









BAR COMMUNIT

BOARD OF GOVERNORS MAY MEETING REVIEW

Below are highlights from the May 19, 2006, 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 and click on "Board of Governors."

- ► President Helen Perry Grimwood called the meeting to order. Executive Session 8:30 to 9:00 a.m. Open session 9:00 a.m.
- President Grimwood reviewed the President's Report handout covering the activities of the President during April and May.
- Mari Valenzuela of the Committee on Minorities and Women in the Law (CMWL) reviewed the handout "Recommitting to the State Bar of Arizona's Statement of Goals for Hiring, Promoting and Retaining Women and Minorities." In addition, the CMWL had a separate list of recommendations of aspirations of the Statement of Goals
 - ► The board voted to recommit to the "Statement of Goals" program adopted by the Board of Governors in June 1992 to encourage the hiring, promotion and retention of women and minority lawyers in the legal profession.
 - The board approved the appointment of a Diversity Task Force to follow up on the other recommendations of the Committee on Minorities and Women in the Law.
 - The board endorsed the National Bar Association Commercial Law Diversity Pipeline Program.
- President Grimwood reported on the Appointments Process before the board as informational.
- Foster Robberson, Chair of the Rules Committee, facilitated a discussion between proponents and opponents of a proposed amendment to Rule 6.8, ARIZ.R.CRIM.P.,

- relating to ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases. The rule deals mostly with the quality of legal representation indigent people receive in death penalty cases.
- ► The board voted to support the revised proposed amendment to Rule 6.8 of the Arizona Rules of Criminal Procedure.
- ► The board voted to approve the Civil Practice and Procedure Committee's recommendation to file the Petition in the Supreme Court to amend ARIZ.R.CIV.P.16(d) as submitted to the Board of Governors.
- The board voted to approve the Criminal Revised Arizona Jury Instruction as the new revised jury instructions.
- ► Larry Hammond, Chair of the Indigent Defense Task Force, summarized his attendance at the ABA Summit on Indigent Defense.
- ▶ Hon. Michael Ryan reported on the request of the Committee on Persons With Disabilities in the Legal Profession's request to create a new award, "The Hon. John R. Sticht Excellence in Disabilities Accessibility Awards," to raise awareness of access to justice. The committee proposed the establishment of two awards to be presented annually to a highly accessible private law employer, including law firms, and to a public law employer.
 - ► The board approved the creation of the State Bar of Arizona's Honorable John R. Sticht Excellence in Disabilities Accessibility Award. The first award will be given

BOARD OF GOVERNORS MEETING HIGHLIGHTS

Diversity Issues

- The board voted to recommit to the "Statement of Goals" program adopted by the Board of Governors in June 1992 to encourage the hiring, promotion and retention of women and minority lawyers in the legal profession.
- The board approved the appointment of a Diversity Task Force to follow up on the other recommendations of the Committee on Minorities and Women in the Law.
- The board endorsed the National Bar Association Commercial Law Diversity Pipeline Program.

Rule 6.8 of the AZ Rules of Criminal Procedure

The board voted to support the revised proposed amendment to Rule 6.8 of the Arizona Rules of Criminal Procedure. The rule deals mostly with the quality of legal representation indigent people receive in death penalty cases.

Professional Liability Insurance Reporting

The board approved language to appear on dues statement regarding Supreme Court-ordered reporting of whether lawyers have malpractice insurance. The board also approved how the information will be displayed on Bar Web sites.

New Award

The board approved creation of State Bar of Arizona's Honorable John R. Sticht Excellence in Disabilities Accessibility Award, which was proposed by the State Bar's Committee on Persons With Disabilities in the Legal Profession. The first award will be given in July of this year, then at the State Bar convention there-

ABA House of Delegates

The board reappointed Jeff Willis and Ernest Calderón to a final two-year term as the State Bar delegates to the American Bar Association.

AzFLSE Board

The board approved appointment of Judge Roxanne Song Ong to fill the unexpired term of one of the Bar-appointed seats on the Board of Directors for the Arizona Foundation for Legal Services & Education.

Tempe Judicial Advisory Board

The board approved reappointment of Thomas Klobas and Brad Tebow for final term to the Tempe Judicial Advisory Board.

Community Legal Services Board of Directors

The board appointed Richard Halloran to the Community Legal Services Board of Directors.

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- in July of this year, then at the State Bar convention thereafter.
- ► The board voted to endorse and adopt the pro bono Volunteer Lawyer Program that the Bankruptcy Section is providing at Bankruptcy Court as a board-sponsored program.
- ► The Audit Committee Chair, Frank Barriga, reported that the Committee will present at the June meeting.
- ► The Finance Committee Chair, Ray Hanna, reported on the work of the committee and staff's five-year financial plan that will be presented at the July retreat in Flagstaff.
- Chief Financial Officer, Larry McVey, reviewed the financial statements and the draft copy of the audit report.
- Ray Hanna, Secretary/Treasurer, on behalf of Ed Novak, Chair of the Appointments Committee, reported on the recommendation of the committee.
- ► The board voted to reappoint Jeff Willis and Ernest Calderón to a final two-year term as the State Bar's delegates to the American Bar Association.
- ► The board approved appointment of Judge Roxanne Song Ong to fill the unexpired term of one of the Barappointed seats on the Board of Directors for the Arizona Foundation for Legal Services & Education.
- ► The board approved reappointment of Thomas Klobas and Brad Tebow for a final term to the Tempe Judicial Advisory Board
- ► The board appointed Richard Halloran to the Community Legal Services Board of Directors.
- Teresa Schmid, Executive Director, commented on some points from her Executive Director's Report provided in the Board materials.
- Christine Thompson, Director of Government Relations, reported that the legislature is still in session and working on passing a budget.
- Alan Bayham reported on the order amending Rule 32(c) by the Arizona Supreme Court on September 27, 2005, which requires active lawyers in private practice to disclose to the State Bar whether they have malpractice insurance.
 - ► The board approved language to appear on dues statement regarding Court-ordered reporting of whether lawyers have malpractice insurance. The board also approved how the information will be displayed on Bar Web sites.
- Virginia Herrera-Gonzales reported on the appointment process of the Board of Governors and the work that was being done by the ad hoc committee to make recommendations to the board.
- ► Ben Click, Chair of the Human Resources Committee, reported on the two instru-

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- ments to be used to evaluate the Executive Director by the board members and managers at the State Bar. The evaluation instruments will be available online in June.
- Maret Vessella and Stephen
 Dichter prepared the Board
 Reporting Form regarding the
 ability to use dismissed com plaints as the basis for denials
 of certifications and re-certifications.
- ► Teresa Schmid, Executive Director, reported that due to time limitations, discussion of the travel policy for officers

- would be postponed to a later date.
- ► The Board approved the Consent Agenda: Approval of Resignations of Members in Good Standing; Approval of Reinstatements; MCLE Suspensions; and Notice of Deceased Members; and the April 2006 Minutes of the Board as drafted.

Liaison Reports

► Young Lawyers Division—Jeff Jacobson, President, reported that Nicole Seder-Cantelme will be the incoming

- President and will be attending the June meeting as a guest. Mr. Jacobson gave an update on the Wills for Heroes Program.
- Arizona Women Lawyers Association, American Bar Association—No report.

Standing Board Committee Reports

- Amicus—Dan McAuliffe gave an update regarding James Hamm's filing a Writ of Certiorari with the U.S. Supreme Court.
- ► Discipline Oversight—Dan

- McAuliffe reported on behalf of Jim Smith, Chair.
- ► Long Range Planning
 Committee—Steve Sherick
 reported that the staff and
 Teresa Schmid have completed a review and update on the
 LRP. The next meeting of the
 committee will be in
 September.
- ► Human Resources Committee, Rules Committee—See earlier reports.
- ► Member Services Committee—No report.
- ► Adjournment

BOARD OF GOVERNORS MEETING HIGHLIGHTS JUNE 2006

Board Elections

The Board certified the election of **Leslie Hall**, who earned the most votes for a vacant Maricopa County seat on the Board of Governors.

The following people will serve as officers for the 2006-2007 term:

- Jimmie D. Smith—President Attorney at Law, Yuma
- Daniel J. McAuliffe—President-Elect Snell & Wilmer LLP, Phoenix
- Edward F. Novak—First Vice President Quarles & Brady Streich Lang LLP, Phoenix
- Raymond A. Hanna—Second Vice President Raymond A. Hanna, P.C., Prescott
- Alan P. Bayham—Secretary/Treasurer Bayham Jerman PLC, Phoenix

Dues/MCLE Petition Withdrawn

The Board voted to withdraw its petition to the Arizona Supreme Court, which petition sought to change dues and MCLE requirements for a variety of different membership categories. Taking into consideration the many comments members made to the Supreme Court, the Board may submit a new petition in the near future.

Financial Policy Manual

The Board approved a 34-page State Bar financial policy manual that details the proper procedures and oversight so the Board can execute its fiduciary responsibilities.

Board Supports Petition to Change Rule 68

The Board voted to support a Rule change proposed by the Civil Practice and Procedure Committee. The Committee seeks to amend ARIZ.R.CIV.P. 68 to allow for further certainty in the use of offers of judgment.

Committee Appointments Process

The Board signed off on guidelines and general principles to guide the Board's committee appointments process.

Executive Director Evaluation

The Board approved an updated process to evaluate the State Bar's Executive Director.

JUNE MEETING REVIEW

Below are highlights from the June 14, 2006, State Bar Board of Governors meeting, held at the annual convention.

- ► President Helen Perry Grimwood called meeting to order at 8:10 a.m.
- ► The board voted unanimously to receive and certify the Election Teller's Report. The newly elected member of the board is H. Leslie Hall for District 6
- ➤ The new officers for the 2006–2007 are: Jimmie Dee Smith, President; Daniel J. McAuliffe, President-Elect; Edward F. Novak, First Vice President; Raymond Hanna, Second Vice President; and Alan Bayham, Jr., Secretary/Treasurer.
- ► The newest members of the Board are: Virginia Herrera-Gonzales (Court-appointed replacing Donald Carson); H. Leslie Hall, District 6; and Nicole Seder-Cantelme, President of the Young Lawyers Division.
- Special Guest, Gail Howard, Director of the ABA Judicial Intern Opportunity Program, was introduced by Barb Dawson, Arizona Foundation for Legal Services & Education, Past President. Ms. Howard gave an overview of the program.
- ► Mark Landy, CPA, Miller Allen & Co., reviewed the audit of the State Bar of

- Arizona and the Client Protection Fund. Mr. Landy presented an unqualified opinion, which is the highest a CPA can give.
- ► President Grimwood reported on the events of the past year as President.
- ► The board approved the Financial Policies Manual as amended.
- David Rosenbaum, Chair of the Landlord Tenant Task
 Force, gave an update on the work of the committee.
- Rules Review Committee—Foster Robberson, Chair, reviewed Civil Rule 15(a) regarding motions to amend the pleadings. Mr. Robberson introduced Sam Thumma, Chair of the Civil Practice and Procedures Committee, who reported on Civil Rule 68 (offers of judgment). The board voted to approve the recommendations of the Committee and approve the filing of the Petition to Amend Ariz.R.C.Iv.P. 68.
- ► Ed Novak reviewed the two separate items being presented to the board: (1) The Appointment Process Guidelines and (2) State Bar Committee Appointments General Principles (refers to appointments the President makes to State Bar Committees).
- ► The board voted to adopt the

- State Bar Appointments General Principles as presented.
- The board voted to approve the Board of Governors Appointments Process Guidelines as amended.
- Board of Legal Specialization—The board voted to adopt the Amendment to the Rules and Regulations of the Arizona Board of Legal Specialization as presented.
- Liaison Reports were given by Arizona Women Lawyers Associations, American Bar Association and the Young Lawyers Division
- ► Executive Director Performance Evaluation Process—Bennie Click, Chair of the Human Resources Committee, reported on the Executive Director Evaluations that the board members will complete along with the managers at the State Bar.
 - ► The board approved the draft procedures and accepted the two instruments, as amended, to evaluate the Executive Director to be completed by the Board of Governors and managers.
- ► Whitney Cunningham, Chair of the Lawyer Referral Information Service Task Force, gave an update.
- ► Membership Category & Dues Review Committee Report—The board voted to withdraw its Petition to the Arizona Supreme Court, which sought to change dues and MCLE requirements for a variety of different membership categories (R-05-0034).
 - ➤ The board voted to ask the Arizona Supreme Court to continue to maintain the status quo for members over the age of 70.
- ► Larry McVey, Chief Financial Officer, reported on the April financial statements.
- ► The board recognized outgoing board members: Jeffrey Jacobson, Past President of Young Lawyers Division, and Immediate Past President Charles W.
- ▶ Jimmie Dee Smith, Incoming President, on behalf of the board, thanked President Helen Perry Grimwood for her work this year. The board presented her with a gift, and President Grimwood addressed the
- ► Legislative Update—A written summary was provided to the board by Christine Thompson, Director of Government Relations.
- Officers Travel Policy—Tabled to future date.
- Consent Agenda—The board approved the Notice of Deceased Members,
 Approval of Resignations of Members and the May 2006 Minutes as amended.
- Meeting adjourned 3:02 p.m.

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NEWS FOR MEMBERS

EXPRESS ID CARD AVAILABLE TO LAWYERS

PHOENIX—Beginning July 1, court facilities in Maricopa County will issue identification cards to lawyers that will speed their entrance into court facilities. Attorneys in good standing who apply for and receive the cards will enter via "express lanes" separate from entrances for the public. The cards will ease entrance at designated courthouse doors.

According to court administration, about 3.5 million customers come to Superior and Justice Courts in Maricopa County each year. Many attorneys need to enter and exit courthouses several times a day, compounding court traffic even further.

To obtain an express access card, an attorney must meet several requirements to obtain security express privilege. They must be members in good standing of the State Bar of Arizona, provide an FBI background check and submit to metal scanning and inspection of personal items brought into the courthouse, among other requirements. There is a \$25 fee.

An application and additional details are available at www.superiorcourt.maricopa.gov/security/forms.asp

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NEWS FOR MEMBERS

Mark Your Calendar

CLE OPPORTUNITIES ABOUND

Sept. 7 1:00 p.m. to 4:45 p.m. (3 hours MCLE)

WEBCAST:

Advising Tax-Exempt Charitable
Organizations,
State Bar of Arizona
Boardroom Event,
Phoenix

Sept. 89:00 a.m. to 4:00 p.m.
(3 MCLE hours)

Nuts & Bolts of Trial Law

Phoenix

Sept. 13-15
(15 MCLE hours, including 5 hours ethics)
Annual Workers'
Compensation Program
Flagstaff

Sept. 14(hours to be determined)

Third Annual Appellate

Practice South of the Gila

Tucson

Sept. 159:00 a.m. to 4:00 p.m.
(5.5 MCLE hours)

Parting Shots

Phoenix

Sept. 229:00 a.m. to 4:15 p.m.
(3 MCLE hours)

Constitutional Law with

Professor Whitebread

Visit www.myazbar.org/CLE

to view the expanded list of interactive online courses and extensive assortment of video and audio self-study products. Times are subject to change, so check online for details.

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PEOPLE, PLACES, HONORS, AWARDS





Greenberg Traurig LLP announced that Gregory W. Seibt joined the firm's litigation department as an associate, and that Todd A. Burgess rejoined the firm as Of Counsel in the business reorganization and bankruptcy department.

Helene Fenlon
has joined the
College of Law
at Arizona State
University as
director of alumni and student
relations.





Paul Englander,
State BarCertified in
Injury & Wrongful Death
Litigation,
announces the
opening of the

firm Paul Englander PLC, specializing in personal injury and wrongful death claims and litigation, located at 1440 E. Missouri Ave., Suite 265, Phoenix 85014, phone (602) 266-9000.

Roger L.
Hartsell has
joined Windsor
Law Firm in
Mesa as a partner
and practices in
family law and



general business litigation.





Construction law attorneys Julianne C. Wheeler and Marc C. Goldsen have joined Sacks Tierney PA.

Barbara A. Hoerner has joined Progressive Financial Services,

Inc., as corporate counsel.









Ryley Carlock & Applewhite announced that four attorneys have joined the firm. David W. Kash (business litigation) and David J. Itzkowitz (real estate) have joined the firm as shareholders, and Kelly Johnson (commercial litigation) and Chris D. Barski (labor and employment) have joined as associates.

James M. Torre has joined Stinson Morrison Hecker as a partner in the firm's business litigation division.





Two new attorneys have joined Sanders and Parks. Jasmina Zecevic practices in civil and commercial litigation, and Jeffrey L. Smith focuses on commercial warranty litigation and products liability defense.

Real estate attorney Thomas K.
Irvine has joined Shughart Thomson & Kilroy PC as a shareholder.



Stephen C. Newmark has joined **Jennings Strouss & Salmon** and practices in state and local taxation and estate planning.

Jones Skelton & Hochuli PLC announced that four attorneys

have joined the firm. They are: Jacqueline Kochis-Chapman (governmental liability), Caleb Lihn and Timothy Watson (civil litigation) and Sonia Nayeri (environmental law).

Samuel C. Wisotzkey has been named shareholder by the Milwaukee law firm Kohner Mann & Kailas SC.







Lewis and Roca announced that P a t r i c k MacQueen and John Murphy have joined the firm as associates. MacQueen





Quarles & Brady Streich Lang LLP announced that four new attorneys have joined the firm. Partner Scott

M. Berg and associates Alison L. Rossman and Peter Sanz join the real estate law group, while associate Zachary D. Cain has joined the white-collar crime practice group.





Margaret A. Robertson and Karen Cooper have joined Gust Rosenfeld as associates in the firm's real estate practice.

Tait Elkie has joined Maasen & Associates PC in Scottsdale as an associate and focuses on DUI and criminal defense.







T. J. Ryan has joined Frazer Ryan Goldberg Arnold & Gittler LLP as an associate and practices estate planning and business law. The firm also announced that tax attorney Michael A. Harsch was named partner.

Jefferson Reynolds has joined **Gallagher & Kennedy PA** as Of Counsel in the environmental and natural resources practice.

Annie Rolfe has joined the law firm of Eric Cahan PC in Tucson and concentrates her practice in domestic law and estate planning.



Tiffany & Bosco PA announced that Lance R. Broberg has joined the firm's civil and commercial litigation

department as an associate.

Vince Lujan has joined Rothstein Donatelli Hughes Schoenburg LLP in Tempe and focuses on Indian law issues.



Norling Kolsrud Sifferman & Davis PLC announced that real estate attorney Devin A. Andrich has joined the firm as an associate, and that Kevin J. Sierka joined as an equity member in the commercial litigation and employment law practice.

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Richard F. "Rick" Ross has joined Sonnenschein Nath & Rosenthal LLP, where he will head the global hospitality/leisure practice group. The firm, which now has 10 U.S. offices, opened its Phoenix office in May. In addition to Ross, Phoenix attorneys staffing the new office will be partners Meghan Cocci and Mark Daliere, of counsel Bruce Martin, and associates David Heidenreich, Alan Kierman and Scott Stein.

Gammage and Burnham PLC has announced that five new attorneys have joined the firm. They are: Sherylynn Laich, business law and estate planning; Julie Ogawa, real estate transactions; Jay Raferty, commercial transactions; and Mark Wagner and Randy McCaskill, commercial litigation.

Catherine M. Woods has joined Rusing & Lopez PLLC and specializes in complex civil litigation, employment, medical negligence defense and personal injury.







The Phoenix International School of Law has announced the following positions: BarbaraKaye Miller, dean of admissions, Judge Michael A. Yarnell, assistant to the dean, and Ann Woodley, associate professor.

Effective June 1, Robbins & Green has merged into Jennings Strouss & Salmon, with up to 16 attorneys from Robbins & Green as well as associated support staff moving into the Jennings Strouss offices in the Collier Center in downtown Phoenix.



The Law Office of Stephen Wade Nebgen PLLC has moved from downtown Phoenix to Scottsdale Place, 5725 N. Scottsdale Road, Suite C-105. The new phone number is (480) 947-0785.

Viet Le has been promoted to serve as the lead counsel for Phoenix-based Avnet Electronics Marketing, Americas, and Avnet Logistics Services.

Michael R. Arkfeld has left the United States Attorney's Office and formed Arkfeld and Associates. The firm specializes in discovery, production and admission of

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electronic data in litigation, and is located at 9602 N. 35th Place, Phoenix, AZ 85028.

Vladimir Gagic has opened a law office and will practice criminal defense and patent prosecution and litigation. The firm is located at 1837 S. Mesa, Suite 100, Mesa, AZ 85210.

Marvin J. Schenk, Victor S. Casebolt and Sanford J. Germaine have merged their law firms. The new firm is Casebolt Germaine & Schenk PLC, and is located at 3877 N. 7th Street, Suite 240, Phoenix, AZ 85014. The firm specializes in collections, real estate, estate planning and commercial transactions.

HONORS & AWARDS



Laura Lawless, an attorney with Greenberg Traurig, has been elected to the board of directors of the Institute for Mental Health Research.

Jim Susa, an attorney with Bancroft Susa & Galloway in

Tucson, was confirmed by the Arizona State Senate to a seat on the **Arizona State Board of Tax Appeals.**

Attorney Mike Valder and his wife Janet received the Public Interest Service Award from the Arizona Center for Law in the Public Interest for the creation of the Arizona Social Change Fund that makes annual grants to local nonprofits.

LaShawn Jenkins, an associate with Quarles & Brady Streich Lang LLP, has been appointed to the City of Phoenix Human Relations Commission.

Kristine A. Kunkel, an attorney with Greenberg Traurig LLP, has been selected to serve on the board of the American Liver Foundation, Arizona Chapter.

Maricopa County Superior Court Judge Ronald S. Reinstein has been named the 2006 recipient of the Arizona Attorney General's Distinguished Service Award for victims and Victims' Rights.

Eric K. Macdonald, an attorney with JacksonWhite PC in Mesa, received the President's Recognition Award by the National Academy of Elder Law Attorneys for his work assisting seniors with long-term care and life care planning.

Gallagher & Kennedy PA attorney Garry Hays has been appointed to the Maricopa County Board of Adjustment.

HONORS & AWARDS

Paul J. Faith, managing partner of Faith Ledyard Nickel and Shelsky PLC, was re-elected to the **City of Litchfield Park** council.

Marian M. Yim was appointed to the Arizona Board of Executive Clemency by Governor Janet Napolitano.

S e a n Berberian and Sharon Jutila were elected partners at Stinson Morrison





Hecker LLP. Berberian practices in the firm's business litigation division, and Jutila serves in the employment and labor and employee benefits division.



Raul Abad, an attorney with Gust Rosenfeld, has been appointed to the board of Los Abogados, the Maricopa County Hispanic bar association.

Joyce Patrick-Bai was installed as the at-large director for the Association of Legal Administrators. She is the director of administration for the Mesa firm Schmeiser Olsen & Watts LLP.

Nicole France Stanton, an associate with Quarles & Brady Streich Lang LLP, has been elected to serve as president of the Women's Metropolitan Arts Council of the Phoenix Art Museum.

Greenberg Traurig shareholder John E. Cummerford has been selected to serve on the board of CASA, the Center for Prevention of Abuse and Violence.

The new law student chapter of the U.S.–Mexican Bar Association at the Guadalajara campus of the **Technological Institute of Monterrey** was named in honor of **Dr. Boris Kozolchyk**, the Evo deConcini Professor of Law at the University of Arizona.

Steptoe & Johnson LLP partner Nicholas J. Wallwork was re-appointed to the Arizona Water Quality Assurance Revolving Fund advisory board.

Fennemore Craig director
Sarah A. Strunk has been
elected to the Rocky
Mountain Mineral Law
Foundation's Board of
Trustees as the Arizona
Mining Association representative.



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