

for the record

Another Success Story: The 1999 Arizona College of Trial Advocacy

Fourteen years ago, the State Bar of Arizona's Trial Practice Section and Continuing Legal Education Department established the Arizona College of Trial Advocacy. Leadership for the project was provided by John Micheaels, Ted Schmidt, Bill Jones, Chief Justice Tom Zlaket, Mike Beale, Gerry Strick and Tom Mauet. Their vision was to provide in-depth, intensive, hands-on experience to Arizona's up-and-coming trial lawyers. Faculty for the Trial College was drawn from among Arizona's leading trial attorneys and the judiciary. They provided an opportunity for the Trial College students to refine their skills in all phases of the trial presentation, from voir dire to closing argument.

At the 1999 Trial College, faculty demonstrated trial techniques, explained the rationale behind questions they asked, and shared invaluable insights into strategy and tactics. For their part, the students, working in small groups and using case materials derived from an actual case, prepared and presented various elements of a civil jury trial. Immediately following his or her presentation, each student was critiqued, and then, after watching the video replay of his/her presentation, received further constructive criticism from a different faculty member.

Every effort was made to make the Trial College experience duplicate as closely as possible the reality of an actual jury trial. "Real" expert witnesses included six accident reconstructionists from Phoenix and Tucson. A host of volunteers from the community, including paralegals, law students and senior citizens, served as jurists, plaintiffs and defendants. The only things missing were risk to the client and the possibility of falling on one's face in front of a real judge and jury!

Other highlights from the College were the "war sto-



ries cocktail hour," which is an annual tradition. Former State Bar President Bob Schmitt declared that "The opportunity to attend (the war story) spectacle is worth the price of admission all by itself."

The Trial College has continued as a CLE flagship program, and has improved year by year. Faculty-student ratio is generally one-to-one. Many of the outstanding original faculty that taught the first class of the Trial College

will be back to share an even higher level of experience and expertise with future classes. The first class was drawn from every county of Arizona, with students' experience ranging from two to 24 trials. All future class selections will be chosen with equal care.

For the past several years, additional financial support

has been provided by the Phoenix and Tucson chapters of the Arizona Board of Trial Advocates (ABOTA), as well as the Trial Practice Section of the State Bar of Arizona. This support allows the tuition for the Trial College to remain at a very reasonable rate, much less than the cost of similar programs across the country. The Trial College 2000 will welcome any additional support and sponsorships.

The 15th Annual College of Trial Advocacy will be held in August of 2000. Dates, times and location will be announced in a March 2000 brochure mailer, and also posted on the State Bar's Web page. The Trial College Planning Committee for 2000 will include Ted Schmidt, the program chair; John Micheaels, Bill Jones, Mike Beale, Tom Mauet, Chief Justice Tom Zlaket, Gerry Strick and CLE Director Harry Beans. Attendance at the Trial College may qualify for up to 46.75 hours MCLE, including 6 hours of ethics credit. For further information regarding the Trial College, please call Natalie Mauvais at (602) 340-7319 or e-mail her at natalie.mauvais@staff.azbar.org.



Gary Stuart of Jennings Strouss instructs the students in one of the breakout sessions.

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Dig Your Well Before You're Thirsty

by Harvey Mackay

In some venues, saying "I'm a lawyer" gets people to listen to what I have to say. This works for me at the gas station, the hair salon, maybe even the grocery store.

As this is *Arizona Attorney*, bragging to you that I'm a lawyer won't get my message the attention it deserves, and that's why I'm going to quote from someone you may have heard of who should get your attention and respect.

Harvey Mackay has written at least four best-selling books, and his syndicated column appears weekly in *The Arizona Republic*. The book titles range from *Never Trust a Naked Man Who Offers You His Shirt to Swim With the Sharks Without Being Eaten Alive*, and so on. An envelope salesman by trade, he has turned his knowledge of networking, salesmanship and plain good business sense into a cottage industry.

What does Mackay have to say about lawyers? Lots of good things, but he emphasizes the importance of one specialty practice in particular. In *Dig Your Well Before You're Thirsty* (modestly subtitled "The Only Networking Book You'll Ever Need"), Mackay expounds on the 16 cornerstones to a successful network by listing the most important people *everyone* should know for referrals, emergencies, and your own personal use.

The only category of attorney to appear on Mackay's elite list is—a divorce lawyer.

Mackay's right, of course. He points out that the names of the best criminal lawyers can be gleaned from reading the newspapers. But you're not going to read about divorce lawyers.

To quote Mackay "...remember the conventional wisdom: The largest single investment you'll ever make in your life is your house. Well, not if you get divorced it isn't. Then it's a scrap of paper titled 'Final Decree'...Does it make sense to turn your life over to some name you pick out of the phone (bar) book?"

Check out the legal talent in this area before you or your best clients need it. Get to know some of these attorneys personally before you send your brother or your best client to them at the lowest point in their lives.



Federal Appellate Practice: Ninth Circuit, Second Edition

by Ulrich, Kessler, & Anger, P.C., and Sidley & Austin

reviewed by Neil Vincent Wake

When the first edition of *Federal Appellate Practice: Ninth Circuit* came out in 1994, it filled an unmet need for a single reference on Ninth Circuit and general federal appellate practice and procedure. Since then, only the uninformed would do a Ninth Circuit appeal without using the book.

The new Second Edition carries forward chapters on the general organization of the Ninth Circuit, appellate practice management, appellate jurisdiction and appealable orders, standards of review, initiating the appeal (including formal and technical requirements, effects of various rules of civil procedure and pre-briefing filings), prosecuting the civil appeal (including bonds, stays, record preparation, briefs and oral argument), motions and extraordinary writs, the decision-making process, post-decision proceedings (including rehearing, en banc, attorney's fees, sanctions and stays pending certiorari), criminal appeals, and administrative agency reviews (including Ninth Circuit authorities on general principles of administrative review). The chapter on bankruptcy appeals (District Court, Ninth Circuit Bankruptcy Appellate Panel, and Ninth Circuit Court of Appeals) is the length of a short book in itself. The Second Edition adds separate chapters for immigration, NLRB and Tax Court appeals in place of the miscellaneous chapter in the First Edition.

Extensive appendices include checklists, full texts of federal and Ninth Circuit rules and selected statutes, forms, Ninth Circuit General Orders (giving internal operating procedures and other matters), case processing information, mediation procedures, the Civil Appeals Docketing Statement, bulletin board user instructions, judges' biographies and other texts of interest. Indexes are by subject, cases cited, statutes and regulations cited and other authorities cited.

Federal Appellate Practice: Ninth Circuit, Second Edition covers all federal and Ninth Circuit rules and all current United States Supreme Court and Ninth Circuit cases. Though the book does not address conflicts between the Ninth Circuit and other circuits, it does effectively cover all aspects of federal appellate jurisdiction and procedure, with frequent cross-references to other treatises. The Sec-

for the record

ond Edition updates its extensive case citations with the leading or most recent cases in place of older or secondary precedents. As with the First Edition, the case citations almost always include parenthetical descriptions of the relevant holding, language or facts, which greatly enhances the convenience of the book. The comprehensive stylistic revisions of the Federal Rules of Appellate Procedure effective December 1, 1998, are incorporated throughout.

The numbers also indicate the thoroughness of the Second Edition. There are 1,263 pages of principal text, 370 pages of appendices and 210 pages of indexes.

When reviewing the First Edition for another publication in 1994, the only thing I could think of wrong with the book was my 11-year-old son's criticism of many books. There aren't any pictures. That has not been fixed, but the Second Edition does fix something else wrong that showed over time. The Bible-thin pages would tear out of the overstuffed loose-leaf binder. The Second Edition is printed in two hardbound volumes, with pocket parts for future supplements. The book is easier to handle now, but it is still the Bible of Ninth Circuit practice.

Neil Vincent Wake is the principal in the Law Offices of Neil Vincent Wake in Phoenix. He is a co-author of the Arizona Appellate Handbook and a Fellow of the American Academy of Appellate Lawyers.

section news

Sole Practitioner Section Now Accepts Small Firms

PHOENIX—The Sole Practitioner Section of the State Bar is pleased to announce that it has amended its bylaws to become the Sole Practitioner and Small Firm section. Individual lawyers in small firms are now eligible for membership in the section, which is dedicated to practice aids and assistance to small firms. A "small firm" is defined as one with three or fewer attorneys. The section holds CLE luncheons and business meetings on the first Wednesday of each month starting at noon at Beefeeders, Camelback Road and Third Avenue.

For further information please call the Section's chair, Bob Ciancola, at (602) 956-5525.

Directory on Disk

Now tracking and managing
Arizona attorneys is easier than ever!

Attorneys Wanted

Looking for an attorney practicing in elder law in Maricopa County. Needs to be an active member of the State Bar of Arizona for more than five years. Large firm experience helpful. Prefer to contact applicants via fax.

Have you ever wanted this kind of information right at your fingertips but didn't know how to find it? The new and improved Directory on Disk and Attorney Tracker software is just what you've been looking for. Developed to keep users up to date on fellow attorneys' addresses, phone numbers and areas of practice, the Directory on Disk is available in quarterly updates with single to multiple user options.

Combine the Directory on Disk with the new Attorney Tracker Version 3.0 and you'll have a wealth of information at your fingertips. The Tracker allows users to manage Directory data and conduct complex searches in a number of fields, including areas of practice, zip code, firm name, county and status of membership to name just a few. It prints labels too, and has an automatic dialer feature.



For more information on pricing and ordering instructions, call Lisa Sperry at the State Bar of Arizona at (602) 340-7310.

for the record

1999 Devitt Distinguished Service to Justice Award

CHICAGO—Nominations for the 18th Annual Edward J. Devitt Distinguished Service to Justice Award are now open. Any interested person or organization may submit a nomination. Entries should be in writing and should set forth the nominee's accomplishments and professional activities that have contributed to the cause of justice.

This award recognizes the dedicated public service of members of the federal judiciary. It is named for the late Edward J. Devitt, longtime chief judge of the U.S. District Court for the District of Minnesota. All federal judges appointed under Article III of the Constitution are eligible for nomination. The honor includes an award of \$15,000 and is symbolized by an inscribed crystal obelisk.

Nominations for the Edward J. Devitt Distinguished Service to Justice Award should be submitted by January 15, 2000, to Devitt Distinguished Service to Justice Award, 180 N. Michigan Ave., Ste. 600, Chicago, IL 60601-7401.

Survey Rates Intellectual Property Hottest Legal Specialty

MENLO PARK, Calif.—With the technology industry sustaining its brisk expansion, demand to protect patents, trademarks and copyrights is at an all-time high. As a result, according to a new nationwide survey of attorneys, intellectual property is cited as the fastest-growing practice area. Of attorneys polled, 58 percent said IP is the fastest-growing field of law. This compares to 49 percent of lawyers responding to the same question in a 1997 survey.

The surveys were conducted by an independent research firm and include responses from 200 attorneys among the nation's largest law firms.

Attorneys were asked, "In your opinion which one of the following areas of law is growing the fastest?" Responses follow as:

	<u>1999</u>	<u>1997</u>
Intellectual Property	58%	49%
Employment or labor	19%	31%
Corporate or transactional	9%	0%
Environmental	6%	9%
Real Estate	1%	0%
Other	3%	5%
Don't know/no answer	4%	6%

association news

ABA Announces Rapid Growth of New Minority Scholarship Fund

CHICAGO—The American Bar Association announced that its new Legal Opportunity Scholarship Fund, designed to provide financial assistance for racial and ethnic minority law students, has received more than \$700,000 in contributions and pledges since its creation just two months ago.

The scholarship fund, which was announced by ABA President William G. Paul at the association's Annual Meeting in Atlanta in August, is well on its way toward the goal of \$1 million by August 2000.

"We can best serve society if members of the legal profession come from all segments of the population, reflecting the diversity of the United States—and financial aid during law school must be a vital component of any effort to increase diversity in the profession," said Paul. "That is why I am so pleased with the overwhelming response the scholarship fund has generated in such a short time. I am particularly proud of the generous contributions of three ABA sections: the Section of Litigation, the Business Law Section and the Section of Labor and Employment Law."

The scholarship fund is expected to award \$5,000 of financial assistance annually to each scholarship recipient, beginning in the 2000-2001 academic year. An award made to a first-year law student may be renewable for each year, resulting in financial assistance totaling \$15,000 during his or her three years of law school. Although the recipient will need to reapply for the scholarship in his or her second and third year, the expectation is that the scholarship will be renewed each year if satisfactory performance in law school has been achieved.

Students interested in the ABA Legal Opportunity Scholarships will submit an application providing information relating to their education, community service and need for financial assistance. Before receiving scholarship funds, recipients will be required to demonstrate admission to an ABA-accredited law school.

The scholarship fund will be administered by the ABA Fund for Justice and Education. Contributions to the fund may be made directly through FJE, which encourages contributions through pledges payable up to five years.

District Advisory Councils Serve as Resource for Disability Issues

PHOENIX—Six District Advisory Councils located around the state contract annually with the Governor's Council on Development Disabilities to act as a source of information and referral for individuals who have questions or concerns about disability-related issues. The District Advisory Councils have extensive knowledge of the resources available to individuals with disabilities and can provide contact numbers for the various organizations that assist individuals with disabilities and their families.

Each of the six District Advisory Councils is responsible for a certain geographic area of the state.

For a list of the District Advisory Councils, please call Jami Snyder at (602) 542-4049.