

#### Participants

**Shayna H. Balch**  
Ogletree Deakins Nash Smoak & Stewart PC

**Ashley Donovan**  
Community Legal Services

**Amanda Ho**  
Arizona Corporation Commission

**Anthony O. Jones**  
retired from practice

**William P. Sargeant**  
Cates, Hanson, Sargeant & Rakestraw PLC

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PHOTOGRAPHS BY JOHN HALL



### A ROUNDTABLE DISCUSSION Young and Old

# A BAR FOR THE AGES

**ARIZONA ATTORNEY:** Please introduce yourselves, including your age and what work you do.

**ASHLEY DONOVAN:** I'm Ashley Donovan, I'm 25, and I'm a family law attorney at Community Legal Services.

**SHAYNA BALCH:** My name is Shayna Balch, I'm 24, and I'm going to be starting my third year of practice this fall, and I'm an employment attorney at Ogletree Deakins.

**AMANDA HO:** My name is Amanda Ho, I'm 24, and I am a utilities regulatory attorney at the Arizona Corporation Commission.

**WILLIAM SARGEANT:** I'm Bill Sargeant, and I'm 71. I was admitted to the State Bar in 1963. I was a judge for 20 years, in private practice before that, and I've been back in private practice for three years doing family law work with Cates, Hanson, Sargeant & Rakestraw.

**AZAT:** Anthony Jones will join us soon. Bill, why did you choose law as a profession in the late 1950s?

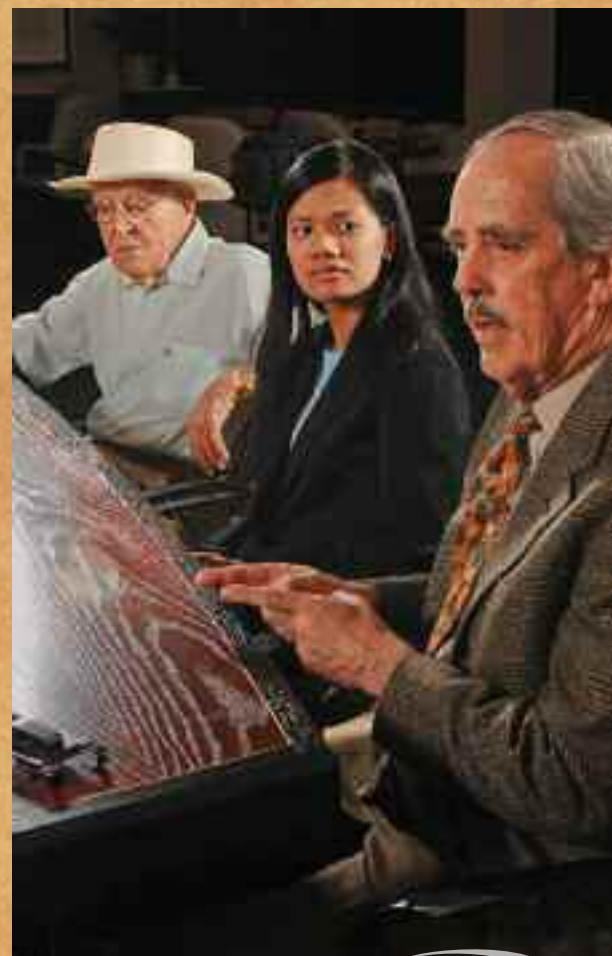
**SARGEANT:** When I graduated from high school in 1955, I was barely 17 when I started at the University of Colorado. My reason for doing that was not academic; I wanted to be on the ski team—which I was—and drink beer and chase girls. It was vying for the number-one party school in the nation at the time.

I was pretty busy doing all those other things while trying to do a full load in engineering, so I got very average grades. After a year, I decided engineering was not for me, and I talked to a counselor about transferring to the business college or something. He said, "Son, you are not only young; you are immature. Maybe you need to go in the service for awhile." A bunch of recruits had drowned recently at Parris Island, so I joined the Marines—*Semper fi* and all that. The first day in boot camp I realized I had made a horrible mistake! But I was on sea duty while I was in the service, so I had a lot of time to read classic books, and I really want-





*In the 75th anniversary of the State Bar, we wanted to hear from someone who could represent a view of the past as well as a window into the future. Of course, no one person could do that. Therefore, we opted to host a roundtable discussion. Invited would be those lawyers who are the very youngest and the very oldest in Arizona. Here, then, are their thoughts on the evolving state of law practice.*



ed to get back into school.

I visited the University of Arizona; my sister lived down there. I hadn't thought of law school, but at that time they let you do a "3-3"—starting law school in your third year of college.

**AZAT:** What were your undergrad majors?

**BALCH:** Psychology. But I had no desire to go into the field. I kind of fell into law by accident. When I was 17 and in college, my method of selecting coursework was based on the time and day they were offered. "Do I want this English class, or this Introduction to Justice Systems?" The second sounded interesting, so I took it. I loved it, and I started taking more classes like it.

**DONOVAN:** I majored in international affairs. I wasn't exactly sure what I was going to do with that, so I thought I'd give law school a try. But it worked out really well.

**HO:** I was a finance major. I also did inter-

national business and Asian Pacific American Studies at ASU.

It was funny: In my junior year, I decided, "I really want to stay away from numbers." So I thought, "What is really opposite from numbers? Law school." But now, in utilities regulation, guess what I get to do? Cost capitalization and equity and all of my finance things. So it's just been full circle.

**AZAT:** In law school, did your expectations of what you would do match what you're doing now?

**HO:** I don't know—movies and what-not have a way of misleading. My older sister is an attorney, and she does completely different work than I do. She does criminal law; it's not romantic, but it's very engaging and more exciting than a lot of other practices are. Each practice has its own exciting aspects to it, but just not the same as in the movies. Going into law school, you think it's always litigating; a lot of it is not like that.

**AZAT:** Do any of you get to do much trial work? And has it lessened over time?

**SARGEANT:** I do it, three times a week.

**AZAT:** Are younger lawyers good at trial work, or do they have too few opportunities to train?

**SARGEANT:** I think younger lawyers are better trained in professionalism. Back in the dark ages when I was in private practice before being a judge, trials were more rough-and-tumble; there were fewer rules. Now, every time I pick up that rule book, it's that thick; I find that amazing. And it also seems like every judge has his or her own little quirks and different rules they impose. It really wasn't that way in the old days.

In many ways, I think the younger lawyers concentrate much more on preparation than what I used to see years ago.

**AZAT:** Shayna, do you do trial work?

**BALCH:** Yes and no. I'm on a large case that we're thinking is going to trial next year. A lot of our cases, because they are employment law cases, do settle early on; it's just the nature of the practice.

## How We Selected Our Panelists

Identifying the youngest and oldest lawyers in Arizona contained its own challenges—especially for the older attorneys.

Using the State Bar database, we could locate the oldest lawyers. Quite a few, though, were no longer at their address of record, or up to the task of a roundtable discussion.

The youngest active lawyers were easier to identify. Though the very youngest—aged 23—was unable to take part, we were able to meet some very young lawyers.

Two interesting facts:

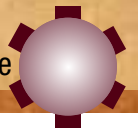
- Our sole selection criterion was age. Therefore, it was a happy coincidence that we had diverse representatives from private practice, legal services, a government agency, as well as someone who had served as a superior court judge.
- As we compiled the list of the youngest lawyers, we had to reach the 10th-youngest before we found a young man. The very youngest were all women.



Shayna Balch



Anthony O. Jones



**AZAT:** I was not in practice way back when Bill describes lawyers once kind of tumbling into trial. That would be kind of frightening, but also kind of energizing. Do you agree? Planning for trial for a year and a half is certainly the modern model, but thinking on your feet would get the blood running, wouldn't it? Do you ever say to yourselves, "A little less disclosure and a little more cross-examination would be nice"?

**BALCH:** That would be terrifying. I'd be terrified at the client's response—and the shareholder's response: "Yeah, good idea, let's just skip that deposition; it's not necessary."

**AZAT:** Ashley, who are your clients in housing matters?

**DONOVAN:** Well, I work at legal services, so they are people at either 125 percent or 200 percent of the poverty level, depending upon the grant funding. The Family Law Unit, because we're so limited in resources, we work mostly with victims of domestic violence.

**AZAT:** And do your cases go to superior court?

**DONOVAN:** Yes, the family law division.

**AZAT:** Do you enjoy your practice?

**DONOVAN:** Yes, it's great. Every day is a new challenge. I do some trial work, but I also am able to give advice to people we know we're not going to be able to represent in court. But I can help them draft motions and use the Self-Service Center online, which I think is the best resource ever. So I spend a lot of time on the phone, just giving advice.

**AZAT:** Do you think law school itself has changed much over a generation?

**SARGEANT:** Well, we had about 70 people in our class, but we started with about 150. But that's what they did in the old days. They'd say, "Turn to your left and your right; one of those people won't be there at graduation." Sure enough, by the end of our first year,

probably a third of the class was gone.

**AZAT:** Did the legal education prepare you well?

**HO:** I think so. Even more than the classes, the internship opportunities that you have in the summer or in the school year, the externships and internships, those really helped me a lot in my practice.

**AZAT:** Shayna?

**BALCH:** Yes and no. Law school obviously only goes so far. Obviously, in the first year or two of practice, the learning curve shoots up. They're not going to teach you how to write a response brief in law school; they're going to teach you how to use the tools that you need, how to locate sources, how to brief cases, how to draw conclusions.

**AZAT:** But do you think law school could teach you how to write a response brief? New trends in legal education try to make people more "practice-ready." Would that be helpful? Are younger



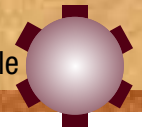
Amanda Ho



William Sargeant



Ashley Donovan



lawyers coming out prepared?

**SARGEANT:** The nature of law is such that you can't prepare someone to practice law. For instance, they do a better job now because they have externships and different programs. When I went to law school, the only trial practice we had was moot court.

While I was waiting to get a job with the IRS, I went to work for the City of Tucson as a prosecutor. I remember going down on my first day at work, thinking, "This is great; I'm going to shadow somebody." But I was told, "You've got a jury trial in superior court on this DWI; you'll probably find a police officer outside the courtroom." I didn't know the first thing about impaneling a jury, and fortunately the defense lawyer was a pretty decent guy, probably the best defense lawyer in Tucson, and he told me what to do. I just learned by getting beat up a few times.

**AZAT:** And clients probably didn't sue their lawyers quite as much back then.

**SARGEANT:** It was really quite rare. Before I took the bench, I was inadvertently becoming an expert in legal malpractice, because I filed one of the first appeals from the denial of a sued lawyer I knew from law school. So all of a sudden, every lawyer who didn't want to do that was dumping their cases on me.

That first case established the discovery rule in the statute of limitations.

**AZAT:** Would you all have liked to see more externship and clinical opportunities in law school?

**DONOVAN:** In my law school [the New England School of Law in Boston], a lot of those who graduate become solo practitioners or go into government work, so there's a large focus on that. I worked with legal services one semester, I shadowed a judge in another, and I worked in the public defender's office a third. I was out doing bail and arraignment hearings my third year.

**HO:** I almost wish in the first two years, you study and do internships, but in the last year you'd be in "practice"—a year where you shadow an attorney.

**AZAT:** I know that in Canada you have to "articulate" for a period of time before you can write the bar exam.

**HO:** Yes, and that's how Hong Kong is.

**AZAT:** What did you want to be when you were growing up?

**BALCH:** I wanted to be a doctor, until I saw I wasn't good at math and science.

**SARGEANT:** An artist, until I realized there was no money in it. I still paint pictures for my own amusement, and I enjoy writing more.

**DONOVAN:** Maybe something in the State Department.

**AZAT:** And Amanda, you had always wanted to be in the Corporation Commission?

**HO:** Of course! When I saw my first light bulb, I knew that's what it was for me.

I really liked photography for a long time, and I dabbled in it, but it was too expensive a hobby.

**AZAT:** Does practice allow you to engage outside interests? Shayna, at a large firm, do you have a bedroll and pillow under your desk?

**BALCH:** Actually, the firm is pretty reasonable about hours. I can still do things on weekends, and after 5 or 6 o'clock in the evening, it gets pretty quiet.

**AZAT:** Bill, when you started practice, what were your hours?

**SARGEANT:** All the time. I always worked. After I retired from the bench three years ago until last month, I was working six days a week, from 7 in the morning until 6 at night. I just started turning people away. I'm a lot better off.

The difficult thing when you're young or you're old is to find balance.

**AZAT:** When you started, were you billing by the hour or by the matter?

**SARGEANT:** I remember distinctly after I was a prosecutor and in private practice, I remember the first client I ever had, and I said, "I'm going to have to charge you \$25 an hour." I could hardly get the words out. But now I charge \$350 without missing a beat.

The first person I ever told that to, he said, "\$350 an hour? Isn't that steep?" I said, "Steep? It's obscene." He said, "Why do you charge it?" And I said, "Because you'll pay it."

**AZAT:** How would you describe your typical day?

**HO:** As a staff attorney for the Corporation Commission, I wear many different hats. We are attorneys for the five commissioners, who are quasi-judicial individuals—they act as judges. So we are advisers to them, but also as their attorneys, so if we are ever sued, we represent the Commission in those matters. We also represent staff.

My typical day includes a lot of meetings with the commissioners, with other attorneys, with other parties. Currently, I'm writing a Ninth Circuit brief. And large rate cases have been taking a lot of time. My hours are usually 8 to 6.

**BALCH:** And my hours vary depending on the work. Yesterday, I billed 10, 11, 12 hours, but I haven't billed that many in a day for awhile.

**AZAT:** Does anyone here have law school loans? Everyone except Bill?

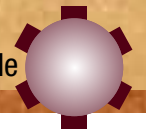
**GROUP:** Yes.

**AZAT:** Do the increasing costs of law school affect career decisions?

**HO:** Yes. People are feeling the pressure to find the large-firm jobs, even if they don't want it.

**AZAT:** How difficult was it to get your first job?

**BALCH:** I did the happy dance when I got my offer! I started off with Stinson, where I clerked in law school. The group that I was



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working with moved to Ogletree Deakins, so I moved with them. Before that, I worked for the EEOC after my first year, and after my second year I worked for the plaintiffs' attorneys for the EEOC, and then in my third year I clerked as a legal intern for the HR department at a large retail chain.

**AZAT:** Ashley, did you aim to end up at CLS?

**DONOVAN:** I did. After my first year in law school I realized I didn't want to stay in Boston. In my second year, I just called CLS and asked if they needed an intern. After that, it's hard, because they don't always have a position. So after taking the bar, I worked at a personal injury firm for a month; that didn't work out so well. Then I spent a couple of months doing research work for one of the big firms in town; that was just mind-numbing. Finally, I got a call from legal services in December of 2007.

**AZAT:** Amanda, how did you end up where you are?

**HO:** I did a variety of things throughout law school. I worked for the Attorney General's Office in their civil rights medi-

ation unit for about a year. Then I was part of a legal writing program at Squire Sanders; I had never been in a large-firm setting, so it was nice to have that experience. That summer, I received the internship at the Corporation Commission. I ended up staying there for the entire third year of law school, and they were luckily able to receive some monies to secure a new attorney position; they opened a new 10th position. So while I was studying for the bar exam, they called and asked me to be a policy adviser for one of the commission-

ers. I jumped at that chance. It was like clerking for a judge, but not quite.

**AZAT:** What do you all dislike the most about law practice?

**SARGEANT:** In a word, clients.

**BALCH:** Billing in tenths of an hour.

**DONOVAN:** In my field, it's the lack of resources. You can't help everyone.

**AZAT:** Bill, can you relate your finest memory or proudest accomplishment?

**SARGEANT:** On the bench, when I was on the juvenile court, I had occasion to have a child who was pregnant who wanted to terminate her pregnancy. We had a confidential meeting with about 10 people in there, and I said she ought to be able to go have an abortion. It was close to the third term, and the only place she could get it done was Kansas. I entered an order that a person could take her there without any state expense. That became a cause célèbre for about three months. I was pilloried in the newspaper.

I ruled on a Saturday morning. On

Saturday afternoon, I got reversed by one judge in the Court of Appeals. On Sunday morning, the Supreme Court met and sustained my ruling.

When I stood for retention four and a half later, they still spent \$15,000 to beat me; I put on no campaign.

I think it was the right thing and it was tough to do. A lot of my fellow judges came up to me and said, "I'm glad it was you and not me."

**AZAT:** Entering now is Anthony Jones. We're happy you could join us today. Could you introduce yourself to the group?

**ANTHONY JONES:** My name is Anthony O. Jones. I'm 98 years old. I worked for the bankruptcy court first in 1936.

**AZAT:** Tony, is it difficult to pick out one case or matter that makes you most proud?

**JONES:** What I was proud of more than anything else, it seems to me, was the time for four or five years that I put in probably 100,000 hours, and never got a dime out of it. I was proud because the main purpose for being an attorney, to me, is that you be able to help people.

If someone asked me about being a lawyer, what I would tell them is if you have made up your mind that you want to help people, you'll be a successful lawyer. But if all you're thinking about is the bottom line, you'll never be happy—you'll make money, yes—but you'll never be happy practicing law.

I never got a dime out of Legend City. But the practice of law is helping people; unless you help people, it's a failure.

I haven't made much money, but I have been happy all my life. And that to me is very important.



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**AZAT:** I don't want to presume, Tony: Are you retired?

**JONES:** I had to retire; I was afraid I'd be sued. I retired in 1997; I was 87 years old.

I recall one case when I was in the county attorney's office in which I faced a well-known lawyer. He represented a couple who had stolen something, I don't recall what. After the preliminary hearing, I asked him whether he intended to try the case; he said no, he'd plead it out. Later, I called him, and I said, "This case is set for 10 days from now." And he said, "I'm ready for trial."

I reminded him that he had said he would plead them guilty. He said, "Tony, did I say that?" I said yes. And he said, "OK, I'll plead them guilty."

That's the way it was back then. You'd call each other on the telephone; you didn't need written agreements on everything. And whatever the agreement was, you stood by it.

**AZAT:** Among the younger lawyers, what would you most hope to be remembered for?

**HO:** For me, that I was fair and honest, and that I went about the practice ethically. That I was straightforward, and I said what was right and didn't compromise my values.

**DONOVAN:** That I was a voice for a very large population who didn't have a voice.

**BALCH:** Reputation is the most important thing.

**AZAT:** If you were to speak to someone starting law school, what could you tell them about law practice that they're probably not imagining?

**BALCH:** I would tell them that things take

much longer than you'll expect.

**SARGEANT:** That probably you have to realize, in almost every case you deal with, your client is probably lying to you.

**JONES:** What surprises me is the price that they pay for an education. It's ridiculous. They come out, and they owe \$200,000, many of them. And yet you expect those people to go out and start a law practice? With all that money owed, the only thing they can do is go to some big firm and kiss their butts. It just makes me sick.

It also changed things when the Supreme Court said we could advertise.

When I first was practicing law, my wife would introduce me, "This is my husband, Anthony O. Jones. He's a lawyer." When they started advertising—and they're worse than used-car salesmen now—she would omit the lawyer part.

**AZAT:** Is diversity important in the legal profession? Is it a value that will be sustained as time passes?

**SARGEANT:** I for one think it's real. I think it's a good thing. I think there's been a much larger acceptance of that concept than I guessed there would have been.

**JONES:** When I started practicing, I think there were four women in practice. They had a tough time, because the public would not hire them. But I think they've gotten to a place today—and especially when you have a woman running for president of the United States—that's brought women a long way.

I don't know what's going to happen with race in the presidential campaign, but I

think it's going to get real dirty real quick.

I recall in 1928, I was 28 years old; I was old enough and should have been over it by then. Of course, I couldn't afford the sleeping car; I had to sit up for the three-day trip to Washington. The first morning I went in there, a black person came in to sit at the table. With my background, I got up and left. I'm ashamed of that today. But these things stick with you, and they're hard to get over. So I'm not sure if it'll be different in a presidential race.

**AZAT:** What's the most important challenge for young lawyers today? Balance, public perceptions of lawyers?

**SARGEANT:** Balance in your life with practice. I think it's very difficult. It's hard to be a father, a mother, a mentor to others, active in community, while doing a full-time practice.

**JONES:** Because of the need for client confidentiality, I can realize how difficult it is for a lawyer to be married and still raise a family. It puts pressure on family members.

**AZAT:** You all agree that balance is important. What do you do for fun?

**DONOVAN:** I think my indulgence is adult kickball; it's the total opposite of practicing law.

**HO:** I play Texas Hold 'em. I also play mah-johng with my parents. 