connor revealed her concerns about the increasing rigidity in the law at last month's National American Inn of Court Leadership Conference in Philadelphia. Examples she shared included the twelve-year-old girl taken into custody in Washington D.C. for eating French fries on the subway because the Metro Transit Police had a "zero-tolerance" policy for infractions, and the child who got in trouble at school for a plastic knife in her lunchbox. The rule of law has to be flexible, she said, and the life of law is not logic but experience.

O'Connor also expressed concern for legal professionalism and cited large billable hours, reduced pro bono and abuse of contingency fee arrangements as evidence for decline in standards. O'Connor said she does not know the solution to the problem and expected it to take years to resolve. But she did say, "lawyers and judges will play an important part" in guiding the future of the profession.

Four conference attendees from Maricopa County listened to the keynote speech, including Arizona Supreme Court Vice-Chief Justice Ruth McGregor, who previously clerked for O'Connor. The speech reflected

the goals and objectives of the American Inns of Court.

Modeled after English advocacy training which stresses ethics, manners and deportment, the first American Inn of Court was formed in 1980. Today, over 20,000 members throughout the country meet regularly to participate in Inns of Court programs. This membership is comprised of experienced and inexperienced lawyers, judges and third-year law students. The objectives of the organization are:

- To unite a cross section of the bar into a forum for the promotion of excellence in legal advocacy;
- To promote brotherhood of the bar, the bench and students of the law;
- To provide congenial, stimulating and cooperative interaction among students, lawyers and judges;
- To contribute to essential reforms and improvements in the training and performance of legal advocates;
- To facilitate the transition of law students and young lawyers into the operation of our court system, and
- To renew and inspire joy and zest in legal advocacy as a service worthy of constant effort and learning.



PHOTO BY TERRI ZIMMERMAN

Arizona Supreme Vice-Chief Justice Ruth McGregor stops on her way into the American Inn of Court Conference to pose with U.S. Supreme Court Justice Sandra Day O'Connor, who was the keynote speaker at the event.

Each Inn is divided into "pupillage teams" (groups with attorneys and judges of varied experience and background) which work together to plan programs on legal issues to be presented to the Inn at a dinner meeting. This allows new attorneys to be mentored by more experienced attorneys and judges, and to encourage conversations about the practice of law.

Phoenix boasts five chartered American Inns of Court (AIC): the Sandra Day O'Connor AIC, the Horace Rumpole AIC, the Lorna

Lockwood AIC, the Irwin Cantor AIC, and the Thurgood Marshall AIC. In September, the Thurgood Marshall group will host a program called "The Care and Feeding of Superior Court Judges," to be led by Maricopa County Superior Court judges Edward Burke, Margaret Downie and Gary Donahoe.

For more information on American Inns of Court or the September program, contact Terri Zimmerman at (602) 506-4230 or zimmerman@mail.maricopa.gov. ■

PEOPLE IN LAW

■ Cari Gerchick, president-elect of the Maricopa chapter of the Arizona Women Lawyers Association, received the 2003 Outstanding Young Lawyer Award from the State Bar of Arizona. The award is given for outstanding efforts in law-related service to the community or to the bar.

■ Bryan Cave Partner Steven A. Hirsch was a co-recipient of the State Bar of Arizona's Member of the Year Award. The award recognizes an attorney "who has rendered extraordinary contributions to the programs and activities of the State Bar." Hirsch recently served as co-chair of the bar's Multijurisdictional Task Force. Pima County Superior Court Judge Michael Owen Miller, also a co-recipient of the award, was recognized for his service as chair of the Ethical Rules Review Group.

■ Bryan Cave associate James T. Tucker received ASU's Barrett Honors College 2002-2003 Outstanding Alumnus Award in recognition of "personal and professional excellence and outstanding support of the Barrett Honors College and its students." Tucker served on the Dean's Advisory Board and headed up the college's Pre-Law Initiative mentoring program.

■ Gallagher & Kennedy attorney Jeff Pyburn was inducted into the Georgia Athletic Hall of Fame for numerous baseball and football records set at the University of Georgia. Pyburn was a first-round draft choice by the San Diego Padres. He also played for the Buffalo Bills until 1983.

■ Robert H. Feinberg, an attorney with Snell & Wilmer's healthcare litigation practice group, was reappointed as vice-chair of the healthcare liability and litigation substantive law committee of the American Health Care



Baird



Harrison



Hirsch



Tucker

Lawyers Association. Feinberg will be responsible for managing the communication projects and activities of the association.

■ Christine Pestici has been named volunteer of the year at Scottsdale's Paiute Neighborhood Center for her service at the center's legal clinic.

■ Arizona Supreme Court Justice Rebecca White Berch has been selected by the Council of State Governments for the 2003 Toll Fellowship Program. Berch will travel to Kentucky to participate in the annual program, which is aimed at developing the next generation of leaders from all three branches of government.

■ Lewis & Roca partner Peter Baird received the 2003 Walter E. Craig Distinguished Service Award from the



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Update...

Continued from page 1

► Juvenile Court can now order a parent to pay all or part of the costs of foster care or educational programs required by the court. (Chapter 23)

► A seller of five or fewer parcels of land in an unincorporated area of the county must furnish an affidavit to the buyer disclosing information regarding legal access to the property as well as physical access, road maintenance, flood plain inclusion and water availability. (Chapter 24)

► The statute requiring an employer to inquire whether an employee is subject to a

wage assignment upon hiring has been repealed. (Chapter 27)

Volume Two also contains the governor's Executive Order 03-03 regarding affordable prescription drugs. After various findings about the high cost of prescription drugs, the governor ordered the Arizona Health Care Cost Containment System to "develop and implement a bulk purchasing-based discount card program for Arizona's Medicare-eligible seniors and persons with disabilities."

A final report to the governor is due Sept. 1. It is interesting that this order creates a program which, without funding, bypasses the legislative process yet places duties on the AHCCCS that will necessarily entail a considerable expenditure of money and manpower.

Volume Three of the Arizona Legislative

Service contains the next 67 enactments of the 46th Legislature.

► In keeping with a public records law that already protects police officers and prosecutors, all judicial officers (justices, judges, commissioners and public defenders) now can request that the general public be prohibited from accessing identifying information in recorded data and instruments at the County Assessor, County Treasurer and County Recorder's offices. It is also illegal (class 5 felony) to make personal information regarding judicial officers available on the internet. (Chapter 106)

► Grandparents seeking visitation rights shall petition for their rights in the same action in which the parents' marriage was dissolved, or in which the court determined paternity or motherhood. If no such action was filed, then a separate action is allowed. (Chapter 89)

► Amended statute section 44-1692 relates the specific circumstances under which Department of Economic Security may obtain a consumer report concerning a moth-

er or father obligated to pay child support. (Chapter 54)

► Guardianships of incapacitated persons can be sought only if "the person's needs cannot be met by less restrictive means, including the use of appropriate technological assistance." Petitioners now must state whether they are requesting general or limited guardianship. Limited guardianship requests must state specific powers requested, and general guardianship requests must explain why a limited guardianship is not appropriate. (Chapter 56)

► An amendment to private investigator and security guard statutes says a conviction for a domestic violence offense can adversely impact a person's eligibility to engage in this type of employment. (Chapter 112)

► A new statute prohibits state employees from accessing internet pornography on state computer equipment. (Chapter 80)

► When recording deeds and contracts for sale of real property, the inclusion of the assessor's parcel number is now required. (Chapter 105) ■

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Jeffery P. Boshes

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Catherine L. Dehlin

Allen L. Feinstein

Amy J. Gittler

Steven A. Hirsch

Mark C. Knops

Jeffrey M. Manley

Patricia E. Nolan

James S. Tegart



Griller...

Continued from page 1

"We have lived through a biblical time span of financial drought and financial surplus more than once," Campbell said. Yet in spite of the ups and down, he added, Griller remained "a man of compassion who sought to bring out the best in everyone he met."

In Griller's opinion, however, the post of court administrator is not "personality-dependent." Rather, his approach has been one of collaboration and a strategic focus on bringing the member parts of the justice system together to work on solutions. He noted that a court is "one of the most complex and multi-faceted human organizations on the face of the planet," and the most effective way to serve it is to cross boundaries and open pathways within the system.

"The administrator of the court should represent the culture of the organization," Griller said. "And in my experience, this court has fostered an environment focused on team-building and problem-solving. It has been my job to facilitate the culture that already exists, independent of me."

He added that he is proud to have been part of a court that "works."

"This is a court that thinks of itself as having customers, a court that takes risks, a court that is willing to pioneer new programs," he said. "And I attribute that to the caliber of the judges here. I'd put [Maricopa County's] judges toe-to-toe with judges from any urban bench, and our judges would come out ahead."

Griller's firsthand knowledge of the strengths of the bench was further expanded a year ago when he became the administrator for all trial courts in Maricopa County to include not only Superior Court with its 91 judges and 30 commissioners, but also the 23 justice

courts and 23 municipal courts. In this role he was able to provide integrated, coordinated management throughout the county's judiciary.

In addition to his involvement on numerous professional boards and commissions, Griller served as the president of the National Association of Trial Court Administrators (now the National Association for Court Management) in 1983 and 1984. In 1988, he received the Warren E. Burger Award for outstanding contributions to the development of court administration from the National Center for State Courts' Institute for Court Management. In 2000, the National Association for Court Management presented him with its highest accolade, the Award of Merit.

Griller admitted that his accomplishments as administrator, as well as the court's progress, did not always proceed smoothly.

"There are always struggles in making progress," he said. "There have been dead ends, and we have made our share of mistakes. But an energetic and vibrant organization will factor in those mistakes, factor in the costs, and learn from them."

When asked what he will miss most about the job, Griller said he will miss the "pulse beat" of the courthouse, and being at the center of a never-ending human drama.

"They write movies about places like this," he said. "Major life-changing situations unfold here every day. People's lives change by what happens in a courtroom on a particular day."

When asked what he will miss the least, he laughed. "I'd have to be nuts to reveal that."

He said he isn't worried about the difficulty of finding someone to fill his shoes. "Part of my obligation as administrator has been to help develop other managers here and provide the court with choices for a successor, and I think I've done that."

Another important part of the job, he said, is knowing when it's time to move on. "I've been here a long time," he said, "I'm ready for something new, something different. But whether I'll go on in public service, or I'll venture into consulting, I haven't decided yet."

He added that he's had some interesting offers and he'll likely take his time sorting through them. Then who knows...?

Gordon Griller's "wild west adventure" continues. ■

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JULY

- July 1**
 - Summer Social, 5:30 to 7:30 p.m.
- July 4**
 - Independence Day, MCBA office closed.
- July 8**
 - VLP Advisory Committee, noon
 - Scottsdale Bar Association lunch meeting, noon, Scottsdale Athletic Club, 8225 E. Indian Bend Rd., Scottsdale. Speaker: To be announced. Cost: \$15 with advance payment (send checks payable to Scottsdale Bar Association to P.O. Box 2087, Scottsdale, 85252-2087); \$18 at the door. Information/reservations: Jill Miller, 480-481-3047.
- July 9**
 - MCBA executive committee, noon, Warner Angle Hallman Jackson & Formanek, 3550 N. Central.
 - Hayzel B. Daniels Bar Association, 5:30 p.m.
- July 14**
 - Task Force on Recruitment of Women and Minority Lawyers, noon
 - YLD board, noon
 - Paralegal board, 5:30 p.m.
- July 15**
 - Employment Law Section, 12:30 p.m.
 - Bankruptcy Section, 5:00 p.m.
- July 16**
 - Litigation Section, 7:30 a.m.
 - Bench Bar Committee, 12:15 p.m., Central Court Building, 4th floor
- July 17**
 - PLD Board, noon
 - MCBA board of directors, 4:30 p.m.
- July 18**
 - Maricopa County Bar Foundation board of trustees, 7:30 a.m.
 - LRS Marketing Committee, noon
- July 21**
 - Membership Communications Committee, noon
 - YLD Domestic Violence Committee, noon
- July 22**
 - Juvenile Practice Section, noon, southeast court facility, Mesa
- July 24**
 - Technology Section, 7:30 a.m.
- July 30**
 - Arizona Women Lawyers Association lunch meeting, noon, Arizona Club. Speaker: TBD. Program begins at 12:30 p.m. Cost: AWLA members, \$15; non-members, \$20. Reservations (required): 602-863-7678 or luncheons@awla-maricopa.org by noon (two days before).

AUGUST

- August 4**
 - Maricopa Lawyer editorial board, 5:00 p.m.
- August 6**
 - *Full House or Joker?: Prop 202 and the aftermath of Federal Indian Gaming Law*
1:00 to 3:30 p.m. ASUD
Our panel will examine issues and challenges presented by Proposition 202 Compacts, including compact appendices, regulation of blackjack operations and regulatory authority. Requirements for tort claims procedures, revenue-sharing issues and sovereign immunity also will be covered.
Cost: Member attorneys, \$50; member paralegals and public lawyers, \$35; non-member attorneys, \$70; non-member paralegals and public lawyers, \$50; same-day registration, \$15 additional.
CLE: 2 hours
- Family Law Section, 5:15 p.m., University Club
- August 7**
 - Construction Law Section, noon
- August 11**
 - YLD board, noon
 - Paralegal Division board, 5:30 p.m.
- August 12**
 - VLP Advisory Committee, noon
 - Scottsdale Bar Association lunch meeting, noon, Scottsdale Athletic Club, 8225 E. Indian Bend Rd., Scottsdale. Speaker: To be announced. Cost: \$15 with advance payment (send checks payable to Scottsdale Bar Association to P.O. Box 2087, Scottsdale, 85252-2087); \$18 at the door. Information/reservations: Jill Miller, 480-481-3047.
- August 13**
 - MCBA executive committee, 7:15 a.m.
 - Personal Injury/Negligence Section, noon
 - Hayzel B. Daniels Bar Association, 5:30 p.m.
- August 15**
 - Maricopa County Bar Foundation board of trustees, 7:30 a.m.

MCBA CALENDAR

This calendar includes all CLE seminars presented by MCBA as well as MCBA meetings, luncheons and events and those of other voluntary bar associations and law-related organizations. The divisions, sections and committees listed here are those of the MCBA, unless noted otherwise. Everything takes place at the MCBA office, 303 E. Palm Lane, Phoenix, unless noted otherwise. Other frequent venues include the University Club, 39 E. Monte Vista, Phoenix; Arizona State University Downtown (ASUD), 502 E. Monroe, Phoenix; and the Arizona Club, 38th floor, Bank One Building, 201 N. Central, Phoenix. For information about MCBA events or to register for any of the MCBA seminars, contact the MCBA at 602-257-4200 or visit www.maricopabar.org.

JULY 2003	S	M	T	W	T	F	S
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- August 21**
 - PLD board, noon
 - MCBA board of directors, 4:30 p.m.
- August 26**
 - Juvenile Practice Section, noon, southeast court facility, Mesa
 - Corporate Counsel Division board, 4:30 p.m.
- August 27**
 - Arizona Women Lawyers

- Association lunch meeting, noon, Arizona Club. Speaker: TBD. Program begins at 12:30 p.m. Cost: AWLA members, \$15; non-members, \$20. Reservations (required): 602-863-7678 or luncheons@awla-maricopa.org by noon (two days before).
- August 28**
 - Technology Section, 7:30 a.m.

- *Litigating the defects: Who is liable?*
1:00 to 4:30 p.m., ASUD
Our panel will examine how to handle defect litigation from plaintiff's and defendant's points of view. Topics will include overage issues, developers defenses and indemnity, subcontractor responsibilities, settlement and trial, pre-litigation steps, case management, class action, ADR and trial.
Cost: Member attorneys, \$75; member paralegals and public lawyers, \$55; member self-study, \$75; non-member attorneys, \$105; non-member paralegals and public lawyers, \$75; non-member self-study, \$105; same-day registration, \$15 additional.
CLE: 3 hours

- August 18**
 - Membership Communications Committee, noon
 - YLD Domestic Violence Committee, noon
- August 19**
 - Estate Planning & Probate Section executive committee, 7:30 a.m.
 - Employment Law Section, 12:30 p.m.
 - Bankruptcy Section, 5 p.m.
- August 20**
 - Sole Practitioners Section, 11:30 a.m.
 - Bench Bar Committee, 12:15 p.m., Central Court Building, 4th floor

Courtwatch...

Continued from page 4

intending to kill his wife so that he could marry another woman. His daughter ate part of the apple and died. The court convicted the man of his daughter's murder, holding that his intent to kill his wife transferred to the daughter.

Arizona's codified doctrine of transferred intent, A.R.S. § 13-203(B), applies in two different situations. It applies when the actual and intended victims differ but the actual and intended harms are the same. It also applies when the actual victim is the intended victim, but the actual harm differs from the harm intended.

Gemmill found it impossible, based on the trial court's instructions and the jury's verdict, to determine whether Johnson intended only to frighten the officers or bystanders, or whether he intended to both shoot somebody and frighten one or more persons, or whether he meant only to shoot someone and did not mean to scare anyone. Gemmill could not rule out the third possibility, in which case the transferred-intent doctrine could not apply.

"It cannot be presumed from the act of firing a shot at [the] officer," he wrote, "that Johnson also intended to scare [the] officer ... or any of the bystanders."

"While common sense suggests that a person who shoots at one person likely knows that bystanders

will be frightened by the shot," he held, "the apprehension form of assault requires proof of *intentionally* placing a person in apprehension." He continued, "Knowingly placing a person in apprehension is a less culpable mental state and is not sufficient for this crime." Thus, "if Johnson intended simply to shoot [the] officer, the actual victims at issue may be the bystanders, but the intended victim was [the] officer."

"Accordingly," Gemmill concluded, "because both the victims and the harms differ between the actual and intended results, we conclude that neither clause of § 13-203(B)(1) may be applied to transfer intent for the bystander assault charges if Johnson's intent was solely to shoot and hit a person."

Similarly, Gemmill noted that § 13-203(B)(2) does not apply "when a person intends to shoot and hit someone but does not intend to frighten that person or anyone else." He opined that "if Johnson fired his rifle intending to hit [the] officer, without any intent to scare anyone, he may have been convicted of intentionally placing the bystanders in apprehension without ever having any intent to place anyone in apprehension."

Gemmill concluded that Johnson's conviction for assault on the bystanders could not stand. Together with Judges Jefferson L. Lankford and Susan A. Ehrlich, he reversed the conviction. ■

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"Duke" Cameron: In Memoriam

By Jack Levine
Maricopa Lawyer

Former Arizona Supreme Court Chief Justice James D. "Duke" Cameron passed away on Friday, May 23, following a lengthy illness. He was Arizona's 27th chief justice, serving on state's highest court from 1971 to February 1, 1992 for a total of 21 years, with the last four years as chief justice.

"The passing of Chief Justice Cameron is truly the end of an era for Arizona's judiciary," said current Chief Justice Charles E. Jones. "He personally supervised a comprehensive revision of the Rules of Court. His contribution to modernizing and organizing the state's judicial branch is legendary."

Jones noted that Cameron's emphasis on administration has had a continuing impact on the court. Cameron "always felt that effective administration is an essential assurance for justice," Jones added.

Former Supreme Court Justice Frank Gordon shared the bench with Cameron and remembers him as a "great administrator"



This likeness of Arizona Supreme Court Justice James D. "Duke" Cameron is from an oil painting that hangs in the Supreme Court building in Phoenix.

who influenced the development of the rules of procedure for not only the appellate courts of the state but the trial courts as well. "Cameron took the recommendations of the American Law Institute more seriously than any other judicial officer in the state's history," Gordon said.

As a justice, one of the first items Cameron tackled was to order an audit of all the cases then

pending courts throughout the state. He accompanied that audit with an order permitting the dismissal of stale cases. He concentrated on two counties each year for seven

years until there was a complete accounting of all cases across the state.

Gordon recalled that Cameron, who served as chair of the Conference of Chief Justices in 1977, hosted the organization's annual meeting at Lake Powell that year. Sandra Day O'Connor, who was then a judge on the Arizona Court of Appeals, attended the conference at Justice Cameron's invitation, as did U.S. Supreme Court Justice Warren Burger. During the conference Cameron introduced O'Connor to Burger and, according to Gordon, "the two of them really hit it off." A short while later, when a vacancy developed on the U.S. Supreme Court, O'Connor was nominated.

Gordon also remembers Cameron as an exceedingly patient man who listened well to others. Cameron was often a guest in Gordon's home, watching returns on election nights and exchanging political yarns.

Cameron was a well-known basketball fan as well, and there was a considerable rivalry between Cameron, Gordon and Justice Stanley Feldman on behalf of their respective alma maters. Whenever one of their teams played against the other's, all bets up to \$1 were readily accepted. Gordon recalled a basketball-related incident when he was still a newcomer to the court. It was the day of a big game and although the court was in session, Gordon used a lull in an oral argument to pass a bet slip with a folded one dollar bill to Justice Jack D.H. Hayes, followed by a gesture to pass it on to Cameron. Hayes refused, fearing that passing money from one justice to another might give the impression that he was offering Cameron a bribe.

Cameron was born on March 25, 1925, in Richmond, California. According to his family, his early years were marked by upheaval and tragedy, yet despite these early hardships, he was driven to become educated and successful. He attended the University of California in Los Angeles, and earned his B.A. in political science from the University of California in Berkeley in 1950, and his law degree from the University of Arizona in 1954.

Cameron began practicing law in Tucson, but later moved to Yuma to open his own practice. In 1960, he was appointed to Yuma County Superior Court. In 1964, he successfully ran for a seat on the Arizona Court of Appeals, and in 1971, he was elected to the Arizona Supreme Court.

His many accomplishments during his 26 years as an Arizona appellate judge included three years as a member of the America Bar Association Board of Governors, in addition to his one year as Chair of the Conference of Chief Justices of the United States. In 1982, President Ronald Reagan appointed Cameron to the advisory board of the National Institute of Justice, on which he served three years.

He devoted a significant part of his career to the education of judges at both the trial and appellate court levels. He was instrumental in creating a graduate program for appellate court judges at the University of Virginia School of Law in 1979, the first of its kind in the country. He also served on the board of directors of the National Judicial College.

Cameron also was a member and director of the American Judicature Society and received the "Herbert Lincoln Harley Award," the society's highest honor, in recognition of his distinguished record in judicial administration. He was active on the boards of directors of the Salvation Army, Boy Scouts of America and the public library system for Yuma County.

Cameron is survived by Paula, his wife of eleven years; his son, Craig, a lawyer with the Pinal County Attorney's office; his two daughters, Alison Gray, of Paradise Valley and Jennifer Cameron Klein, of Duxbury, Massachusetts; his sister, Shalia Gaffney of Phoenix, and seven grandchildren. Duke will be greatly missed by all. ■

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LEGAL MOVES

■ David Kelly and Quentin Vaughan have re-joined Lewis & Roca's as of counsel. Kelly (J.D. 1989, University of Georgia) was previously an attorney with the National Labor Relations Board and will concentrate his practice in labor and employment issues. Vaughan (J.D. 1992, Northwestern University) re-joins the firm's corporate group and will concentrate on mergers and acquisitions, securities regulation and other transactional matters.

■ Christopher L. May has joined Bryan Cave as an associate. May (J.D. 1988, Vanderbilt University) will practice in the firm's class and derivative actions, commercial litigation and anti-trust/U.S. trade client service groups. Prior to joining the firm, May practiced in Tennessee.

■ Bryan Cave partner Frank M. Placenti has been named co-leader of the firm's transactions and corporate governance client service group of 110 lawyers. His practice will focus on capital formation, corporate governance, securities and corporate law, regulatory compliance, mergers and acquisitions and other business combinations.

■ Lewis and Roca has named eight new partners. Amy Altschuler (J.D. 1995, Brooklyn Law School) concentrates in the areas of commercial and industrial leasing, land acquisition, land development and related entity issues. James Berchtold (J.D. 1996, University of Utah) represents construction clients in litigation and dispute resolution, contract preparation and project administration. Stephanie Cerasano (J.D. 1996, ASU) focuses on the areas of disability discrimina-



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Derby

tion, sexual harassment, and the Family and Medical Leave Act. Dan Goldfried (J.D. 1994, George Washington University) concentrates on intellectual property and securities matters. Brenden Griffin (J.D. 1994, University of San Diego) focuses on the areas of tort, insurance defense, ERISA and bad-faith law. Greg Harris (J.D. 1983, ASU) practices in the areas of government relations and administrative and regulatory law. John Hinderaker (J.D. 1996, UA) concentrates on commercial litigation. Jennifer Van Kirk (J.D. 1996, University of Illinois) litigates cases involving trademark infringement, copyright infringement, domain name disputes, false advertising and violations of restrictive covenants.

■ Squire Sanders & Dempsey announced the addition of partners David M. Klein and Jordan A. Kroop and associates Brent H. Hall and Anoma Phanthurath to the firm's Phoenix office. Klein (J.D. 1995, ASU) will focus on real estate and commercial finance transactions in the hospitality and leisure industry. Kroop (J.D. 1994, University of Virginia) will practice in bankruptcy and corporate restructuring matters. Hall (J.D. 1999, University of Michigan) will focus on general commercial, insurance, construction and labor and employment issues. Phanthurath (J.D. 1998, UA) will handle claims involving fraud, breach of contract, breach of warranty,



Dooley



Evans



Feinberg



Garth



Goldfried



Griffin



Harris



Kafka



Hinderaker



Lewis



Lorenzen



May



Placenti



Ricupero



Van Kirk



Vaughn

wage claims, wrongful termination, negligence and defamation.

■ Scottsdale attorneys Daniel J. Adelman and Steven J. German have formed Adelman German, a new law firm. Adelman (J.D. 1987, ASU) recently practiced at Begam Lewis Marks and Wolfe in the areas of personal injury and wrongful death litigation. German (J.D. 1992, Cleveland-Marshall College of Law) was a solo practitioner concentrating on personal injury and disability insurance disputes. The new firm will handle serious injury and wrongful death cases.

■ Quarles & Brady Streich Lang has named four new partners. David T. Barton (J.D., Brigham Young University) focuses his practice on labor and employment law and litigation. Brian R. Booker (J.D. 1994, University of Virginia) concentrates on commercial litigation. Mark K. Briggs (J.D. 1994, University of Iowa) focuses in the areas of corporate finance and securities, mergers and acquisitions, and international transactions. Kevin D. Quigley (J.D. 1994, ASU) practices in the area of commercial litigation and administrative and regulatory law.

■ Tamalyn Lewis and Natalie Garth were named partners at Ridenour Henton Harper

Kelhoff Lewis & Garth. Lewis is head of the firm's bankruptcy practice group. Garth handles complex real estate, estate planning and lending transactions.

■ Ali J. Farhang and Lisa A. Brautigam have joined Fennemore Craig as associates. Farhang (J.D. 1997, University of Denver) will focus on labor and employment law. Brautigam (J.D. 1997, Florida State University) will practice in natural resources, water and environmental law.

■ Gust Rosenfeld announced the addition of associate Abbie S. Shindler to the firm's estate planning and corporate practice. Shindler (J.D. 1999, California Western School of Law) was previously with Mohr Hackett.

■ Christopher Johns has been selected to serve as the training director for the Maricopa County Public Defender's Office. Johns (J.D. 1984, ASU) previously served the office in the appellate division and as a trial deputy.

■ Stephanie R. Derby has joined Jennings, Strouss & Salmon as partner and chair of the firm's employee benefits and compensation practice group. Prior to joining the firm, Derby (J.D. 1991, University of Minnesota) practiced with Snell & Wilmer.

— See **Legal Moves** on page 15

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COMMENTARY

Is lawyer advertising threatening the tort system?

By Jack Levine
Maricopa Lawyer

Busy lawyers seldom have time to look around and take stock of what is happening in our profession. However, we should make an effort to do this occasionally to be sure that things are not broken. And, if they are, we should develop pragmatic solutions for fixing them. Lawyer advertising — and its impact on the tort system — is one item badly in need of repair.

Like many lawyers, I was initially in favor of permitting lawyers to advertise because of the potential benefit to the public. When the late John P. Frank, representing the State Bar, squared off against William C. Canby Jr. to argue the landmark case of *Bates vs. State Bar of Arizona* before the U.S. Supreme Court in 1977, Frank predicted that lawyer advertising would lead to the commercialization of the profession. He was particularly concerned that if lawyers were permitted to solicit personal injury claims through advertising, lawyers would come to be viewed by the public as money-grubbing ambulance chasers.

As we know, the court rejected this argument, persuaded that the benefits to the public would outweigh any real or imagined harm to either the public or to the legal profession. It may be time to re-examine this issue based on evidence that the public, as

well as lawyers, are now suffering substantial harm from the deluge of TV, billboard, phone book, and transit bus advertisements which solicit personal injury cases. Not only are many of these ads crass and offensive, but they hold out the promise of financial rewards for those asserting claims.

Meanwhile, the insurance industry has watched these developments and has seized upon the opportunity to increase its bottom line. The industry has spent millions of dollars in a public relations campaign designed to persuade the public that lawyers and accident victims are greedy, corrupt, and dishonest in filing frivolous lawsuits and manipulating juries into awarding huge sums of money to undeserving litigants.

As part of its campaign, the insurance industry has planted false or grossly exaggerated reports about cases in which multimillion dollar verdicts have been awarded for trivial injuries or accidents which are the fault of no one but the injured party. Frequently mentioned is the McDonald's hot coffee case. Rarely mentioned is the fact that out of the \$2.9 million jury verdict awarded to the elderly plaintiff, \$2.7 million was for punitive damages based on over 700 previous claims filed against McDonald's by scalding victims. Also rarely mentioned is the reduction of the punitive damage award down to \$480,000, while the compensatory damage award of \$200,000 was reduced to \$160,000. Not much consider-

ing the plaintiff's excruciatingly painful third-degree burns which required an eight day hospitalization and multiple skin grafts.

In another report widely circulated by the insurance industry, a woman in a department store was said to have tripped over her own infant child, then sued the store for her injuries. Upon investigation, the story was determined to be a complete hoax. No such case ever existed.

The insurance industry has continued to push the same themes: the tort system is totally "out of control," people are bringing frivolous lawsuits hoping to win the "litigation lottery," there are way too many false and exaggerated claims, jury verdicts are too high and all of this is leading to greatly increased liability insurance premiums for the public. This public relations campaign has been extraordinarily successful, far beyond the wildest dreams of the insurance industry.

The combination of lawyer advertising and insurance industry propaganda has engendered public attitudes that have all but destroyed the tort system and deprived thousands of innocent Arizona citizens of fair compensation for negligently inflicted injuries. It has also created a deep-seated public distrust of lawyers and a feeling of disgust with our legal system. Members of the public are all too eager to strike back in an effort to rectify these wrongly-perceived circumstances every time they receive a notice to

appear for jury duty in personal injury cases.

The assumption running through U.S. Supreme Court opinions dealing with personal injury advertising is that despite any potential adverse effect to the image of the profession, the damage is outweighed by the First Amendment right to commercial speech along with the presumed benefits that such advertising grants to the public. Clearly, these assumptions are no longer true. Now that we have had over 25 years of experience with personal injury advertising, perhaps it is time for the State Bar to go back to the U.S. Supreme Court, armed with data drawn from the polling of public attitudes as well as the statistics that show the increasing downward trend of jury verdicts. This data would be sufficient to demonstrate the tragic effect lawyer advertising has had on the tort system.

Based on past U.S. Supreme Court cases on this issue, Justices Rehnquist, O'Connor, Scalia and Thomas would be likely to re-visit the wisdom of permitting lawyer advertising if presented with proof that the public is being harmed. Given the existing climate, such a revisit should be welcomed by the profession.

► Jack Levine is a sole practitioner who practices in the areas of personal injury, employment law and family law. He is a former chair of the Trial Practice Section of the State Bar and a former president of the Arizona Trial Lawyers Association. ■

People...

Continued from page 9

Arizona Foundation for Legal Services & Education. The award is given annually to an attorney who serves the public in the community in which he lives.

■ David Kay, Regents' Professor of Law at ASU's College of Law, has been named a Fulbright Scholar for the 2003-2004 academic year. Kaye will teach courses in evidence

law and scientific evidence at Wuhan University in central China.

■ Osborn Maledon attorney Jill Harrison has received the Outstanding Young Alumni Award from the UA Alumni Association for her service on behalf of the university.

■ Don P. Martin of Quarles & Brady Streich Lang was elected president of the Board of Trustees of the Phoenix Art Museum. Martin has been a volunteer with the museum since 1983, and is a former president of the museum's Men's Arts Council.

■ The Herberger Theater Center recently elected Snell & Wilmer partner Van Wolf as vice-chairman to its board of directors. Wolf will assist the chairman on a variety of initiatives, including fundraising and grant writing efforts. ■

Legal Moves...

Continued from page 14

■ Six new associates have joined Ryley Carlock & Applewhite. T. Mitchell Dooley (J.D. 1994, University of Arkansas) will join the firm's real estate and lending practice group. Elizabeth A. Cottor (J.D. 1996, William Mitchell College of Law) will be part of the firm's litigation practice group. Michael T. Kafka (J.D. 2002, William Mitchell College of Law) will practice in the area of environmental and natural resources law. Douglas Wiley (J.D. 1996, Vanderbilt Law School), will focus on estate planning. Kara Ricupero (J.D. 2000, ASU) will practice in the firm's litigation practice group. Michele L. Lorenzen (J.D. 1995, University of Wyoming) will focus on environmental and natural resources law.

■ Stephanie J. Evans and Denis C. Blankhurst have joined Steptoe & Johnson. Evans (J.D. 2000, Pepperdine University) will concentrate on labor and employment law. Blankhurst (J.D. 1999, University of Chicago) will practice in the firm's commercial litigation group. ■

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Maurice Portley**

on his appointment to the Arizona Court of Appeals, Division One

Judge Portley practiced with the Firm from 1984 until
his appointment to the Maricopa County Superior Court in 1991.

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Attorney earns second VLP honor for 19 years of noteworthy service

By Peggy Cornelius
Maricopa Lawyer

Shawn K. Aiken, a partner at Hebert Schenk, is being honored for the second time as VLP's Volunteer of the Month. He previously received the award in 1998.

In addition to his 19 years of representing VLP clients, Aiken's service is noteworthy for its scope and the outcomes he has achieved. His VLP cases have ranged from tort defense and consumer fraud to tenants' rights and home ownership.

In his most recent case, Aiken delved into family law with a home ownership dispute involving a couple that had never been legally



Aiken

married. Aiken's client sought to enforce a separation agreement she had made with her former partner and father of their seven children. When her partner chose to leave the family after 16 years of cohabitation, they verbally agreed she and the children would continue to live in their shared home and ownership of the property would be transferred to her.

Later, however, the partner manipulated the situation to evict the family from the

property and occupied it himself. The client could not afford more than a one-bedroom apartment for their family of eight, and they eventually moved in with friends.

Strict interpretation of community property law was unfavorable to Aiken's client, but his legal argument concerning cohabiting couples and implied partnerships was persuasive. One week before trial, the judge encouraged the opposing party to take advantage of the opportunity to negotiate settlement. The parties settled the case that afternoon.

"We were ready for trial," Aiken said. "We were very pleased when the opposing party agreed to give my client ownership of the land and build a house to replace the mobile home there. She and the children now have the home and she has legal title to the land."

Aiken credits paralegal Lorraine Fletez-Brant for her work on the case. "Lorraine and I have worked together for many years. My pro bono efforts are matched by hers."

During his undergraduate years as an English and Latin major, Aiken aspired to become a professor. "I'm not sure how I decided on law school, but the teaching market was tight when I graduated." Aiken, who won a National Collegiate Championship in extemporaneous speaking, thought he would do well as a trial lawyer. "You could say I transferred my vision of speaking in a classroom to speaking in a courtroom."

In fact, Aiken has done exceptionally well as a trial lawyer. He is certified by the National Board of Trial Advocacy as a civil trial advocate and rated AV by Martindale-Hubbell. He has been the lead attorney on hundreds of litigated matters, including over twenty-five trials to judgment. He also has conducted over seventy-five arbitrations, mediations, settlement conferences and jury trials as arbitrator, mediator and judge pro tem.

Aiken's volunteer activities include coaching his son's Babe Ruth baseball team, keeping up with his 17-year-old daughter, and serving on the State

Bar's Civil Practice and Procedure Committee. Yet he returns for more pro bono cases even when his time and energy are in short supply.

"Every case matters," Aiken noted. "But in most VLP cases, the problem keeps the client from moving on. It's the central issue in their life at that time, and it often affects an entire family. Helping them resolve the problem is an opportunity to influence or change the course of their life. If that doesn't get your motor going, I don't know what will."

► Peggy Cornelius is VLP's programs coordinator. If you or members of your firm would like to know more about pro bono opportunities through VLP, contact director Patricia Gerrich at 602-254-4714. ■

Courthouse Experience needs more volunteers

The Superior Court recruiting season has begun for court-savvy lawyers who would enjoy volunteering their expertise to the Courthouse Experience educational program for Valley students.

Since 1990, volunteer lawyers have escorted nearly 72,000 students (grades 6-12) through the Superior Court complex in downtown Phoenix. Volunteer attorneys meet their assigned class at the courthouse at 9 a.m. to introduce students to the justice system. They escort students to a courtroom so participants may observe court proceedings, explain what is happening and answer the students' questions about the legal sys-

tem. Visits may include time with judges, visits to the law library, jury assembly room, clerk's filing counter or other court departments. The program typically concludes around 11:30 a.m.

It is not too early for interested attorneys to begin planning their participation for the 2003-2004 school year. About 6500 students are expected to take part in the program this next year. Over the next several weeks, schools throughout the county will receive notices about the Courthouse Experience and invitations to participate. Lawyers are urged to volunteer for this dynamic program by calling (602) 506-2280. ■

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. 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 would be appreciated. ■

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 agreed recently to assist low-income clients with these civil legal needs. Each volunteer attorney receives a discount CLE certificate from the MCBA.

Bankruptcy

Robert D. Beucler, Phillips & Associates
Joseph M. Hillegas Jr., Ayers & Brown
Jeffrey L. Phillips, Phillips & Associates

Consumer

Richard J. Boyd, Sole Practitioner
Herbert S. Fibel, Sole Practitioner
Stacy Y. Hannert, Quarles & Brady
Streigh Lang
Chester McLaughlin, Sole Practitioner
Joshua Milligan, Stewart & Associates
Michael E. Neumann, Hahn Howard & Green
Angelo J. Patane, Burrell & Seletos
Bahar A. Schippel, Snell & Wilmer
Geoffrey H. Walker, Sole Practitioner

Family Law/Domestic Violence

Heather L. Buchta, Quarles & Brady
Streigh Lang
Clarence Calvin III, Sole Practitioner
Harry P. Friedlander, Gibson Matheson
Lallis & Friedlander
Richard Underwood (ODRO), Ryan
Woodrow & Rapp

Guardians Ad Litem for

Children in Family Court
Steven N. Cole, Cole & Wingard
Wallace R. Nichols Jr., Sole Practitioner

Guardianship of Incapacitated Adults

Brad Tebow, Sole Practitioner
Eric Bradley Van Buskirk, Sole Practitioner

Guardianship of Minors

Joseph M. Boyle, Bohm Boyle & Jones
Mary Dolores Guerra, Bowman & Brooke
Judith A. Morse, Sole Practitioner

Home Ownership

Peter Baird, Lewis and Roca
Don C. Fletcher, The Cavanagh Law Firm
Andrew F. Halaby, Snell & Wilmer
Thomas F. Hickey, Keller & Hickey
Donna Parks, Lewis and Roca
Jonathan D. Schneider, Lewin & Schneider

Non-Profit Organization Assistance

Vincent Padilla, Honeywell Corp.
John L. Hay, Gust Rosenfeld

Tenants' Rights

Don Gaffney, Snell & Wilmer

Tort Defense

Thomas C. Hall, The Cavanagh Law Firm



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