

## BOARD OF GOVERNORS FEBRUARY MEETING REVIEW

Below are highlights from the Feb. 22, 2008, meeting of the State Bar Board of Governors. To see the complete minutes, go to [www.myazbar.org/AZBarInfo/BOG/BoGMinutes.cfm](http://www.myazbar.org/AZBarInfo/BOG/BoGMinutes.cfm).

- ▶ **President's Report**—President Dan McAuliffe reported that he attended the midyear meeting of the National Association of Bar Presidents held in Los Angeles. Mr. McAuliffe also hosted his first Presidential Web Chat on February 21; the topic was "Diversity in the Legal Profession."
- ▶ **Connerly Amendment**—The Board heard a pro and con discussion of Ward Connerly's Arizona Civil Rights Initiative to amend the state constitution to prohibit preferential treatment or discrimination by state government, state universities,

colleges, community colleges, school districts, counties and local governments to any individual or group based on race, sex, color, ethnicity or national origin in the operation of public employment, public education or public contracting. Dean Dennis Shields of the Phoenix School of Law presented the cons, and Clint Bolick of the Goldwater Institute presented the pros. The board voted to table further discussion until its March meeting.

- ▶ **Executive Director's Report**—Teresa Schmid announced that Chief Financial Officer Larry McVey will retire from the State Bar effective July 31, 2008. She further reported that the State Bar has engaged Fastcase as a research provider of free online legal research for all active,

judicial and retired members. The anticipated rollout of this new member benefit will be April 1.

- ▶ **Legislative Report**—Janna Day reported that the deadline for hearing bills in the house of origin has been extended. Hearings will be held in committees next week on the Arizona Trust Code, Guardians and Conservators and the Uniform Arbitration Act bills. Bills affecting the judiciary will also be heard next week.
- ▶ **Client Protection Fund**—Geoffrey Sturr, Secretary/Treasurer of the Client Protection Fund Board of Trustees, presented highlights of proposed amendments to the Client Protection Fund Declaration of Trust. One of the amendments would elimi-

nate claim caps in accordance with ABA Model Rule 14(A). The trustees, following the ABA model guidelines, recommended the Board of Governors should do away with caps, so long as the fund can retain a sufficient level of funds for future claims.

The matter was tabled and scheduled for further discussion at the next Board of Governors meeting. The board directed the Finance Committee to review this matter and to obtain information from the Client Protection Fund Board of Trustees about the number of claims that have exceeded caps in the past several years.

- ▶ **Finance Committee/CFO Report**—Larry McVey, Chief Financial Officer, announced that Dino Design, a tenant on

the second floor, would vacate its space at the end of February. The space will be diverted to space for CLE for meeting and filming purposes. Cost effects to the Bar are projected to be a net gain of \$47,000, and that takes into consideration the build-out and cost of advertising. The new space will hold 66 people in a classroom environment. Build-out will begin in March, and the room should be ready for use in June or July. The room also can be rented to outside entities for meetings. The board approved the use of the space for CLE.

Mr. McVey then presented the pre-audit financial statements. The total surplus for 2007 is \$503,000, with two significant favorable variances: \$373,000 resulting from vacancy savings and \$158,000 from non-dues revenue. The net worth of the State Bar remains at \$6 million, more than enough to cover its operating reserve requirement.

- ▶ **Rules Committee Report**—Amelia Craig Cramer reported that the Family Law Practice & Procedures Committee and the Rules Committee unanimously recommend that the State Bar of Arizona comment in opposition to Petition No. R-07-0002. The pending petition seeks to amend Rule 35, ARIZ.R.FAM.L.PROC., to mandate that all motions be in writing. The board voted unanimously to file the recommended comment in opposition to the petition.
- ▶ At its March meeting, the Board will vote on proposed comments regarding:
  - ▶ Petition to adopt a rule governing application to transfer structured settlement payment rights (R-07-0027)
  - ▶ Petition to amend various rules of procedure relating to jurors (R-08-0002)
  - ▶ Petition to amend the Arizona Rules of Civil Procedure Rule 8(h)(1) and Rule 84
- ▶ **Proposal to adopt a standard form of civil cover sheet for use in all civil actions filed in the Superior Court (R-08-0008).**
- ▶ **Long-Range Plan**—The board voted to approve the Long-Range Plan for 2008–2011 as presented in the board materials by Teresa Schmid.
- ▶ **Lawyers Helping Homeowners Program**—The board voted to ratify its decision made in the executive session at the January meeting to support the Lawyers Helping Homeowners Program.
- ▶ **Tucson Building Task Force**—Amelia Craig Cramer and Larry McVey reported that the closing on the purchase of the building for the Southern Regional Office in Tucson is scheduled for February 26. The current plan is to hold the Board of Governors' June 17 meeting at the Z Mansion, which is adjacent to the new Southern Regional Office building. Depending on the construction progress, the board may be able to tour the new facility.

- ▶ **Appointments**—Carrie Sherman, Director of Executive Projects, reported that a sufficient number of applications have been received for both the Conflict Case Committee openings and the public member position on the Board of Governors. The Appointments Committee is moving forward with this assignment.
- ▶ **Diversity Report**—I. Godwin Otu, Director of Diversity, updated the board regarding the Bar's diversity initiatives, such as the State Bar of Arizona in-house Diversity Committee, the Diversity Pipeline Project and the Bar Leadership Institute. He also announced that the Diversity Task Force is scheduled to meet on April 9 to assess the implementation if its recommendations adopted by the Board of Governors in 2006.
- ▶ **Chief Bar Counsel's Report**—Robert Van Wyck, Chief Bar Counsel, reported that in January 2008 the Lawyer Regulation Department opened 184 files and closed 129. Of the 129 files closed, 124 were informal files. Of the 124 informal files closed, 122 were within the 11-month timeframe established by the Supreme Court. Thus, the compliance rate with the Court's timeframe was 98 percent.
- ▶ **Other News**
  - ▶ Abbe Goncharsky, President of the Young Lawyers Division, reported that the division continues to sponsor the Wills for Heroes program, which was represented at the ABA midyear meeting in Los Angeles.
- ▶ **Meeting Schedule**—The full schedule is posted on the Bar's Web site: [www.myazbar.org/AZBarInfo/BOG/BoardofGovernors.cfm](http://www.myazbar.org/AZBarInfo/BOG/BoardofGovernors.cfm)

**PEOPLE,** PLACES,  
HONORS, AWARDS



**Gregg Tucek** has joined **Basha's Family of Stores** as vice president of legal affairs for human resources.



**Jennifer Mahoney** has joined **Dioguardi Flynn Jones LLP** as a partner and practices in estate planning and asset protection.

**Kelley-Anne Alexander** has joined the **Rose Law Group** and focuses her practice on constitutional law and land and water issues.



**Eric S. West** has joined **Jennings Strouss & Salmon PLC** as an associate in the firm's real estate and golf development department.



**Robert D. Myers** has joined **Adelman German PLC** as Of Counsel and focuses his practice on arbitration, mediation and neutral case evaluation.

**Mariscal Weeks McIntyre & Friedlander PA** has announced that **Edward F. Novak** has joined the firm and specializes in white collar-

corporate criminal defense. In addition, **Melissa Ho** and **Zachary Cain** have joined the firm as associates and practice in white-collar crime and government investigations.

**Wendy Kemp** has joined **Quarles & Brady LLP** and practices intellectual property litigation.

Associates **Jeffrey Meyerson** and **Michael Sauer** have joined the corporate and securities practice with the Phoenix office of **DLA Piper**.

**Jon Paladini** has joined **Withey Morris PLC** and focuses his practice on land use, elections and municipal law.

**Michael T. Liburdi** has joined the **Federal Election Commission** as an attorney in the general council's office, litigation division.



**Jill Covington** has joined **Fennemore Craig** as a director and practices business and personal injury torts.



The Phoenix School of Law has announced 11 adjunct faculty members for the spring semester. They are: **Hon. Mark Armstrong** (staff attorney, Arizona Supreme Court); **Jeremy Bogart** and **Bob McWhirter** (Maricopa County Legal Defender's Office); **Murray Henner** (Embry-Riddle Aeronautical University); **Hon. Michael D. Jones** (Maricopa County Superior Court); **John Sittu** (Sittu Law Firm PLLC); **Nancy-Jo Merritt** (Fennemore Craig); **Hon. Cecil Patterson, Jr.** (ret., Arizona Court of Appeals); **Margaret Robertson** (Gust Rosenfeld PLC); **Hon. Jonathan H. Schwartz** (ret., Maricopa County Superior Court); and **David Selden** (Ballard Spahr Andrews & Ingersoll LLP).





Lindsay E. Jones and Brandon J. Kavanagh were elected into the membership of **Gust Rosenfeld PLC**. Jones practices public, education, elections and employment law, while Kavanagh focuses his practice on commercial real estate.

**Bowman and Brooke LLP** has announced that managing partner **Paul G. Cereghini** was elected to the firm's Executive Committee, **Jill S. Goldsmith** was elected managing partner of the Phoenix office, and **Thomas C. Howard** was elected co-managing partner of the Phoenix office.



**Jones Skelton & Hochuli** announced that **Donn Alexander**, **Sanford Gerber** and **Thomas Nolasco** have been elected into the partnership. Alexander practices civil litigation, Gerber practices bad faith and extra-contractual liability and Nolasco concentrates on commercial litigation.

Seven attorneys have been elected into the partnership of **Snell & Wilmer**. They are: **Jeff Beck** and **Brian Burke** (business and finance); **Brian Burt** (business); **Marc Erpenbeck** (construction and environment); **Joseph Kiefer** (product liability and civil litigation); **Barbara McCloud** (labor and employment); and **John Platt** (intellectual property).

HONORS AND AWARDS



**Brenda Moody Whinery**, a shareholder with **Mesch Clark & Rothschild** in Tucson, was appointed to the board of visitors at the **University of Arizona College of Law**.



**Christine Meis McAuliffe**, a partner with **Jennings Strouss & Salmon**, was elected to the board of the **Arizona BioIndustry Association**.

**Larry A. Hammond**, a member of **Osborn Maledon PA**, received the Justice Award from the **American Judicature Society** in honor of his contributions to improving the administration of justice in the United States.

Mesa attorney **Dennis Kavanaugh** received the third annual **Shelley Award** at the Governor Arts Awards Dinner, recognizing his more than two decades' support and advocacy for the arts.