

# BOARD OF GOVERNORS

## DECEMBER MEETING REVIEW

*Below are highlights from Dec. 17, 2004, State Bar Board of Governors meeting. Meetings typically are held monthly at the Arizona Bar Center in Phoenix. To see the complete minutes, go to [www.myazbar.org/AZBarInfo](http://www.myazbar.org/AZBarInfo) and click on "Board of Governors."*

- ▶ President Charles Wirken reported on the event co-sponsored by the Bar commemorating the anniversary of *Brown v. Board of Education* and summarized his attendance at several meetings including: Arizona Judicial Council Quarterly Meeting and a meeting with members of the criminal defense bar.
- ▶ Teresa Schmid, Executive Director, reported the State Bar is in holdover status on its lease and that the Relocation Committee has adopted an aggressive time schedule for the construction process and relocation by the end of March.
- ▶ Ms. Schmid reported that the Supreme Court Licensed Document Preparer's Program was in a funding crisis and had requested \$108,523 funding to hire additional support staff. The board passed a motion to authorize funding from the 2004 surplus, in the amount of \$108,523 for 2005 to add three additional personnel.
- ▶ Ms. Schmid summarized the meeting of the Admissions/Reinstatements Task Force.
- ▶ Ms. Schmid gave a summary and overview of meetings attended over the past month and reviewed key future dates and activities she will attend.
- ▶ Larry McVey, Chief Financial Officer, reviewed the October 2004 financial statements in detail and summarized the November 2004 flash report.
- ▶ Ed Novak, Chair of the Finance Committee, reported on last month's provisional approval of the 2005 Budget. The board unanimously approved the 2005 Budget as submitted.
- ▶ The board unanimously approved to ratify the action of the Finance Committee to approve the 2003 401(k) Employer Match in the amount of \$13,486.74.
- ▶ The board unanimously approved the motion to ratify the action of the Finance Committee to fund the net 2003 pension contribution of \$258,254.
- ▶ Robert Van Wyck, Chief Bar Counsel, reported that Lawyer Regulation will have 71 to 73 formal complaints filed by year-end; two to three of those are very complex. Mr. Van Wyck reviewed the statistics for the year.
- ▶ Appointments Committee, Dan McAuliffe, Chair, reported on the committee's recommendations to the following committees:
  - a) Arizona Commission on Appellate Court Appointments: The board voted to recommend Albert Flores to Governor Janet Napolitano for re-appointment to

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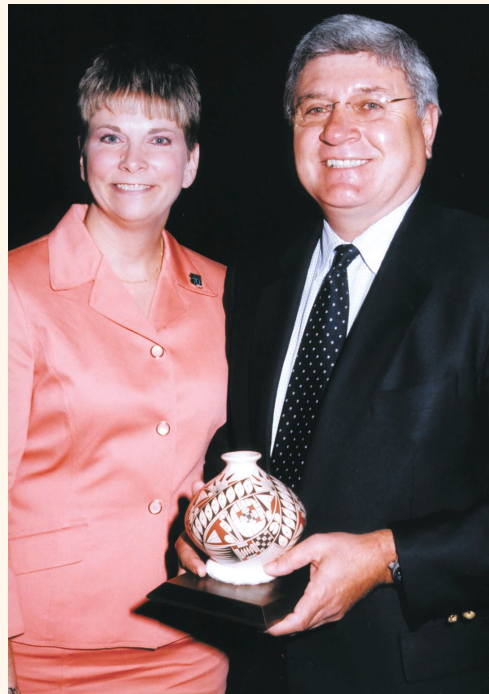
## STATE BAR OF ARIZONA AWARD NOMINATIONS

The **State Bar of Arizona** is soliciting nominations for awards to be given at the annual convention. Nominations for all categories should be submitted to: State Bar Awards, 111 West Monroe, Suite 1800, Phoenix, AZ 85003-1742. The deadline for nominations is **Monday, March 21, 2005**.



### MEMBER OF THE YEAR AWARD

Awarded to that attorney or those attorneys who have rendered extraordinary contributions to the programs and activities of the State Bar in the prior year. Hundreds, even thousands, of the Bar's members contribute their time and talent to the work of the Bar, but this award is limited to those whose contributions are exceptional. Pictured here, Sarah R. Simmons and Aaron Kizer receive their awards in 2004 from then-State Bar President Pamela Treadwell-Rubin.



"This award is for every member of the Committee on Persons With Disabilities in the Legal Profession; it's been a collective effort and this is a collective award. Thank you for letting me be the chair of this committee; thank you for the Member of the Year recognition for them."

—Sarah R. Simmons

"It was with some trepidation that I agreed to chair a committee of lawyers to draft civil jury instructions. As chair, I was responsible for keeping us on target to meet the goal of draft RAJI 4th edition by summer 2004, followed by final approved instructions this year. It turned out to be a real pleasure; everyone was eager to produce a result. Plaintiff and defense attorneys put their differences aside and worked hard to complete fair and understandable instructions. To be part of this was truly enjoyable, but to be recognized as Member of the Year was the icing on the cake. It is the highlight of 28 years of practicing law."

—Aaron Kizer

### James A. Walsh Outstanding Jurist Award

Awarded to that judge whose career exemplifies the highest standards of judicial conduct for integrity and independence; who is knowledgeable of the law and faithful to it; who is unswayed by partisan interests, public clamor or fear of criticism; who is patient, dignified and courteous to all who appear before him; and who endeavors to improve the administration of justice and public understanding of, and respect for, the role of law in our society. Last year's recipients were the Hon. Mary Murphy Schroeder and the Hon. George B. Nielsen, Jr.

### Award of Special Merit

Awarded to that member or member of the State Bar who has made significant contributions to the furtherance of public understanding of the legal system, the administration of justice and confidence in the legal profession. In 2004, the Hon. Edward E. Davis was honored posthumously.

### Award of Appreciation

Awarded to that individual or those individuals who are not members of the Bar in recognition of outstanding service toward the creation of a

better public understanding of the legal profession and the administration of justice, the judiciary or the legislative process. Carrie L. Sherman was honored last year.

### Sharon A. Fullmer Legal Aid Attorney of the Year Award

Awarded to that legal services lawyer or lawyers in Arizona whose service to low-income people encompasses aggressive advocacy on behalf of individuals in extreme need and addresses systemic issues affecting significant numbers of low-income people. Last year's recipient was Lydia A. Glasson.

### Tom Karas Criminal Justice Award

Awarded to that criminal law practitioner or judicial officer who during his or her career has worked tirelessly to advance the causes of criminal justice by representing clients or the public, or presiding in court, with integrity, fairness, tenacity, creativity, brilliance and above all professionalism. This award was established in 2004, and the first recipient to be honored was Fredric F. Kay.

that commission.

- b) Arizona Commission on Judicial Conduct: The board voted to nominate Sheila Polk to serve on that commission.
  - c) DNA—People’s Legal Services, Inc., Board of Directors: There are two vacancies to be filled. The board voted unanimously to recommend Faith Klepper for reappointment to that board. The board voted to nominate Craig Soland to fill the unexpired term of James Padish through Dec. 31, 2006, on that board.
  - d) Maricopa County Commission on Trial Court Appointments: The board voted to nominate Helene Fenlon to Gov. Janet Napolitano for re-appointment to that commission.
  - e) Pima County Commission on Trial Court Appointments: The board approved the nomination of John Hinderaker to be sent to Gov. Janet Napolitano to fill the vacancy on that commission.
- ▶ Board of Legal Specialization: Mark Harrison and Andrew Abraham appeared before the board to discuss the proposed amendments to rules and regulations. The board voted unanimously to table the issue to January.
  - ▶ Helen Perry Grimwood, Maret Vessella, Deputy Chief Bar Counsel, and Jennifer Moreira, Internet Services Manager, gave a PowerPoint presentation to the board on Discipline on the Web. More information on this will be in ARIZONA ATTORNEY.
  - ▶ Christine Thompson, Director of Government Relations, reported that House and Senate Judiciary Committee assignments have been made.
  - ▶ Ms. Thompson further reported that members of the defense bar community are seeking legislation to gain representation on the Arizona Criminal Justice Commission.
  - ▶ Ms. Thompson reminded the board of the Law School for Legislators planned for Jan. 5 at the Arizona Biltmore. The board was asked to attend the luncheon. In addition, Ms. Thompson reviewed federal and state issues.
  - ▶ James Matthews, Chair of the Human Resources Committee, reviewed the deferred compensation policy draft with the board. The board unanimously accepted the policy as written.
  - ▶ Standing Committee reports were given.
  - ▶ The board unanimously approved the negotiation of the construction contract for the new building located at 4201 N. 24th Street, Phoenix, for up to \$30 psf, equaling \$1.3 million, as originally authorized by the Board of Governors, and authorized the President to sign the contract on behalf of the State Bar.
  - ▶ The board unanimously approved the motion to approve and file the petition as

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## PROFESSIONAL VOLUNTEER OPPORTUNITIES

The State Bar Appointments Committee is currently accepting applications from *judicial and active members in good standing* to fill the following upcoming vacancies. Application forms are due at the State Bar office by the deadlines indicated below, and can be obtained by calling Carrie Sherman at the Arizona Bar Center at (602) 340-7201 or Suzanne Pease at the Bar's Tucson office at (520) 623-9944. An application also can be downloaded from the Bar's Web site—[www.myazbar.org](http://www.myazbar.org) (refer to Appointment Committee News).

### Conflict Case Committee

Application Deadline—Friday, March 4, 2005

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

**Openings:** Four. The following three committee members are completing initial three-year terms and are eligible for reappointment to another three-year term: Cari M. Dangerfield-Waters (Sole Practitioner, Tucson); Michael R. Palumbo (Jennings Strouss & Salmon PLC, Phoenix); and Donald M. Peters (Miller LaSota & Peters PLC, Phoenix). Michele M. Feeney (Mohr Hackett Pederson Blakley & Randolph PC, Phoenix) is completing an unexpired term of 1.5 years and is eligible for reappointment to a full three-year term.

**Terms:** Three years.

**Restrictions/Requirements:** Open to judicial and active State Bar members in good standing. 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.



### ABA House of Delegates

Application Deadline—Friday, April 22, 2005

**Purpose:** Delegates represent the State Bar at the annual and midyear meetings of the American Bar Association (ABA) House of Delegates. The State Bar reimburses only that portion of delegate expenses relating to that portion of the House's agenda that addresses the regulation of the profession and improving the quality of legal services.

**Openings:** Two appointments will be made by the Board of Governors. Delegate Susan Villarreal (Villarreal Law Office, Tucson) is completing her term and is eligible for reappointment to a second and final two-year term. One appointment also will be made to fill a new position, a fourth delegate seat, recently approved for the State Bar of Arizona based on its lawyer population.

**Term:** Two years.

**Restrictions/Requirements:** Open to active members of the State Bar of Arizona in good standing. The successful candidates also must be ABA members in good standing throughout their tenures as delegates. In order to comply with the ABA Constitution, one of these two openings will be filled by a lawyer who is 35 years of age or younger. There is a two-term limit; however, an exception may be made if the delegate demonstrates leadership within the ABA committees and sections. Delegates should be from different counties (although exceptions have been made in the past).

### Client Protection Fund Board of Trustees

Application Deadline—Friday, April 22, 2005

**Purpose:** The members of the Board of Trustees of the Client Protection Fund act as custodians of monies deposited with the fund, invest those funds, and pay claims in appropriate cases.

**Openings:** One. Nonlawyer Janet Shoaff is completing four years of an unexpired term and is eligible for reappointment to a full five-year term.

**Term:** Five years.

**Restrictions/Requirements:** Open to active or honorary members of the State Bar of Arizona in good standing who have actively practiced law or served in a judicial capacity in the State of Arizona for 10 years or more. Nonlawyers may be considered for appointment. There is a two-term limit. No more than two lawyer-trustees can be from the same county. The Board of Trustees meets quarterly or as necessary.

**X** **Mark Your  
Calendar**

**CLE OPPORTUNITIES ABOUND**

Mar. 1, 15, 22 & 29

12:15 a.m. to 1:15 p.m.

*(1 MCLE hour each session)*

Phoenix Nuts & Bolts Trial Courtroom Series

Mar. 4 . . . . . 9:00 a.m. to 12:30 p.m.

*(3.25 MCLE hours, including 3.25 ethics hours)*

Personal, Professional and Ethical Survival  
of the Law: Continuing to Successfully  
Turn the Tables on Stress

Mar. 4 . . . . . 9:00 a.m. to 12:15 p.m.

*(3 MCLE hours, including 3 ethics hours)*

Avoiding Ethical Pitfalls

Mar. 4 . . . . . 10:00 a.m. to 3:00 p.m.

*(4 MCLE, including 2 ethics hours)*

Conducting a Successful and Ethical  
Solo Practice

Mar. 8 . . . . . 11:00 a.m. to 12:00 p.m.

*(1 MCLE hour)*

Understanding Federal Tax Aspects  
of LLC Teleseminar

Mar. 11 . . . . . 10:00 a.m. to 4:00 p.m.

*(5.5 MCLE hours, including 2 ethics hours)*

Understanding the Inner Workings  
of the MVD

Mar. 11, 9:00 a.m. to 4:30 p.m. (6 MCLE

hours, including 2 ethics hours)

New Rules in Family Law

Mar. 14 & 21, Apr 11 & 18

12:15 p.m. to 1:15 p.m.

*(1 MCLE hour each session)*

Nuts and Bolts of Trial Courtroom Series

Mar. 15 . . . . . 11:00 a.m. to 12:00 p.m.

*(1 MCLE hour)*

Understanding Allocation of LLC Finance  
& Tax Attributes Teleseminar

Mar. 18 . . . . . 9:00 a.m. to 12:15 p.m.

*(3 MCLE hours, including 3 ethics hours)*

7 Keys to Ethical Communication

Mar. 22 . . . . . 11:00 a.m. to 12:00 p.m.

*(1 MCLE hour)*

Financially Distressed LLC Teleseminar

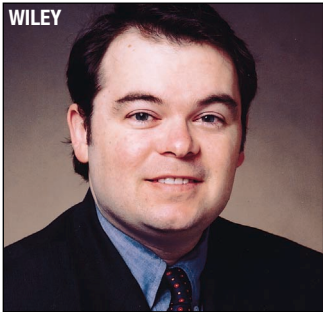
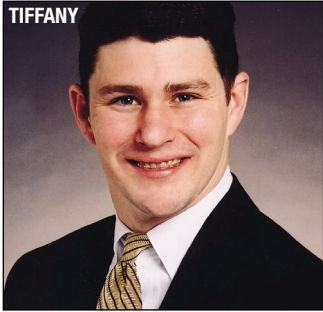
Mar. 29 . . . . . 11:00 a.m. to 12:00 p.m.

*(1 MCLE hour)*

Legal Aspects of Preparing Small &  
Medium Businesses for Sale Teleseminar

Visit [www.myazbar.org/CLE](http://www.myazbar.org/CLE)

to view the expanded list of interactive  
online courses and extensive assortment of  
video and audio self-study products.

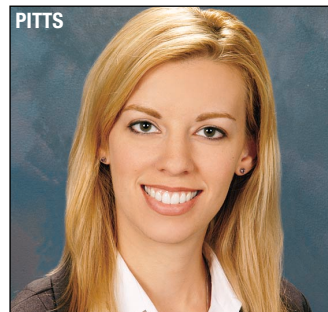


Ryley Carlock & Applewhite announced that five attorneys have been elected shareholders. They are: **Matthew T. Clarke** (commercial litigation); **Lorrie L.**

**Luellig** (complex litigation and appellate law); **Christopher P. Siegle** (labor and employment); **Sam S. Tiffany** (commercial litigation); and **J. Douglas Wiley** (estate planning).

**Anthony V. Ehmann** and **Neil H. Hiller** have joined **Fennemore Craig** as partners in the firm's estate planning practice.

**Brian J. Zavislak** has joined **Gallagher & Kennedy PA** as an associate in its real estate practice.



**Jones, Skelton & Hochuli PLC** announced that four new associates have joined the firm. **Eric Cook** practices insurance defense, **Susanne Gardner** practices civil litigation, **Katherine Pitts** focuses on business and real estate law, and **Sean Plunkett** concentrates on construction defect and insurance defense.

**Perkins Coie Brown & Bain** announced that **Jesse A. Anderson**, **Bryan S. Banks**, **R. Anthony Caliendo**, **M. Bridget McMullen** and **Scott S. Minder**



have joined the firm's litigation department as associates.

**Donna Killoughey Bird** has joined **Life Teen, Inc.**, as director of development and general counsel.



**Snell & Wilmer** announced that **Metchi Palaniappan** has joined the firm's business and finance practice, and that **Joshua R. Woodard** has joined its labor and employment practice.

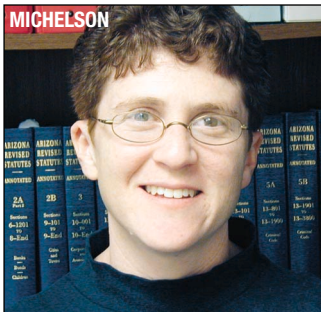
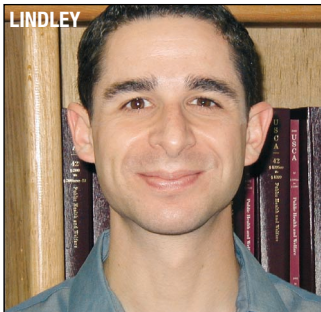


**Jennings Strouss & Salmon PLC** announced that **Alex D. Sirulnik** and **Bruce May** have joined the

firm's real estate practice.



Four attorneys have joined **Osborn Maledon PA**. **Diane Meyers** and **Sara Southern-Licona** focus on litigation, **Jean-Jacques Cabou** practices appellate and sports law, and **Richard Denenny** focuses his practice on bankruptcy law.



**Robert Lindley** and **Michelle S. Michelson** have joined the **Arizona Center for Disability Law** as staff attorneys.

**Carol Comer** has been named Of Counsel with **Lewis and Roca LLP** and will continue practicing in the firm's environmental group.



HONORS & AWARDS



**Troy Foster**, a partner with Lewis and Roca LLP, has been appointed to a seven-year term on the **Arizona Supreme Court's Committee on Character and Fitness**.

**Theodore C. Jarvi** was selected as president of the **National Organization of Veterans Advocates**.

**Shirley Reynolds**, managing partner of Hamilton and Reynolds LLP, Phoenix, has been named to the Board of Directors of the **Arizona Federation of Large Animal Veterinary Law**, an advocacy group that examines the intersection of farm animals and legal developments.

Stephoe & Johnson LLP attorney **Paul E. Burns** has been appointed to the Arizona State University



**Scottsdale Center for New Technology and Innovation Citizens Advisory Working Group**. He also has been appointed to the Patent Advisory Council of the **American Arbitration Association**.

Gammage & Burnham PLC attorney **Karen Gillen** has been appointed to the board of directors of the **Valley of the Sun Human Resource Association**.

VOLUNTEER LAWYERS PROGRAM

The **Cochise County VLP** honored the following attorneys at its 2004 awards ceremony: **Peter Kelly**, Lifesaver Award; **John F. Kelliher Jr.**, Attorney of the Year; **Flores & Flores**, Firm of the Year; **Cochise County VLP Advisory Board**, Award of Appreciation.

- submitted by the Civil Practice and Procedures Committee to amend ARIZ.R.CIV.P. 53.
- ▶ Civil Revised Arizona Jury Instructions were distributed to the board for its review as an information item with a vote in January. The matter was tabled to January.
- ▶ Liaison Reports were given by the Arizona Foundation for Legal Services & Education, Arizona Judicial Council and the Young Lawyers Division.
- ▶ American Jury Project Sponsorship: The board voted to co-sponsor the American Jury Project at the ABA midyear meeting in Salt Lake City, UT. This is an endorsement of principles with the caveat that the sponsorship is not an endorsement of each and every one of the proposed principles, but that it supports the major goals and the majority of the principles proposed by the Project.
- ▶ The board unanimously approved the Consent Agenda: November board minutes as amended; Updated MCLE Suspensions list; and the Approval of Reinstatements suspended for non-compliance.
- ▶ The board unanimously approved the motion to clarify that members would not be in violation if the box on the dues statement was not checked for the \$50 legal services contribution and payment was not included. It will be considered no donation as if the box had been checked.