

MARICOPA LAWYER

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March 2002

Mardi Gras a ball

Silent auction raises \$13,500 for The Center for Habilitation

By Susan Wissink
MCBA / YLD President

The Maricopa County Bar Association Young Lawyers Division hosted yet another successful Barristers Ball on Feb. 9. Thanks to our generous sponsors, including West — See **Ball** on page 2



(Left) Paige Martin had the Barristers Ball theme of Mardi Gras nailed with a mask imported from the New Orleans area. (Right) Sal Rivera with a painting he successfully bid on in the silent auction. Photos by Terri Zimmerman.

MCBA honored for programs

The Maricopa County Bar Association has been honored for diversity awareness and its 2001 Law Day activities.

The American Society of Association Executives awarded its 2001 Gold Circle Award to the MCBA for the One Hundred Women & Minority Lawyers program in the category of diversity awareness. The Gold Circle Awards are given to recognize excellence and innovation in all facets of association management.

The MCBA also is one of six recipients of awards given by the American Bar Association for outstanding Law Day activities. The ABA's Standing Committee on Public Education honored the MCBA for its Law Week activities, which last year included poster, photo and essay contests for 360

school-aged children; a new initiative, "Lawyers in the Classroom," in which volunteer lawyers visited seven schools and delivered presentations on the law, the legal profession and legal issues facing children; and provided free legal advice to members of the community through Phone-A-Lawyer, two community law fairs and five senior citizen law fairs.

The five other winners were the Alabama Center for Law & Civic Education, the Baton Rouge Bar Foundation, the Napa (Calif.) Superior Court, the Nevada County (Calif.) Bar Association and the Philadelphia Bar Association Young Lawyers Division. The awards were presented during the ABA's midyear meeting in February in Philadelphia. □

8 make first cut for Supreme Court

Five judges and three lawyers will be interviewed March 7 for a chance to be Arizona's newest Supreme Court justice.

Nineteen lawyers and judges had applied for the vacancy, which resulted from the appointment of Justice Frederick Martone to the U.S. District Court bench.

The Commission on Appellate Court Appointments on Feb. 21 reviewed the applications and narrowed the field to:

► Robert L. Beal Jr., a litigator with Kinerk, Beal, Schmidt & Dyer in Tucson. He practices personal injury, wrongful death, products liability and medical malpractice litigation. He received his law degree in 1969 from the University of Arizona.

► Division One Court of Appeals Judge Rebecca White Berch, who was appointed to the appellate court in 1998. Prior to that, she worked for the Arizona Attorney General's

Office, directed the legal writing program at the Arizona State University College of Law and was in private practice. A Tempe resident, she received her law degree in 1979 from ASU.

► Andrew D. Hurwitz, Osborn Maledon, who practices administrative and regulatory law, appellate law and litigation. He received his law degree in 1972 from Yale University and, among other clerkships, clerked for U.S. Supreme Court Justice Potter Stewart. He lives in Phoenix.

► George H. Mitchell, the Cavanagh Law Firm, who practices commercial litigation, insurance defense, bad faith, first-party insurance claims, subrogation, fire and arson and products liability law. A Phoenix resident, he received his law degree in 1965 from the UA.

► Division Two Court of Appeals Judge — See **Judges** on page 3

Career prosecutor leads U.S. Attorney's Office

By Jack Levine
Maricopa Lawyer

With very little fanfare, Paul K. Charlton came up through the ranks and took over the reins of the Arizona U.S. Attorney's Office.

Charlton is the 40th U.S. attorney for the District of Arizona since the first U.S. attorney for the Arizona Territory, Almon Gage, was appointed by President Abraham Lincoln in 1863. Charlton is in charge of an operation that includes more than 100 lawyers and 138 staff members at offices in Phoenix, Tucson, Flagstaff and Yuma.

Before the November 2000 presidential election, becoming the U.S. attorney was little more than a very vague ambition for Charlton, who had joined the office in 1991. However, even before Florida's electoral votes were finally awarded, a friend suggested that he think about applying for the position if the vote went to George W. Bush. Fortunately for him, subsequent events fell into place.

When Charlton's predecessor, Jose de Jesus Rivera, a Clinton appointee, resigned last April, U.S. Attorney General John Ashcroft gave Charlton a 120-day interim appointment. After an interim appointment

expired, the chief judge of the judicial district is permitted by law to appoint an acting U.S. attorney until the Senate passes on an appointment. U.S.

District Chief Judge Stephen M. McNamée swore Charlton in as acting U.S. attorney in July.

Arizona's senators, Jon Kyl and John McCain, recommended him to replace Rivera. **Paul K. Charlton**



After he had held the job for more than six months, the Senate finally confirmed Charlton in November.

The 41-year-old Charlton received his law degree from the University of Arizona. After graduating, he clerked for now-retired Arizona Court of Appeals Judge Thomas C. Kleinschmidt and then hired on with former Arizona Attorney General Bob Corbin, in the Organized Crime and Racketeering Section. He joined the U.S. Attorney's Office in 1991 to work in the Violent Crimes Unit.

Charlton exudes energy and enthusiasm for his work. He has a relaxed, personable and charming manner, and often exhibits an

— See **Charlton** on page 6

The importance of volunteering — with or without public accolades

By Michael Jones
MCBA President

This past Valentine's Day, the MCBA co-hosted the annual Volunteer Lawyers Program pro bono awards luncheon. Each year I'm amazed by the sheer numbers of our colleagues who donate their time and effort to clients who could not otherwise afford to hire or consult with an attorney.

Unfortunately, we did not see any members of the general news media at the VLP awards luncheon. Lawyers giving back to our community is, apparently, not newsworthy to the general public. [But it's newsworthy to us. See page 13 of this issue of *Maricopa Lawyer*.]

Pro bono is, however, extremely important to all of us within the profession, regardless whether we receive public or media recognition outside of our profession.



Finding an outlet for our pro bono inclinations is usually not difficult. There are always clients who cannot afford an attorney but desperately need one. The giving of one's time without expectation of being paid is a rewarding experience because it makes us feel good about our profession and ourselves.

'Jury target circles' will aim to keep jurors close to home

By Colin F. Campbell
Special to Maricopa Lawyer

The most common complaint the Superior Court hears from jurors is the distance they have to travel for jury service.

Maricopa County is larger than several eastern states, and traveling across the county can be a chore, especially at rush hour. A resident of Sun City or Wickenburg is generally not happy to travel to the Mesa courthouse to sit as a juror. When the new northwest facility opens in July, Mesa and Gilbert residents will not want to drive to Surprise. The court received a letter from one Sun City couple who did not want to drive at night and purchased hotel rooms in Mesa, at their own expense, for one day of jury service.

The distance complaint also has been a barrier to regionalizing court services. The Maricopa County Board of Supervisors, listening to its constituents, has been reluctant to create satellite court facilities that would further burden citizens performing jury service.

In the past, the court has attempted to resolve this problem by seeking legislation that would allow the creation of jury districts. Jury districts would allow the court to draw hard lines that divide the county into districts. This could be done in a manner that would keep demographics statistically the same within districts. These efforts have not fared well at the Legislature, however, where trial lawyers fear a jury district may skew representation on the jury panel.

Maricopa County is not unique nationally in having regional court facilities over a large geographic area. We believe California has adopted a solution that will address the issues that have been simmering here for so long.

More than 750 Maricopa County attorneys donated their time in 2001 to clients referred to them by VLP. The MCBA and Community Legal Services jointly established VLP to match up needy clients with attorneys willing to donate some of their time for a good cause/client.

I was pleased to recognize so many names among the VLP volunteers. In fact, several members of our MCBA board of directors were among the volunteers: George Chen,

Orange and Los Angeles counties have multiple courthouses over a vast urban area with jammed freeways. California addresses the issue of traveling jurors with a process called "jury bull's eye." Under this system, a juror is randomly assigned to the court facility nearest the juror's home.



Colin F. Campbell

We're going to call our system "jury target circles." In Maricopa County, the system would work as follows. Assume that the northwest facility in Surprise needed 75 jurors, the downtown facility needed 300 jurors and the Mesa facility needed 200 jurors. The jury computer would randomly pull the names of 1,000 potential jurors from the juror rolls for the entire county (more than 1.5 million adults).

If the first juror lived in Peoria, the jury

Susan Wissink and Jay Zweig. Not only do they volunteer for active roles in our bar leadership, but they are to be commended for the hours of pro bono time spent with VLP clients.

I also was surprised to recognize the name of retired Judge Robert Pickrell on the list of 2001 volunteers. I sincerely hope that when I reach his age I can be as involved and productive as he is.

In the spirit of recognizing volunteers, I would like to thank the members of the Young Lawyers Division who did such a fine job on the Barristers Ball this year: Andrew Everroad, David Klein, Paige Martin and Michael Lungaretti.

Keep up the good work! □

computer would assign the juror to the northwest facility. The computer then would proceed to the next name and, if the juror lived in Gilbert, assign the juror to the Mesa facility. The computer would assign each juror to the closest court facility needing a juror to the juror's home.

Once a court facility's demand for jurors is satisfied, the computer would assign the next juror to the next closest facility. For example, if the computer pulled a Wickenburg juror and the northwest facility's demand for 75 jurors already was satisfied, the computer would assign the juror to the downtown Phoenix courthouse.

Even under a jury target-circle system, there is a chance that a juror could travel long distances. For example, if the last few jurors lived in Gilbert and the northwest facility needed jurors, they would be assigned to northwest. But the chances of driving all

— See Campbell on page 5

Ball...

Continued from page 1

Group, Elaine Cropper & Associates, Northern Trust Bank, PricewaterhouseCoopers and Harris Trust Bank of Arizona, we had a beautiful ball at the Camelback Inn.

Thanks to all of our guests for attending, and especially to our table hosts, including Bess Kunz; Bonnett Fairborn Freedman & Balint; Brown & Bain; Bryan Cave; the Cavanagh Law Firm; Fennemore Craig; Jennings, Haug & Cunningham; Jennings Strouss & Salmon; Lewis and Roca; Sacks Tierney; Squire Sanders & Dempsey; and Warner Angle Hallam. We are especially grateful to Fennemore Craig, Squire Sanders & Dempsey and Warner Angle Hallam for hosting two tables each.

Although 2001 was a difficult year for our country's economy, the Barristers Ball committee, headed by David Klein of Squire Sanders & Dempsey, did a fantastic job. A pianist serenaded guests as they tried to outbid each other in the silent auction, which included items such as a PowerPoint presentation system donated by Lee Toome and CCS Presentation Systems, a week at Steve Ryan's home on Kauai, various sporting events tickets and hotel packages, roundtrip tickets donated by Southwest Airlines, and a

week's stay at Sam Thumma's home in Flagstaff.

After the silent auction, the guests entered the "Mardi Gras" ballroom and enjoyed a delicious meal prepared by the Camelback Inn's chefs. The band, Meribeth Gallagher, kept the crowd dancing and entertained throughout the evening.

In all, our silent auction generated more than \$13,500 for our beneficiary, The Center for Habilitation. TCH, founded in 1967, supports and empowers children and adults who have developmental and physical disabilities. One of this award-winning organization's services is to train its clients and place them in jobs. The organization will use the funds raised from the silent auction to help pay for another full-time job developer who will train, place and support hard-to-place individuals with disabilities throughout Maricopa County.

I would like to thank the Barristers Ball committee members — Klein, Andy Everroad, Paige Martin and Mike Lungaretti — for all of their hard work. And the ball could not have happened without the tireless efforts of Shane Clays, the MCBA's YLD director. The committee and TCH are grateful for his hard work.

We thank all of you for your support and hope to see you at next year's ball. □

MARICOPA LAWYER

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Errors will be corrected in a subsequent issue.

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Correction

An article in last month's *Maricopa Lawyer* about Maricopa County Superior Court judicial rotations inaccurately stated that Judge Edward Burke will assume Judge Ronald Reinstein's criminal calendar in late December or early January. Reinstein has a Family Court calendar, not a criminal calendar. □

Judges...

Continued from page 1

A. John Pelander III, who was appointed to the bench in 1995. Prior to that, he practiced with Slutes, Sakrison, Grant & Pelander in Tucson. A Tucson resident, he received his law degree with high distinction in 1976 from the UA.

► Division One Court of Appeals Judge Michael D. Ryan, who has been on the appellate bench since 1996. Before that, he served as a Maricopa County Superior Court judge for 10 years and was a county prosecutor. Ryan, who lives in Scottsdale, received his law degree in 1977 from ASU.

► Pima County Superior Court Judge Nanette M. Warner, who was appointed to the bench in 1985. Prior to becoming a judge, she practiced civil litigation and appellate work with the Tucson firm then known as Miller, Pitt and Feldman. She received her law degree in 1976 from Georgetown University.

► Division One Court of Appeals Judge Sheldon H. Weisberg, who was appointed to the bench in 1992. Prior to becoming a judge, he was a partner in Bruno, Weisberg & Brooks, with a general commercial practice. Weisberg, who lives in Kingman, received his law degree *cum laude* in 1974 from Ohio State University.

All of the applicants to be interviewed are Republicans, except for Hurwitz and Warner, who are Democrats.

Others who had submitted applications were Division Two Court of Appeals Judge J. William Brammer Jr.; Coconino County Superior Court Judge H. Jeffrey Coker; Robert M. Cook, Law Offices of Robert M. Cook;



Beal



Berch



Hurwitz



Mitchell



Pelander



Ryan



Warner



Weisberg

Gila County Superior Court Judge Robert Duber II; Division Two Court of Appeals Judge M. Jan Florez; Robert C. Houser Jr., of counsel to Allen, Price & Padden; Division Two Court of Appeals Judge Joseph W. Howard; Stephen H. Leshner, Kimble, Leshner, Corradini & Toone; Pima County Superior Court Judge Clark W. Munger; Apache County Superior Court Judge Michael C. Nelson; and Lawrence F. Winthrop, Doyle & Winthrop. No Maricopa County Superior Court judges submitted applications.

The interviews will begin at 8:30 a.m. March 7 at the Arizona State Courts Building, 1501 W. Washington, Conference Room 345, Phoenix. The commission plans also to meet at 3 p.m. March 6 to discuss the candidates' qualifications.

After the interviews, the commission will recommend at least three nominees to Gov. Jane Dee Hull, who will appoint the new justice.

For the last opening on the Supreme Court, in 1997, 17 lawyers and judges applied. Berch, Florez and Weisberg also applied for that opening, to which Hull appointed now Vice Chief Justice Ruth V. McGregor.

The Maricopa County Commission on Trial Court Appointments is taking applications until March 15 to fill the vacancy created by the retirement of Superior Court Judge John R. Sticht.

Applicants must be at least 30 years old; have been admitted to practice law in and have been a resident of Arizona for the past five years; and have been a resident of

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

The original and 16 copies must be submitted to the Human Resources Division by 3 p.m. March 15.

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

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Juvenile cases in downtown court complex for first time since 1966

Seeking relief from a burdensome mix of increasing caseloads and space constrictions caused by construction at its Durango Facility, the Maricopa County Juvenile Court has moved two dependency and severance calendars to the Superior Court facility in downtown Phoenix.

In February, judges Alan Kamin and William Sargeant started hearing juvenile dependency cases in the Central Court Building. This marks the first time since 1966 that Juvenile Court has operated in the downtown court complex.

Several factors were behind the move, including an unbalanced dependency caseload between Juvenile Court judges at Durango and those at the southeast facility. To create a more balanced distribution of cases, Kamin and Sargeant not only took their cases downtown but they also assumed cases reassigned to them from other Juvenile Court judges.

The two downtown dependency calendars will return to the Durango facility once construction of a new courthouse, juvenile detention and treatment facilities and a parking garage is completed in fall 2003. □

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Sticht retires from Superior Court

By Karen Arra
Special to Maricopa Lawyer

He was known throughout the court as a legal advisor, confidant, mentor and trusted friend. His legal experience and judicial expertise earned him a reputation as a wise and patient judge who could handle the most complex civil cases and lengthy trials.

After 18 years on the Maricopa County Superior Court bench, Judge John R. Sticht retired effective Feb. 28 due to health reasons. In his resignation letter to Gov. Jane Dee Hull, he said his service on the bench "has truly been an honor and a responsibility [that] I have carried out with pride and to the best of my ability."

Several judges expressed sadness about losing one of their trusted confidants. His advice was invaluable to many.

"There is no one I trusted as much," said Judge Stephen Gerst.

Judge Steven Sheldon recalled his years as a young lawyer, working with Sticht on the legal staff at the Court of Appeals. In 1990, Sheldon again joined his friend, when he, too, was appointed to Superior Court.

"What I'm going to miss most about John is the chance to just pick up the phone and ask a legal question or talk about any problem," Sheldon said. "I'm really going to miss his advice, experience, thoughtfulness and intelligence."

In honor of his hard work and dedica-

tion, Presiding Judge Colin Campbell presented Sticht with the brass nameplate that hung outside his chambers and a bronze statue of Lady Justice.

"John, you know how much we are going to miss you," Campbell said during the presentation at the downtown court complex last month.



Maricopa County Superior Court Judge Steven Sheldon (left) reminiscing with Judge John R. Sticht at Sticht's retirement party last month.

Sticht, an Arizona native, began his legal career as a law clerk with the state Court of Appeals shortly after receiving his law degree from the University of Arizona. He spent a decade working as a private practitioner, prosecutor and Court of Appeals staff attorney, serving as that court's chief staff attorney for more than five years. In January

1984, Gov. Bruce Babbitt appointed him to the Superior Court.

He spent the majority of his tenure on the bench handling civil cases.

Arguably his most "historic" case involved the accounting firm then known as Price Waterhouse, which was accused of bungling an audit in the 1987 sale of United Bank of Arizona. After a trial lasting 11½ months — one witness testified for 23 days — the jury issued a \$338 million verdict in May 1992. At that time, it was the Superior Court's longest trial and largest civil verdict in Arizona history.

Months later, Sticht issued an eight-page ruling granting a new trial in the case, saying, "The jury was either hopelessly confused or the verdicts are irreconcilable. Either way, the verdicts cannot stand."

In 1996, another large civil lawsuit was immediately assigned to Sticht. The case involves a zoning dispute surrounding Sumitomo Sitix, a silicon wafer manufacturing plant in northeast Phoenix. Plaintiffs claim the factory's processes amounted to heavy manufacturing in violation of the city's zoning rules. With Sticht's management, the case has moved through the system with the possibility of settling without a trial.

When health challenges caused Sticht to miss work, Judge Linda Miles took over his calendar. He quickly acquired a new admirer.

"I did not know him very well until I started covering his calendar...He was a

— See **Sticht** on page 5

MCBA Young Lawyers Division
VOLUNTEERS NEEDED! SIGN UP NOW!

LAW WEEK 2002 : April 27th - May 3rd

Did you hear?? Law Week helped record numbers of people within our community in 2001. The efforts of the Law Week Committee and Law Week volunteers in 2001 helped earn the MCBA YLD an award from the ABA! Unfortunately, we missed the opportunity to help many other people because we did not have enough volunteers to cover the large volume of people looking for help. Please help us break 2001's records by volunteering for Law Week 2002!

Phone-A-Lawyer - 6p.m. - 9p.m. - ASU/KAET Channel 8 Tuesday, April 30th ___ Wednesday, May 1st ___

Essay Contest - Judges Needed! All grading can be done at your home, at a time that is convenient for you.
___ Yes, I would like to be an essay contest judge.

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Northwest groundbreaking

(Left) Judges, elected officials, administrators and project representatives participated in the groundbreaking Jan. 30 for Maricopa County's Northwest Regional Court Facility. The facility, near Litchfield and Greenway roads in Surprise, will be built of modular units constructed off-site and dropped into place on a prepared concrete base. It is expected to be open for business by July 1. In eight to 10 years, it will be replaced by a permanent facility. (Above) A drawing of what the completed facility is expected to look like.

Campbell...

Continued from page 2

the way across the county would be greatly minimized for most people.

A collateral benefit to the jury target-circle system is budget. For jurors summoned to jury duty who serve only the first day, the court pays mileage to the courthouse. By minimizing miles, the jury target-circle system will save money.

The court has begun the process of programming the computer to allow for jury target-circle juror summoning. We hope to have the new process in place sometime this spring.

► Colin F. Campbell is the presiding judge of the Maricopa County Superior Court.



PHOTO BY DAMIAN AROS, MARICOPA COUNTY SUPERIOR COURT

Sticht...

Continued from page 4

wonderful teacher. He would always take the time to sit down with me and explain things," Miles said. "He is a very kind and patient man."

Jeffrey Cates, the longest tenured judge on the bench, called Sticht "hard working, dedicated and one of the brightest judges we have in this court."

Having spent most of his time on the bench trying civil cases, Sticht said what was most enjoyable was "the inventiveness of the lawyers. Second, presiding over trials where you've got experts on both sides was very enjoyable. Third, meeting jurors, getting to know them,

because they represented a cross-section of the community."

He also took special joy in giving back to the community by educating kids about the court. He participated in helping judge the annual high school mock trial competition. He also arranged student visits to his courtroom during trials, taking time to talk with his guests, answering their questions about the court, trial procedures and the law.

"My staff deserves a mention," Sticht said, when asked to comment on his tenure. "They were excellent help to me."

He and his wife are moving to their beach house in San Diego.

► Karen Arra is a Maricopa County Superior Court public information officer. □

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Charlton...

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engaging, infectious smile in his interactions with others. He possesses a quick, keen intelligence, addresses issues in a thoughtful, orderly way and appears to be comfortable with his new responsibilities.

Charlton's wife, Susan, is a lawyer and a lobbyist with Gallagher & Kennedy. They have two children, ages 6 and 9. Charlton, although of slight build and bespectacled, nevertheless has the look of a well-conditioned athlete. He attributes this to his frequent treks up Camelback Mountain, which he accomplishes in just a little over 35 minutes. As an affirmation to his well-balanced lifestyle, visitors to Charlton's office are likely to find the Cub Scout manual as close at hand as the manual for U.S. attorneys or a volume of the U.S. code.

His staff includes Ann Harwood, his second-in-command; Patrick J. Schneider, who heads up the Criminal Division; and Thomas L. Fink, who is in charge of the Tucson office.

The U.S. Attorney's Office now is located in decidedly elegant quarters on the 12th floor of 40 N. Central, having recently moved from the old federal building at 230 N. First Ave. Charlton is pleased and enthusiastic with the new digs, which offer a unique combination of inspired visual design and well laid out functional space that gives one the feeling that this is not your stereotypical government office.

Charlton is quick to give recognition to his predecessor, Rivera, for his planning and efforts to design and decorate the new offices. Dispersed throughout Charlton's office and in the small adjacent conference room where he

Circuit Judge — Michael Daly Hawkins with discovering and rescuing the antiques from the U.S. Courthouse in Prescott.

Charlton is very much a team player. He is quick to say that his personal goals for his office



PHOTO BY PAT SALLEN

Paul Charlton serves as U.S. attorney for Arizona from new offices on the 12th floor of 40 N. Central, but his office is filled with Arizona history. The furniture dates back to territorial days and was rescued and refurbished by former U.S. Attorney — now Ninth Circuit Judge — Michael Daly Hawkins from storage in Prescott.

receives visitors are a number of well-preserved antique pieces of furniture dating back to territorial days. These are handsomely displayed and being put to excellent use. Charlton credits former U.S. Attorney — now Ninth

will to take a back seat to the nation's number one priority: the war on terrorism. According to Charlton, Ashcroft and every U.S. attorney in the country are focused on that priority.

Next in line, according to Charlton, is the war on drugs. Charlton also points out that his office will continue to make a substantial effort to prosecute aliens who have attempted to re-enter the country after being permanently barred for committing a felony here. Last year, his office prosecuted more than 1,700 of these cases in the U.S. District Court. Also, because Congress has given the U.S. Attorney's Office jurisdiction to prosecute crimes on Indian Reservations and because Arizona has the two largest Indian reservations in the country (Navajo and Tohono O'Odham) these duties also occupy a considerable amount of the time and resources of his office.

When asked about the qualities, skills and abilities he possesses that he can draw on in successfully carrying out his responsibilities as U.S. attorney, Charlton points to his 12

years of experience as a prosecutor and his ability to get people working together toward a common goal.

Although Charlton declined to give specifics on current ongoing investigations, he acknowledged that significant amounts of time and effort are being devoted to the war on terrorism. Saudi pilot Faisal Al Salmi, rounded up in the aftermath of the September 11 attack, was the first suspected terrorist in the nation to be convicted, following a trial before U.S. District Judge Roslyn O. Silver on charges of lying to federal investigators about his links to Pentagon suicide hijacker Hani Hanjour. Charlton's office also has been involved in the government's efforts leading to the arrest, in England, of Lofti Raissi, an Arizona-based pilot who trained at the same Phoenix flight facility as Hanjour. Raissi has been indicted here and is awaiting extradition to Arizona for concealing information on a Federal Aviation Agency application and for making false statements to the Immigration and Naturalization Service.

Charlton, as U.S. attorney, heads up the Federal Anti-Terrorism Task Force, which consists of all federal law enforcement agencies, including the FBI, DEA, ATF, Customs, IRS, INS, Border Patrol and Social Security. The task force has been involved in intelligence gathering since shortly after the September 11 attack.

Charlton credits Rivera with laying the groundwork for extremely good relationships with Mexican law enforcement agencies. According to Charlton, Rivera devoted a significant amount of time and effort to identifying objectives that could be shared between the law enforcement agencies of the two countries and in seeking people of good faith who could be relied on. Since leaving office, Rivera has joined the Phoenix office of Haralson, Miller, Pitt and McAnally.

Charlton believes that the spirit of cooperation initiated by Rivera is the key to stemming the flow of narcotics across the border and lowering the crime rate attributed to border-related matters. Charlton, who is bilingual, is working closely with the Procurador General de La Republica, the Mexican equivalent of the U.S. Attorney's Office and FBI, to accomplish these tasks. According to Charlton, the Sonoran law enforcement agencies now also play an important role in law enforcement efforts on the border. □

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Redundant storage and document management on the Internet

By Winton Woods
Special to Maricopa Lawyer

An enduring image from Sept. 11 is the virtual snowstorm of paper that descended on the streets of New York as the World Trade Center towers collapsed. The destruction of vast amounts of information was obvious and frightening. The World Trade Center had housed many information-based businesses such as stock brokerages, banks, financial-services companies and, of course, law firms.

Within days, most of the companies had restored at least partial service but the law firms were forced to go to New York Gov. George Pataki and obtain an executive order suspending the statute of limitations and deadlines for appeal due to the loss of information. That extension existed until January.

No such order was needed for the financial-services companies because most had in place a disaster-recovery plan with their information stored electronically offsite. For them, it was a difficult but not impossible task to reconstruct their information set from their "redundant" backup systems.

For many law firms, however, that was not possible. Many of the documents, particularly documents involved in litigation, did not exist in electronic form and, therefore, were not backed up. While it was possible to reconstruct many of those documents from other sources, millions of pages simply could not be replaced. Nobody knows what the result from that lost information is or will be.

Law firms that had not established disaster-recovery plans or sufficient redundant copies of information stored offsite no doubt will be hit with lawsuits for professional malpractice. On the client side, meritorious lawsuits may be effectively lost because of destroyed critical information. Substantial defenses based upon documents that no longer exist may be lost.

The legal industry no doubt will make massive efforts to invoke the now mature and

LAW OFFICE COMPUTING

workable tools of information technology to avoid such disasters in the future.

Because many documents in law firms are created originally in electronic form, the process of backing up those documents and storing redundant copies of them offsite is well understood. Indeed, the duty to make adequate backups of electronic documents is of increasing concern to professional malpractice carriers. Those electronic documents are at risk from mechanical failure, computer viruses, hackers or natural disaster and it is easy to understand the potential for professional liability that arises from the failure to anticipate those common occurrences and to protect against them. With electronic documents, redundant storage is critical and commonplace.

Until the World Trade Center disaster, however, not many lawyers applied the same liability analysis to paper documents. I think that is about to change. Indeed, the process of converting paper documents to electronic images now is a standard process in much of the litigation world. It is now commonplace to scan tens or hundreds of thousands of pages of discovery documents into electronic images that are stored on CD-ROM or hard-drives. Usually that is done not for the specific purpose of protecting the information but for efficient document management.

The same process can be used to provide the kind of redundant backup that we now use for day-to-day electronic documents. I think we are now not far from the time when the legal industry views paper documents as an anachronism just as the banking industry



views paper checks as an impediment to efficient management of banking. Paper will not cease to exist but important paper will be imaged and stored just as paper checks now are.

It is neither hard nor expensive to construct such a system because the litigation world has a well-conceived and easily implemented model. And the Internet provides us with the tools we need to make that process safe and efficient.

Many big cases around the country now involve lawyers from the far corners of the civilized world and perhaps beyond. Those cases have changed the face of litigation because they have required techniques for handling millions of pages of documents in a single case. Those techniques easily can be adopted in the thousand-page case.

Trial presentation tools such as Sanction, Visionary and Trial Director allow for the seamless integration of those documents into the trial courtroom.

But the biggest innovation of all has been the creation of database tools to manage those documents. Tools such as DataFlight Concordance and CaseSoft's CaseMap have simplified the organization of digitized documents and empowered lawyers to use mas-

sive amounts of information effectively. Recently, the implementation of web-based centralized management has allowed lawyers in ordinary cases to access a central repository of documents from anywhere in the world.

The best of these is, in my estimation, the system established by iCONNECT (www.iconect.net). iCONNECT is an easy-to-use in-house information repository that provides attorneys, co-counsel, clients and researchers with web-based access to their important case resources and information. Lawyers and staff can have exclusive access to calendar events, case contacts, attorney notes, depositions, litigation documents, TIFF images, PDF files and emails with attachments from wherever they can access the Internet.

iCONNECT uses a standard web browser so the user's computer does not need specialized software. At the same time, however, the adoption and integration of the popular Concordance database software allows for the development of a common interface with other firms and organizations. The iCONNECT server can be located in a central physical location away from the law firm or firms, thus protecting the information and assuring objective control. Documents can be searched with a variety of tools and the original document image can be invoked with a mouse click. Remote users can use almost any operating system (Windows, Macintosh, Linux), and access iCONNECT through the Internet using Internet Explorer

— See *Computing* on page 8

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Computing...

Continued from page 7

or Netscape with simple and inexpensive plug-ins. Documents of interest to the lawyer can be printed on a local printer in the lawyer's office.

All online access to case materials and firm information needs to be made as secure as possible. iCONNECT provides seven optional levels of security to maximize the integrity and safety of data and transactions. Moreover, different firms can adopt different

security levels in tandem with their existing security infrastructure. No security arrangement is flawless, however, and you should secure the services of a qualified security consultant to make sure your security level is appropriate to your needs. You may have some information and documents that you want to keep in maximum security, understanding that in the World Trade Center disaster even safety deposit boxes were destroyed. But those choices are ones that you have to make on a daily basis anyway.

Finally, iCONNECT will function efficient-

ly with all file formats that may be involved in your case. Because Adobe Acrobat's PDF appears to be the dominant format for electronically filed documents, that non-proprietary approach is very important.

iCONNECT is a powerful tool for document management in all but the smallest of cases. You can contact the company through its website — www.iconect.net — to get started on the road to modern case and document management. iCONNECT will interface with most of the popular document-management programs as well as several of the most commonly used trial-presentation programs.

You don't need a million pages of documents to benefit from this powerful tool. If you work with other firms on a case of even modest proportion, you should investigate the benefits that online document access provides.

Because we have used iCONNECT with such great success, I am partial to it but you might want to go to other providers that provide a similar service, such as www.casectentral.com.

Whichever method you choose, document management on the Internet is here to stay. If you want to try out the program and see the iCONNECT server in action, you can visit Lex Solutio's offices at 1102 W. Adams in Phoenix or try out the online software at www.iconect.net.

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



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Proudly welcomes the addition of:

Neal H. Bookspan,

J.D., with Honors, Drake University

Neal is a 1992 graduate of Drake University who practices in the areas of commercial and civil litigation, bankruptcy law and construction law. Neal was formerly with the law firm of Lewis & Roca, LLP.

and

Andrea C. Hergert,

J.D., University of Dayton

Andrea is a 1998 graduate of the University of Dayton School of Law and is a candidate for the February 2002 Arizona State Bar Examination. Andrea works in the areas of tax law, estate planning, trust administration and exempt organizations. Andrea was formerly a Senior Tax Specialist with the KMPG Personal Financial Planning Group.

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Get your minute entries online

By Michael K. Jeans
Clerk of the Superior Court

The minute we have been waiting for has arrived, which means the minutes you have been waiting for will be arriving directly on your computer.

For several months, I have talked about our Minute Entry Electronic Distribution System (MEEDS), which is a program we designed to automate the minute-entry process. This automation includes sorting and distributing the minute entries from the court division to the parties, court docket and website, as well as to a few law firms participating in a pilot project.

Now I am pleased to announce that we

CLERK'S CORNER

can open up MEEDS to all interested law firms. This will save us considerable time, printing costs and paper as well as allow us to provide better service to the legal community, who will receive minute entries in a more efficient manner.

If you are interested in receiving minute entries electronically, please contact us so that we can provide you further details and enroll you in the program. Contact Communications Director Cari Gerchick by email at cgerchick@cosc.maricopa.gov.

Remember that you can access minute entries through our website, www.clerkofcourt.maricopa.gov. Most criminal minute entries are available from January 2000 to the present; most probate minute entries from December 2000 to the present; most civil and tax minute entries from April to the present; and most Family Court minute entries from May to the present. □

Tell us!

Have you won an award? Is your law firm involved in an interesting community project? Send information for our People in Law column to *Maricopa Lawyer*, MCBA, 303 E. Palm Lane, Phoenix, AZ 85004; fax to 602-257-0522; or email maricopalawyer@mcbabar.org.

PARALEGAL CAREER DAY

Sponsored by the Maricopa County Bar Association Paralegal Division

Saturday, March 9, 2002
8:00 a.m. - 1:00 p.m.
Registration: 8:00 a.m. - 8:30 a.m.
Program: 8:30 a.m. - 1:00 p.m.

Dome Auditorium Phoenix College
(Located at 3310 North 10th Avenue between Osborn and Thomas)
Facilities provided by Phoenix College

Sessions will be held on the following topics:

1. Career Development & Networking
2. Paralegals and Attorneys-Working Together Effectively
3. Developing Organizational Skills
4. PACE Registered Paralegal and Certified Legal Assistant Examinations

Registration fee: Students \$15.00 All Others \$25.00
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Following are the names of people who have made the \$10 contribution to become members of the Maricopa County Bar Foundation. This list supplements the list published in last month's *Maricopa Lawyer*. Thanks to all members of the legal community and the general public who are supporting the foundation's work.

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Bruce R. Cohen and Sandra J. Fromm
 announce the formation of their new law firms.

Bruce R. Cohen shall continue to specialize in Family Law and additionally shall provide mediation services as:

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PEOPLE IN LAW



Elizabeth Finn



Randall Howe



Rebecca Tsosie

■ The Arizona State University Alumni Association has awarded **Randall Howe** its 2002 Young Alumni Award. He is the first law college graduate to be honored with the award, which is given to alumni based on their achievements and outstanding contributions to the community. Howe, who was born with cerebral palsy, earned two degrees from ASU — a bachelor's degree *summa cum laude* in 1985 in general business administration and a law degree *cum laude* in 1988. For the past 13 years, Howe has worked for the Arizona Attorney General's Office and, for the past year, has been chief counsel of the criminal appeals section. He is a past president of the MCBA's Public Lawyers Division and serves as a disciplinary hearing officer for the State Bar of Arizona. His community activities include being a member of the Governor's Council on Developmental Disabilities and coaching Little League for children with physical, mental and emotional disabilities.

■ **Lillian Johnson**, executive director of Community Legal Services, is the new vice president and president-elect of the Organization for Nonprofit Executives.

■ Phoenix Municipal Court Judge **Elizabeth Finn** is one of 10 recipients of

the YWCA's Tribute to Women 2002 Awards. The annual awards recognize women whose lives and accomplishments reflect the YWCA's mission to empower women and eliminate racism. The awards are to be presented at a March 21 luncheon. Finn, who was honored as a public-sector leader, has been a Municipal Court judge for 22 years and has been instrumental in educating judges on domestic violence, gender, cultural diversity and civil rights.

■ **Rebecca Tsosie**, the Lincoln Professor of Native American Law and Ethics and the executive director of the Indian Legal Program at the ASU College of Law, has received the American Bar Association's 2002 Spirit of Excellence Award. The award is presented annually to honor lawyers who have demonstrated outstanding achievement. Tsosie, a Yaqui, also serves as a Supreme Court justice for the Fort McDowell Yavapai Nation and is a board member of the Native American Rights Fund. Tsosie received the award Feb. 2 at the ABA's midyear meeting in Philadelphia.

■ The Tucson Metropolitan Chamber of Commerce has named Pima County Superior Court Judge **Leslie Miller** as its 2001 Woman of the Year.

■ **Snell & Wilmer** is one of 18 finalists for the Better Business Bureau of Central/Northern Arizona's 2002 BBB Business Ethics Awards. The 18 — selected from 300 nominations — are being recognized for their demonstrated high standards of ethical conduct and practices, both internally and externally. Winners will be announced in six categories (based on size and location of the business) at a dinner March 7. □

Legal Brief

■ The Maricopa Chapter of the Arizona Women Lawyers Association is hosting a social March 5 to welcome Supreme Court Chief Justice Charles E. Jones, who took over the court's top spot in January. The social, to be held from 5:30 p.m. to 7:30 p.m., is free to AWLA members and judges. For more information and reservations, call 602-863-7678, email awla_maricopa@hotmail.com or visit the group's website, www.awla-maricopa.org. □

DE BLANK LAW OFFICE, P.A.

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has joined the firm as a member.

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ARIZONA SUPERIOR COURT

Maricopa County

HEARING OFFICER

The Arizona Superior Court in Maricopa County is currently accepting applications for Hearing Officers. This is a full-time Judicial Officer position, though part time assignments may arise at the discretion of the Court. Officers may be assigned to the "24 hour" Initial Appearance Court located at the Madison Street jail, Regional Court Centers and various other departments of the Court, including Criminal, Civil, Family Court, Juvenile and Probate. Positions may be located at various valley sites. Compensation may be up to 80% of the salary of a Superior Court Judge. Candidates from this recruitment may be used to fill any Judicial Officer vacancies occurring in the next six months as well. Applicants must be Maricopa County residents, at least 30 years of age, duly licensed members of the AZ State Bar, and shall have engaged in the active general practice of law for a period of not less than five (5) years immediately preceding appointment.

Application form and instructions can be obtained in hard copy or a computer version (M/S Word) at the:

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Phoenix, AZ 85003
Attn: H. O. Recruitment

For computer copy, applicant **must** bring blank virus free disc.
Deadline: Application + 13 copies must be rec'd by 3pm on Friday, March 29, 2002. For more information, please call Valerie @ (602) 506-0152.

Putting together a successful mediation

By **Richard H. Herold**
Special to Maricopa Lawyer

Putting together a successful mediation requires careful preparation and planning and an appreciation for how the facts, the law, the personalities and the process can forge a resolution for the benefit of everyone. The following issues are of primary importance.

Have you fully evaluated the facts and the

law with the client's input on critical factual issues so that you can realistically evaluate what would constitute a sound compromise? This is a critical first step so you can provide your client with sound recommendations that preserve your role as an advocate but advance the dispute-resolution process.

After considering the personalities involved, including the attorneys and the clients, have the parties agreed to use a mediator who can bring them together? In com-

ADR CORNER

plex multi-party cases, the mediator may need a thoughtful, patient hand. In others, a heavy hand may be needed to control a strong attorney (or client) who has developed an emotional stake in arguments developed after investing substantial time, effort and money — even in the face of revealing dis-

covery to the contrary.

Are the parties and the mediator prepared to see the case through to a conclusion? Are the parties budgeting only two or four hours to get the case settled, or have they committed, along with the mediator, for an entire day or even two, to see the case through to a rational business conclusion? Consider the latter approach, even when alleged budgetary constraints are driving the duration of the mediation. Most of us have been involved in cases that could have been resolved for as much as 20 percent of the final tally of fees and costs if only everyone had remained committed to the mediation process for just a few more hours. Though trial work is undoubtedly a great pleasure for most of us who litigate, we ought to do what we can to promote cost-effective resolution of disputes.

Have you thoroughly prepared your client? Not by a 10-minute video on the mediation process, but by personal discussions with you regarding the merits of the case, the wisdom of settlement, the time and money required to pursue this case to a final conclusion, the range of acceptable settlement terms, a description of the mediation process and the mediator's personal approach to mediation. Educate your client so the client has meaningful expectations.

Have you educated the mediator with a timely, detailed mediation memorandum? Consider the confidentiality rules governing mediation and put some real detail in the mediation memos, from critical facts to dispositive law, so the mediator has some ammunition to move your adversary from his

— See **ADR** on page 16

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William F. Begley

has been named a partner in the firm. Mr. Begley joined Jennings, Haug & Cunningham, LLP in 1999 and practices primarily in the areas of appellate practice and insurance coverage.

Donald J. Baier

has joined the firm as an associate. Mr. Baier practices in the areas of civil litigation concentrating on commercial and construction defect litigation.

MCBA SECTION STUFF

Upcoming Section Meetings

- The Family Law Section will be meeting on Wednesday, March 6th, 2002 at 5:15 p.m. at the University Club, 39 E. Monte Vista
- The Environmental Section will be meeting on Wednesday, March 13th, 2002 at 12:00 p.m. at the MCBA, 303 E. Palm Lane
- The Sole Practitioners Section will be meeting on Wednesday, March 20th, 2002 at 11:30 a.m. at the MCBA, 303 E. Palm Lane
- The Juvenile Practice Section will be presenting a MCLE with Dr. Eric Benjamin from the Phoenix Children's Hospital on Monday, March 25th, 2002 at 12:00 p.m. at the MCBA, 303 E. Palm Lane
- Estate Planning Section will be presenting a breakfast MCLE on, "Bankruptcy Issues for the Probate Attorney," on Wednesday, March 13th, 2002 at 7:15 a.m. at ASU Downtown, 502 E. Monroe

The following Section Executive Boards will meet in March:

- ESTATE PLANNING SECTION, on March 19th, at 7:30 a.m. at MCBA, 303 E. Palm Lane, Phoenix.
- INTERNATIONAL SECTION, on March 19th, at 12:00 p.m. at MCBA, 303 E. Palm Lane, Phoenix.
- LITIGATION SECTION, on March 20th, at 7:30 a.m. at MCBA, 303 E. Palm Lane, Phoenix.

For information about Section membership or to register for events, please contact the CLE Department at:
phone: 602-257-4200
fax: 602-257-0522
e-mail: cle@mcbabar.org
-OR-
Register online @ maricopabar.org

'Impressive' community service by VLP volunteers honored

By **Peggi Cornelius**
Special to Maricopa Lawyer

With an inspirational awards ceremony and keynote speech by Gov. Jane Dee Hull, the Volunteer Lawyers Program honored dozens of volunteers and celebrated its own 20th anniversary at its annual "For Love of Justice" luncheon Feb. 14.

"The bad news is that lawyers still have a public image on the low end of the scale," Hull said. "But the good news is you've educated me about the impressive community service being provided by members of VLP. Your mission is ambitious and it sits on the shoulders of unsung heroes like you."

More than 700 volunteer attorneys worked to help increase low-income residents' access to justice in 2001.

The 69 award recipients included attorneys, psychologists, court reporters and private investigators who received recognition for a decade or more of pro bono service to VLP clients.

Among many noteworthy awards presented was the MCBA Frank X. Gordon Jr. Award to attorneys Don Bivens and John Bouma, as co-chairs of the Arizona Equal Justice Campaign, and the Arizona Equal

Justice Foundation board of directors. The foundation's goal is to advance the cause of justice for all by becoming the charitable focus of giving for Arizona's legal community.

Another profound moment in the program came during the presentation of the Family Lawyers Assistance Project Advocate Award, newly named the Joseph W. Mahowald Memorial Award. The late Mahowald and his partner, Michael E. Hurley, were among the first to volunteer at the FLAP advice clinic when it began in 1992 at Superior Court. Hurley was the first recipient of the Mahowald Memorial Award.

As Hull noted, increased federal funding has enabled the Arizona Legislature to support the work of legal aid programs in assisting victims of domestic violence. Naturally, the work of volunteer family law attorneys has increased as well. VLP awards for 2001 included a newly created award for the FLAP Team of the Year, received by attorney Bill Stephens and legal assistant Stephanie Wolfe. Stephens and Wolfe work together at court to provide legal counsel and document preparation for unrepresented parties in family law cases.

► *Peggi Cornelius is VLP's programs coordinator.* □



(From left) *Jose Cardenas, representing Lewis and Roca, Large Firm of the Year; Michael E. Hurley, Joseph W. Mahowald Memorial Award (FLAP Advocate of the Year); DeShon Pullen, Attorney of the Year; Sharon L. Fabian, Children's Law Center Advocate of the Year; and Mary C. McDonald, Children's Law Center Mentor of the Year. Photos by (It's U) Photography.*



(From left) *Harry P. Friedlander, Family Law Advocate of the Year; Carolyn R. Matthews, representing Mohr Hackett Pederson Blakley & Randolph, Medium Firm of the Year; Christina Urias, representing DeConcini McDonald Yetwin & Lacy, Small Firm of the Year; and Terrence Mead, representing Mead & Associates, Children's Law Center Law Firm of the Year.*

VLP award recipients

Attorneys of the Month 2001

DeShon Pullen
Michael S. Rafford
Joseph M. Boyle
Bill Stephens
Bernard M. Strass
Richard J. Rubin
Gregory W. Falls
Ernest Calderon
Glenn M. Davis
Kimberly L.S. Pugh
Danielle H. Riordan
Benjamin R. Norris

Attorney of the Year 2001

DeShon Pullen

Law Student Pro Bono Award

Bradley Shwer, ASU College of Law

Support Service Awards

Clyde Davis, website development
Michael J. Simmons, database development

VLP Advocate Awards

Richard J. Boyd, Sole Practitioner of the Year
Michael Bates, Corporate Attorney of the Year

Attorney Lifesaver Awards

Timothy H. Barnes
Casey Wm. Cullings
Jeffrey C. Matura
Casey J. Newcomb
J. Robert Walston

Attorney Recruitment Awards

Arizona Bar Foundation
Maricopa County Superior Court Judge
Bethany Hicks
Thomas Aranda Jr.

Attorney of the Day Project Award

Amy B. McGaw, Lewis and Roca firm
coordinator

Sustaining Award of Excellence

Snell & Wilmer

Law Firm Awards

DeConcini McDonald Yetwin & Lacy,
Small Firm of the Year
Mohr Hackett Pederson Blakley &
Randolph, Medium Firm of the Year
Lewis and Roca, Large Firm of the Year

Children's Law Center Awards

Sharon L. Fabian, CLC Advocate of the Year
Mary C. McDonald, CLC Mentor of the Year
Harold M. (Pat) Gilbert, CLC Lifesaver of
the Year
Mead & Associates, CLC Law Firm of the Year

Joseph W. Mahowald Memorial Award

(FLAP Advocate of the Year)
Michael E. Hurley

Family Law Assistant Project Awards

Harry P. Friedlander, Family Law Advocate
of the Year
Bill Stephens and Stephanie Wolfe, FLAP
Team of the Year
Marie Gonzales, FLAP Volunteer Interpreter

FLAP Sustaining Members

(Recognizing FLAP's 10th anniversary)
Patrick Burwell (1993)
Steven Cole (1994)
Stuart Gerrich (1995)
Irwin Harris (1994)
Robert Howard (1993)
Michael Hurley (1992)
Fredrick Jones (1995)
Dan Klein (1994)
Rich Peters (1996)
Bernard Strass (1992)
Kenneth Whitehead (1994)
J. Robert Walston (1995)
Family Law Expert Psychologists
Dr. Lorna Gale Cheifetz (1985)
Dr. Bruce A. Kushner (1984)
Dr. Ronn J. Lavit (1984)

Dr. Margaret E. Marshall (1984)
Dr. Brian W. Yee (1984)

Sustaining Business Awards

(Recognizing a decade or more of service
to VLP clients)

Chippewa Investigations — Jack Westwood
(1990)
Investigative Resources Service — Patricia
Shaughnessy (1990)
Arizona Reporting Service (1986)
Driver and Nix (1987)
Griffin & Associates (1990)
Holiday and Associates (1987)
Lea Sherman & Habeski (1986)
Vaca and Niemschik (1991)
Yoder Reporting Service (1986)

MCBA Frank X. Gordon Jr. Traveling Award

Arizona Equal Justice Campaign
(Don Bivens and John J. Bouma, co-chairs,
and the Arizona Equal Justice
Foundation board of directors)

William T. Birmingham Clinic Services Award

Arizona Attorney General's Office □

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LEGAL MOVES

■ **Hannah Arterian**, a long time professor at the Arizona State University College of Law and a former associate dean of the college, will become dean of the Syracuse University College of Law this fall.

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Among other awards and honors, Arterian received the MCBA's Outstanding Faculty Award in 1991.

■ **Dawn Bergin** recently re-joined Lewis and Roca as of counsel in the firm's litigation practice group, practicing in the areas of commercial and tort litigation. Prior to re-joining the firm, Bergin (J.D. 1993, University of Virginia) served as associate general counsel for a national, publicly traded ambulance and fire protection services company.

■ Brown & Bain has elected **Avraham Azrieli** to membership. Azrieli, who holds a certificate from The Hague Academy of International Law and an LL.M. from Columbia University, joined the firm in February 2001 and concentrates his practice on intellectual property law.

■ Gallagher & Kennedy has elected four new shareholders. **Mark C. Dangerfield** (J.D. 1986, Harvard University) practices commercial and appellate litigation. **John D. DiTullio** (M.A. city and regional planning 1990, University of North Carolina at Chapel Hill; J.D. 1994, Boston College) practices land-use regulation, government affairs and administrative law. **Mark A. Fuller** (J.D. *magna cum laude* 1988, ASU) practices general civil litigation, emphasizing complex real estate and commercial cases and appellate proceedings. **Anthony H. Misseldine** (J.D. *cum laude* 1987, Lewis and Clark College) practices



Andrew S. Ashworth



Avrahm Azrieli



Christine Bailey



Dawn Bergin



Mark C. Dangerfield



John D. DiTullio



Steven Ford



Mark A. Fuller

commercial and business litigation, primarily complex commercial lawsuits, real property and eminent domain.

■ Snell & Wilmer has elected four new partners in its Phoenix office. **Andrew S. Ashworth** (1988 with honors, Australian National University School of Law; LL.M. with honors 1995, Northwestern University) concentrates his practice in product liability litigation. He is admitted to practice in Western Australia as well as Arizona. **Deborah Kay Henscheid** (J.D. *cum laude* 1991, ASU) concentrates her practice in intellectual property. She is admitted to practice in California as well as Arizona and before the U.S. Patent and Trademark Office. **Kevin T. Miller** (J.D. 1994 *cum laude*, University of California Hastings College of Law) practices estate planning and probate. **Thomas L. LeClaire** (J.D., Cornell University), former senior advisor for Indian affairs to then-U.S. Attorney General Janet Reno, concentrates his practice on Indian law.

■ Jennings, Strouss & Salmon has named three of its attorneys as partners. **Garrett J. Olexa** (J.D. 1994, Villanova University) practices personal injury litigation, with an emphasis on product liability cases, and general insurance defense litigation. **Russell R. Rea** (J.D. 1992, ASU) practices in commercial litigation, primarily in the areas of health-care contract disputes, construction-related litigation and business torts. **John P. Robertson** (J.D. *cum laude* 1995, ASU) practices in commercial litigation, eminent domain and general insurance defense.

■ **Richard H. Herold** has relocated his practice and opened the Law Offices of Richard H. Herold, 2375 E. Camelback Road, Suite 500, Phoenix, 85016, where he will continue to practice complex commercial, business, real estate and employment litigation.

■ **Troy H. Hoch** has joined Fennemore Craig as an associate. Hoch (J.D. *cum laude* 1995, Gonzaga University) leaves his position as president and CEO of IronBuy Inc., a company he founded, to join the firm's real estate practice.

■ **Thomas G. Asimou** has relocated his practice to 2800 N. Central Ave., Suite 1400, Phoenix, 85004; telephone 602-604-0011; fax 602-274-2129; email tasimou@hotmail.com.

■ **Potts & Associates** has relocated to 2401 W. Peoria Ave., #100, Phoenix, 85051; telephone 602-861-8650; fax 602-861-8770.

■ **Christine Bailey** and **Steven**



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Deborah K. Henscheid



Thomas L. LeClaire



Kevin T. Miller



Anthony H. Misseldine

Ford have joined the Phoenix office of Morrison & Hecker as associates. Bailey (J.D. cum laude, University of Arizona) practices in the areas of construction and OSHA, previously worked with Quarles & Brady Streich Lang. Ford (J.D. cum laude 1995, ASU) focuses on civil and commercial litigation and previously practiced with Tiffany Bosco.

Janet Margrave has relocated her practice to 389 E. Palm Lane, Suite 7, Phoenix, 85004. Telephone (602-264-1007)

and fax numbers (602-264-1008) remain the same.

Goodwin Raup is merging its 25 lawyers and two offices with Shughart Thomson and Kilroy, a Kansas City-based firm. Goodwin Raup will become Shughart Thomson Kilroy/Goodwin Raup. Shughart Thomson has almost 150 lawyers in offices in Kansas, Missouri and Colorado and has a full-service practice. Since its founding in 1990, Goodwin Raup has specialized in medical, insurance and bankruptcy litigation and public-entity cases.

Quarles & Brady has created a new public affairs and lobbying firm out of its government-relations practice. **Triadvocates**, staffed by Quarles & Brady attorneys Knox Kimberly and Barbara Meaney, is a wholly owned affiliate of the law firm, with Kimberly serving as its president. Quarles & Brady and Triadvocates also have entered a "strategic alliance" with the Washington, D.C., law firm of Jones Walker to provide federal government-relations assistance. Jones Walker special counsel James Ogsbury (J.D. 1985, ASU) will lead the alliance.

John Titus has joined the Cavanagh Law Firm. Titus (J.D. magna cum laude 1989, ASU) is a registered patent attorney who practices in all areas of intellectual property. □

Calendar

The divisions, sections and committees in the calendar are those of the Maricopa County Bar Association, unless noted otherwise. All events are meetings and take place at the MCBA office, 303 E. Palm Lane, Phoenix, unless noted otherwise. Other frequent venues for meetings and events are the University Club, 39 E. Monte Vista, Phoenix; Arizona State University Downtown Center, 502 E. Monroe, Phoenix; and the Arizona Club, 38th floor, Bank One Building, 201 N. Central, Phoenix.

- 4 YLD Domestic Violence Committee, noon
Maricopa Lawyer editorial board, 5 p.m.
- 6 Family Law Section, 5:15 p.m., University Club,
- 7 Public Lawyers Division board, noon
Alternative Dispute Resolution Committee, 4 p.m.
- 11 YLD board, noon
Paralegal Division board, 5:30 p.m.
- 13 Estate Planning breakfast CLE, 7 a.m. ASU
Downtown Center
Executive Committee, noon
Environmental Section, noon
Hayzel B. Daniels Bar Association. 5:30 p.m.
- 14 Phoenix Legal Support Association dinner meeting, 6 p.m., Best Western Executive Park Hotel, Phoenix. Speaker: Mary Ann Sophy, staff attorney, Arizona Civil Liberties Union. Program: Civil liberties in the wake of Sept. 11. Information: Carol Ewing (cewing@fclaw.com), Cindy Kelly (ckelly@ci.scottsdale.az.us) or Jackie Moore (jamoore@BryanCave.com).
- 15 Maricopa County Bar Foundation board of trustees, 7:30 a.m.
Taskforce on Recruitment of Women & Minority Lawyers, 8:30 a.m.
Lawyer Referral Service Committee, noon
- 19 Estate Planning & Probate Section Executive Committee, 7:30 a.m.

MARCH	S	M	T	W	T	F	S
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	10	11	12	13	14	15	16
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	24	25	26	27	28	29	30

- 19 International Section, noon
Corporate Counsel Division board, 4:30 p.m.
Bankruptcy Section, 5 p.m., University Club
- 20 Litigation Section, 7:30 a.m.
Sole Practitioners Section, 11:30 a.m.
- 21 MCBA board of directors, 4:30 p.m.
- 22 Corporate Counsel Division CLE luncheon, 11:45a.m., University Club
- 25 Juvenile Practice Section, noon
- 26 Paralegal Division, 5:30 p.m.
- 28 Phoenix chapter of the Federal Bar Association lunch meeting, noon, Arizona Club. Speaker: U.S. Rep. Ed Pastor (D-Ariz.). Lunch: members \$15; government attorneys, public-interest lawyers, judges and law clerks \$13; all others \$18. . Reservations must be made by March 26. Information/reservations: Kevin Bonner, 602-528-4080 or kbonner@ssd.com.

Classifieds

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ADR...

Continued from page 12

or her position of unsupportable intransigence. Preparing a one-paragraph memorandum describing your adversary's position as "fatally flawed for the reasons set forth in defendant's attached Rule 26.1 disclosure statement" likely will serve as a weak start to the mediation process for the defendant, particularly if defense counsel operates under the "less is more" theory of disclosure.

Give your client some latitude to talk during the mediation. The venting can as important as the numerical journey that takes place during the mediation.

If multiple parties are involved, thor-

oughly consider some pre-mediation communication and some degree of agreement on monetary contribution from each of the defendants in connection with any final settlement. Example: a defendant asserts a partial right of indemnity against a co-defendant on the theory that certain liabilities were assumed under a purchase and sale agreement and the purchaser-defendant agreed to indemnify his co-defendant for claims arising from those assumed liabilities. Don't wait until the defendants, as a cohesive group, whittle the plaintiff down to an acceptable settlement of \$500,000 before the defendants separately caucus on the funding of that \$500,000 settlement. Communicate in advance to try to carve up any acceptable

settlement proposed by the plaintiff. There may be reasons why this communication is not possible in your case, or shouldn't happen at all, but in many cases it is a useful way to keep the defendants working together as a cooperative group during the mediation. Otherwise, the mediation may be derailed when the defendants engage in destructive infighting about contributory shares.

If you reach an agreement, memorialize it then and there. Don't let the parties walk out of that room without a signed agreement enforceable in court. Take a detailed form of settlement agreement and release to the mediation. Take alternative forms if necessary. Add handwritten riders or prepare them on your laptop. Get the written words out on paper; capture the material terms and get the settlement signed before everyone leaves. The alternative to capturing the parties' agreement at that moment of apparent agreement is too often either second thoughts and a missed settlement opportunity or weeks of revisions and correspondence between counsel leading to further attorneys fees' and costs.

Finally, if the mediation process does not work on that chosen day, don't give up hope. Everyone may have made enough progress in the educational and psychological process of mediation to reach agreement soon thereafter, in a second mediation session, or by a simple exchange of correspondence and proposals.

► *Richard H. Herold is co-chair of the MCBA ADR Committee. The committee meets at 4 p.m. on the first Thursday of each month. For more information, Herold at 602-778-9962 or rickherold@heroldlaw.com.* □

Legal Brief

■ Maricopa County Superior Court's popular Self-Service Center now offers more than 900 court forms, documents and instructions in Spanish. The documents that have been translated into Spanish include instructions and forms for family law matters, including divorce, child support and domestic violence; probate matters, including estate settlement, guardianship and conservatorship; and civil name changes, juvenile dependency and small claims appeal of property valuation. Any new Self-Service Center products created in the future also will be made available in Spanish. The documents — both in English and Spanish — are available at the court's Self-Service Center locations as well as on the court's website, www.superiorcourt.maricopa.gov. Maricopa County appears to be the first major trial court to provide self-help materials to this extent in Spanish, according to Court Administrator Gordon Griller. □

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VLP thanks attorneys who accepted recent 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 47 low-income clients with these civil legal needs:

Bankruptcy
S. Cary Forrester, sole practitioner
Cindy Kwacala, Quarles & Brady Streich Lang
Howard C. Meyers, Burch & Cracchiolo

Consumer
Clarence Calvin, Lewis and Roca
Jonathan A. Covey, Quarles & Brady Streich Lang
I. Douglas Dunipace, Jennings Strouss & Salmon
Brad Holm, Holm Wright Hyde & Hays
Sean McCabe, State of Arizona
Caryn C. Rabe, Quarles & Brady Streich Lang
Seth L. Smythe, Quarles & Brady Streich Lang
Randall H. Warner, Jones Skelton & Hochuli
Lauren Weinzeig, Brown & Bain

Debt collection
Curtis D. Ensign, sole practitioner
Caryn C. Rabe, Quarles & Brady Streich Lang

Family law/domestic violence
Janet R. Feeley, sole practitioner
Kathy O'Quinn, sole practitioner
Paul C. Riggs, Gibson Ferrin & Riggs
Teresa M. Sanzio, sole practitioner
Sara A. Thacker, Steptoe & Johnson

Guardians ad litem for children in Family Court
Dominique T. Barrett, Lewis and Roca
Harold M. (Pat) Gilbert, Mesa Community Action Network
William A. Hicks III, Snell & Wilmer
Brett J. Kalin, Law offices of Paul J. Sacco
Kevin M. Kasarjian, Holden Brockelman

Guardianships (minor children)
Heather L. Buchta, Quarles & Brady Streich Lang
Lisa E. Davis, Quarles & Brady Streich Lang
William F. Doran, sole practitioner
John E. Drazkowski, Jardine Baker Hickman & Houston
Jessica J. Fotinos, Lewis and Roca
Brooks J. Holcomb, Quarles & Brady Streich Lang
Frank I. Powers, Harris Palumbo Powers & Cunningham
Nancy E. Tribbensee, Arizona State University
Jay Douglas Wiley, Snell & Wilmer
F. Joseph Willy, sole practitioner

Guardianships (incapacitated adults)
Tracey Bardorf, Brown & Bain
Wayne P. Marsh, Mull & Marsh

Home ownership
Thomas D. Arn, Quarles & Brady Streich Lang
Lawrence Brown, Snell & Wilmer
Stephen D. Li, Quarles & Brady Streich Lang
Salvador Ongaro, Lieberman Dodge Gerding Kothe & Anderson

Will B. Potterveld, Quarles & Brady Streich Lang
David E. Shein, Ryley Carlock & Applewhite
Neal S. Sundeen, sole practitioner
Julio M. Zapata, Fennemore Craig

Non-profit corporations
Ellis Carter, Quarles & Brady Streich Lang

Tax
Martha C. Patrick, Burch & Cracchiolo

Tenants' rights
Laura Sawicki, Quarles & Brady Streich Lang

Tort defense
Daniel P. Collins, Leonard Collins & Kelly □