



BAR COMMUNITY

BOARD OF GOVERNORS OCTOBER MEETING REVIEW

Below are highlights from the Oct. 26, 2007, meeting of the State Bar Board of Governors. To see the complete minutes, go to www.myazbar.org/AZBarInfo/BOG/BoGMinutes.cfm.

- ▶ **President's Report**—Dan McAuliffe reported that on Oct. 9, 2007, he wrote to the editor of the *Arizona Republic*. The letter, which President McAuliffe had previously shared with the board, expressed “the concern of this organization with recent attacks on Judges of the Maricopa County Superior Court and the manner in which they have been conducted.” The President of the Arizona Trial Lawyers Association has since asked us to join in a resolution “supporting (consistent with Ethics Rule 8.2(a)) the principle that lawyers should not attack the integrity of the justice system by means of reckless or false statements.” The board voted not to sign onto the resolution, due to language in the proposal that might interfere with the Bar’s ongoing disciplinary investigation of specific individuals, but indicated support for the main thrust of the resolution regarding integrity of the justice system.
- ▶ **Executive Director's Report**—Teresa Schmid introduced I. Godwin Otu, the Bar’s new Diversity Director.
- ▶ **Appointments Committee**—The Board of Governors, after considering the recommendations of the Appointments Committee, voted to appoint James J. Haas, the Maricopa County Public Defender, and Victoria E. Washington, a Deputy Public Defender, to the Community Legal Services Board of Directors.
- ▶ **Senior Lawyers**—Nearly two hours were devoted to discussion of proposals that would affect the status of dues and CLE for senior lawyers, the creation of a Senior Lawyers Division, and the addition of an “emeritus” membership status.

Frank Lewis, spokesperson for the Senior Lawyers Group, addressed the board along with several other seniors to express their opinions. The proposals will be voted on at the November meeting.

- ▶ **Financial Report:**
 - ▶ **Tucson Building**—Larry McVey, Chief Financial Officer, updated the board on the progress toward purchase of a building for the Southern Regional Office. The time for due diligence and completion of the contract has been extended. There are two remaining items of concern involved in due diligence: title issues pertaining to ownership of a sliver of property encroaching the driveway and review and approval of the interior design of the building. Mr. McVey anticipates these items will be resolved and that the purchase will close in December, with a three-month construction period to follow.
 - ▶ **Budget**—Mr. McVey reported a year-to-date surplus of \$637,000. The Bar has determined to develop and enhance its inventory of products for its members and is working to do so.
- ▶ **Rules Committee News**—The Rules Committee presented a number of proposed rules and changes, and the board took the following actions:
 - ▶ The board considered the proposed Criminal Law Jury Instructions submitted by the Criminal Jury Instructions Committee, and will vote upon them November 30.
 - ▶ The board voted to send to the Supreme Court a petition to amend Supreme Court Rule 33.1 on Uniform Interrogatories.
 - ▶ The board voted to send to the Supreme Court a petition proposed by the Appellate Practice Section to limit the length of petitions for review and amicus briefs by word count, rather than page count.

- ▶ The board voted to file with the Supreme Court a comment in support of the proposed Rules of Procedure for cases under the Legal Arizona Workers Act (colloquially referred to as the “Employer Sanctions Law”) as submitted in the petition filed by the Administrative Office of the Courts.
- ▶ The board voted to file with the Supreme Court a comment on Juvenile Probation Hearing Rules (*sua sponte*).
- ▶ **MAP Celebrates 20th Anniversary**—The Member Assistance Program celebrated its 20th anniversary. Harriet Turney—one of the founders of the program—and Hal Nevitt, Director of MAP, introduced six attorneys who gave testimonials as to how MAP assisted them as individuals.
- ▶ **Other News**
 - ▶ Peter Collins, Jr., gave an account of the success of the College of Trial Advocacy, which is modeled after the national NITA program. The college needs students for its July 29-August 2, 2008, program, and Mr. Collins encouraged the board to spread the word about it.
 - ▶ The Chief Justice is gathering information on the impact of making e-filing of pleadings mandatory for members of the Bar in Superior Court in Maricopa County. Prior to signing such an order, she wants feedback from the Bar membership on this issue. The Board of Governors recommended sending the request to the Civil and Criminal Practice and Procedure Committees for feedback, and it will be discussed at the December board meeting.
 - ▶ C. Brad Vynalek notified the board that ABA Day in Washington would be held on April 15-17, 2008.
 - ▶ Joe Mikitish reported that the Committee on Persons With Disabilities in the Legal

Profession sponsored a nationwide job fair directed to those with disabilities. It was held in Washington, D.C. Their *Great Speakers & Connections Series* will kick off on November 8, with Justice Michael D. Ryan as the keynote speaker.

- ▶ Diane Meyers presented the Indigent Defense Task Force report. The Supreme Court modified Rule 6.8 to make compliance with ABA guidelines mandatory. The number of pending capital cases in Maricopa County eclipses those in the rest of the state, and defense organizations are working to address this. The Task Force will study the question of allocation of resources.
- ▶ The board heard four recommended changes to the bylaws that will be voted on in November. They would: (1) change the Bar’s address from the old Monroe Street address to 24th Street; (2) stipulate that Secretary/Treasurer shall serve as the Vice Chair of both the Finance and Audit Committees; (3) allow some flexibility as to the time and place of the last regular meeting of the Board of Governors; and (4) require a minimum of nine regular meetings of the Board of Governors annually.
- ▶ The board voted to support enacting S. 186 and H.R. 3013, both known as the “Attorney-Client Privilege Protection Act of 2007,” by authorizing President McAuliffe to execute a resolution from the Board to be sent to the ABA; letters of support also would be sent to the congressional delegation.
- ▶ **Meeting Schedule**—The next board meeting will be held on November 30, 2007. The full schedule is posted on the Bar’s Web site: www.myazbar.org/AZBarInfo

MEMBERSHIP DIRECTORY CORRECTIONS



Information on the following attorneys or judges is listed incorrectly or missing in the 2007-2008 Bar

Membership Directory. The information provided here is the correct version. The State Bar apologizes for the errors.

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PROFESSIONAL VOLUNTEER OPPORTUNITIES

The State Bar Appointments Committee is currently accepting applications from active members in good standing to fill the following upcoming vacancy. Application forms are due at the State Bar office by **February 22, 2008**, and can be obtained by calling Carrie Sherman in the State Bar's Phoenix office at (602) 340-7201 or Amy Ihrke in the State Bar's Tucson office at (520) 623-9944. An application form also can be downloaded from the Bar's Web site (www.myazbar.org – refer to *Appointment Committee News*).

The Standing Appointments Committee and the Board of Governors consider all aspects of diversity in their recommendations and appointments.

Conflict Case Committee

**Application Deadline:
Friday, Nov. 22, 2008**

Purpose: Committee members timely process, investigate and prosecute all aspects of disciplinary cases involving a member of the State Bar's Board of Governors, State Bar staff, a Supreme Court Disciplinary Hearing Officer or a

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member of the Court's Disciplinary Commission. Although the committee consists of 11 members, each member works independently on the matter(s) to which he/she is assigned.

Openings: Six appointments will be made by the Board of Governors. One appointment will be made to replace J. Vincent Gonzalez (The Gonzalez Law Group PLLC, Tempe), who has resigned from the Committee, and one appointment will be made to replace Donald M. Peters (Miller LaSota & Peters PLC, Phoenix), who is completing six years of service and is not seeking reappointment. The following committee members are eligible for, and are seeking, reappointment to a three-year term:

- Douglas F. Behm, Jennings Strouss & Salmon PLC, Phoenix
- Michele M. Feeney, Mohr Hackett Pederson Blakley & Randolph, PC, Phoenix
- Andrew F. Halaby, Snell & Wilmer, LLP, Phoenix
- Michael R. Palumbo, Jennings Strouss & Salmon PLC, Phoenix

These volunteers also serve on the Conflict Case Committee:

- Timothy J. Burke, Fennemore Craig PC, Phoenix
- Comm. Wesley E. Peterson, Maricopa County Superior Court, Mesa
- Kathryn A. Pierce, Pinal County Attorney's Office, Florence
- Thomas M. Ryan, Treon Aguirre Newman & Norris PC, Phoenix
- Gary L. Stuart, Sole Practitioner, Phoenix

Candidate Criteria/Requirements: Applicants must be active members of, and in good standing with, the State Bar of Arizona. Judicial members are eligible to apply. Former members of the Board of Governors, Supreme Court Disciplinary Hearing Officer panel and Disciplinary Commission shall be eligible for appointment only after a four-year absence from the Board, Court position or Commission. Newly appointed Committee members attend an orientation/training session.

Term: Three years

Kim Burns has joined the Carpenter Law Firm in Phoenix as Of Counsel and focuses her practice on pharmacy and healthcare law.



Gallagher & Kennedy PA associates Jennifer A. Ratcliff and Brian J. Zavislak were elected shareholders in the firm. Ratcliff practices general litigation, and Zavislak focuses on real estate law.

Brian L. Henry was named partner of Rai & Barone PC, and practices construction litigation.

DLA Piper US LLP announced that Steven Pidgeon, David Lewis, Greg Hall and Chris Miner have joined the firm as partners in the corporate and securities practice group.



Attorney Daniel Rice has been mobilized as a reservist with the United States Army since January 2005, and has just returned from Afghanistan. Formerly with the Phoenix firm Teilborg, Sanders and Parks, he remains on active duty as a professor of law at the U.S. Military Academy at West Point.

Veronica L. Manolio has been elected a member of Ronan & Firestone PLC and continues to practice commercial litigation and criminal defense.

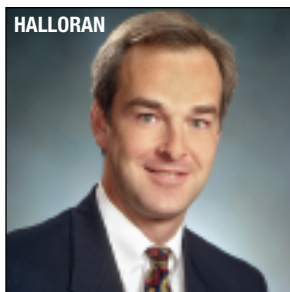
Phoenix-based law firm Lubin & Enoch PC has relocated its Texas office to 7362 Remcon Circle, El Paso, TX 79912. The firm also has opened an office in Colorado at 999 18th Street, Suite 3000, Denver, CO 80202.

Buchalter Nemer recently opened its new offices in the Promenade Corporate Center, located at 16435 N. Scottsdale Road, Suite 440, Scottsdale, AZ 85254. In addition, Robert J. Lord has joined the firm as Of Counsel, and specializes in business, tax and estate planning, and Brian Weinberger joined the firm as shareholder in the litigation practice group.

HONORS & AWARDS

The Arizona Supreme Court's Communications Department, headed by Cari Gerchick, received the "Freedom of Information" award from the Arizona Newspaper Association, recognizing those who work with the media to provide requested information in a timely manner.

Timothy Berg, managing partner of Fennemore Craig, has been chosen president-elect of the American Academy of Appellate Lawyers.



Lewis and Roca attorney Richard A. Halloran was appointed Section Chair of the firm's litigation practice.

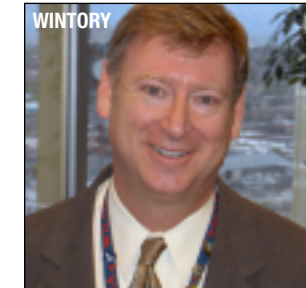
Mesa attorney Phil Austin and Fennemore Craig partner Sal Rivera were two of 11 community leaders honored by the Valle del Sol at its 17th annual Profiles of Success Hispanic Leadership Awards. Austin received the Exemplary Leadership Award, and Rivera received the Latino Advocacy Champion Award.

Gallagher & Kennedy shareholder Robert J. Milligan has been appointed to the advisory board for the Center for the Study of Law, Science and Technology at Arizona State University's Sandra Day O'Connor College of Law.



Kelley Gorry, a land use attorney with the Rose Law Group, has received her license to practice law in Idaho.

Leonardo Loo, an attorney with Fennemore Craig in Phoenix, was elected to a three-year term on the board of the Maricopa Community Colleges Foundation.



Pima County Deputy Attorneys Susan Eazer and Richard Wintory were honored by the Arizona Prosecuting Attorneys Advisory Council. Eazer received the David R. White Excellence in Victim Advocacy Award and Wintory received the Arizona Felony Prosecutor of the Year Award.

Arizona Governor Janet Napolitano appointed Tracey Westerhausen, an attorney with

Debus Kazan & Westerhausen Ltd., to a six-year term on the Arizona State Parks Board.



Thomas G. Martin, an attorney with the Pima County Public Defender's Office in Tucson, received the Outstanding Attorney Award from the Arizona Public Defender's Association.

Tiffany and Bosco attorney Christopher R. Kaup was appointed to the Publications Board for the General Practice, Solo and Small Firm Division of the American Bar Association.



Katherine L. Shelby, an attorney with the Indianapolis firm Bingham McHale LLP, has been inducted as a charter fellow into the Litigation Counsel of America.

Gary J. Jaburg, founder and managing partner of Jaburg & Wilk PC, was named chair of the board for the Valley of the Sun Jewish Community Center.

RECENTLY DECEASED

David W. Eagle, Phoenix
Mary Lou Moore, Tucson
Diana L. Patton, Phoenix
Jay S. Ruffner, Phoenix
Stephen G. Smyth, Phoenix
Dennis P. Turnage, Phoenix
Thomas E. Weland, Tucson
R. R. Woodford, Phoenix