

bar community

from the board | news for members | discipline | people

from the board

STATE BAR BOARD OF GOVERNORS August Meeting Review

Below are highlights of the August 17, 2001, State Bar Board of Governors meeting. Meetings are held monthly at the Arizona Bar Center in Phoenix.

- ▶ President Nick Wallwork reported that he attended the Utah Bar Convention, the annual ABA meeting and Judge Daniel Barker's investiture, at which he presented the judge with an engraved gavel set on behalf of the State Bar. President Wallwork reported that he has appointed a working group to address the pending issues contained in the Report of the Client Security Fund Board of Trustees.
- ▶ Executive Director Cynthia Zwick reported that the highest number of participants ever—390—attended CLE By The Sea and that 1,869 attended the recent Convention. Ms. Zwick reported that for the first time, the Arizona Trial College was cancelled due to a failure to secure a minimum number of registrants. She also reported that work continues on developing a major medical member benefit with Blue Cross/Blue Shield of Arizona. Ms. Zwick reported that Past President Dee-Dee Samet has been elected to serve on the National Conference of Bar Presidents Board, State Bar Staff Counsel Yigael Cohen will serve on the National Organization of Bar Counsel Board and the Bar's Government Relations Director, Ron Johnson, will serve as Treasurer of the National Association of Bar Executives Government Section.
- ▶ Ms. Zwick reported that attorney Harry Cavanagh has offered a \$25,000 challenge grant to benefit the programs and services of the Arizona Bar Foundation.
- ▶ President-Elect Ernest Calderón reported that he will attend the October meeting of the New Mexico State Bar's governing board, at which that bar association's Multijurisdictional Practice Study Group will present its report.
- ▶ Allen Shayo, Assistant Executive Director—Legal, reported that the Bar had received a total of three comments (two in favor, one in opposition) regarding its proposed amendments to the rule governing *pro hac vice* admissions. He report-

ed that the comment period has passed and that the Bar awaits the Court's decision in this matter.

- ▶ Board member Diane Drain reported that an ABA report regarding attorney liability provisions will be reviewed by the Bar's Bankruptcy Section and reported on at the September Board Meeting.
- ▶ The Board agreed to remove from the Consent Agenda and to defer to the September meeting proposed amendments to the fee arbitration rules.
- ▶ The Board removed from the Consent Agenda for discussion the issue of a member's appeal to the Board regarding a denial of CLE credit following a random audit. After discussion, the Board ultimately voted to reverse the credit denial with regard to the Juvenile Drug Court Planning Initiative training. Previous CLE credit denials with regard to this particular training will be reversed.
- ▶ The Board approved the following Consent Agenda items: Appointments Committee Report regarding openings on the City of Mesa Judicial Selection Advisory Board, the Supreme Court Committee on Character and Fitness, and

the Court's Committee on Examinations; requested summary suspensions due to a failure to comply with Rule 45 governing MCLE; a petition to amend Rule 42, ARIZ.R.S.C.T.; ER 8.3; and minutes of the June 13 Board meeting and July 16 Special Board meeting.

- ▶ Judge Robert Van Wyck, Chair of the Consumer Protection Committee, provided an overview of the work of the committee in advance of the submission of the committee's report and recommendations slated for the Board's September meeting.
- ▶ Chas Wirken, Chair of the Task Force on the Future of the Profession, reported that a pro/con article will appear in *Arizona Attorney* regarding multidisciplinary practices. He noted that comments regarding the Bar's widely disseminated MDP proposal are due by September 30. He reported that the Task Force will review said comments and present its final proposal to the Board for its consideration; a Board proposal will be submitted to the Supreme Court for its consideration later this year.
- ▶ Leesa Berens Morrison, one of the Bar's three delegates to the ABA House of

PROFESSIONAL VOLUNTEER OPPORTUNITIES

Applications are currently being accepted by the Standing Appointments Committee, through November 16, 2001, for openings on the following:

Arizona Bar Foundation Board of Directors
City of Scottsdale Judicial Appointments Advisory Board
Commission on Appellate Court Appointments
Conflict Case Committee
DNA-People's Legal Services Board of Directors
Maricopa County Commission on Trial Court Appointments
Pima County Commission on Trial Court Appointments

Check the Bar's Web site
(www.azbar.org, click on Appointments Committee News) for further information or an application form, or contact Carrie Sherman at (602) 340-7201 or carrie.sherman@staff.azbar.org.

Delegates, summarized the actions taken by the House at its recent meeting in Chicago.

- Kenneth Countryman, President of the Young Lawyers Division, reported on the recent YLD long-range planning meeting, which focused on attracting new members and developing community service projects.

news for members

MARK YOUR CALENDAR CLE OPPORTUNITIES THIS MONTH

Oct. 2	Legal Malpractice Trends (Tucson)
Oct. 3	Legal Malpractice Trends (Yuma)
Oct. 3-5	Annual Workers' Compensation Seminar
Oct. 4	Writing to Win
Oct. 11-12	Training for the Truth
Oct. 11-12	When Business Partners Part Company, Part II
Oct. 18	Negotiation & Conflict Resolution
Oct. 19-20	Appellate Practice Institute
Oct. 25	Business in the Digital Age
Oct. 26	Advanced Real Estate Seminar

For more information or to register, go to cle.azbar.org, or call (602) 340-7322.

THE TRAINING FOR THE TRUTH: EXPLORING HONESTY AND DISHONESTY IN THE LEGAL PROFESSION

Here is a CLE program you don't want to miss. This two-day workshop will examine why individuals lie to each other—and to themselves! It also will describe the structure of corruption, the role of money in dishonesty and focus on the life and work of lawyers. The workshop will feature case studies and applications.

Where: Royal Palms,
5200 E. Camelback Rd., Phoenix

When: Part I: Sept. 28, 9:00-4:45
Oct. 11, 9:00-4:45

Part II: Oct. 12, 9:00-4:45

For more information and easy
online registration, go to
cle.azbar.org. Or call (602)
340-7322 in Phoenix or
(520) 623-9974 in Tucson.

GET ACTIVE WITH YOUNG LAWYERS

by Phoebe McGlynn

If you are under age 36 or have been practicing law fewer than five years, the Young Lawyers want you to get involved. Becoming active with the Young Lawyers Division (YLD) of the State Bar or County Bar is an excellent way to network and form lifelong professional relationships. YLD gives the public an opportunity to acquire a positive view of attorneys. YLD sponsors a variety of community service activities, including helping children and the elderly learn more about their legal rights and providing legal assistance to indigents. Your participation in YLD will boost your career and your attitude about the legal profession. All you need to do is pick up your phone to make a new legal contact ... and, perhaps, form a new friendship.

OCTOBER EVENTS

- Oct. 8 12:00pm: Maricopa YLD Board Meeting, 303 E. Palm Lane, Phoenix (contact Susan Wissink, 602-916-5319)
- Oct. 11 7:30 am: State/Pima YLD CLE Breakfast, Lodge on the Desert, Tucson (Traci Riccitello, 520-792-3836)
- Oct. 17 5:30 pm: Pima YLD Board Meeting, 177 N. Church, Tucson (Steve Portell, 520-882-1209)
- Oct. 20 Maricopa YLD Domestic Violence Necessities Drive, Phoenix (Tasha Boggs, 602-266-1166)
- Oct. 25-28 ABA Fall Conference, St. Louis, MO (Phoebe McGlynn, 602-382-6310)
- Oct. 26 Maricopa YLD CLE re Domestic Violence, ASU Downtown, Phoenix (Lori Higuera, 602-916-5000)
- Oct. 27 10:00 am: State YLD Executive Council Meeting, Tucson (Keri Silvyn, 520-749-9795)
- Oct. 28 AIDS Walk (Jessica Fotinos, 602-262-5704)

Also this month:

The State YLD **Youth, Drugs & Alcohol Program** in Tucson (Tim Medcoff or Shannon Giles, 520-770-8706) and the State YLD **Reception for New Lawyers: Admissions Ceremony** in Phoenix (Mike Denious, 602-542-7724)

Arizona Lawyers Battle Domestic Violence



October is National Domestic Violence Awareness Month. Here are just two of many stories of Arizona attorneys and their efforts on that important issue.

Battered Mother's Testimony Project

Since 1986, a variety of statutes have been passed to ensure that violence in the family is considered when making custody decisions. We keep passing statutes because, unfortunately, the previous statutes seem insufficient to make the point that violence in the home is not good for children and that an abuser should not have custody of the children. Still today we hear stories from attorneys that judges refuse to allow evidence of domestic violence in custody cases, refuse to believe violence is "significant" even when they have police reports in their hand, order women to go to joint counseling with their abusers and award custody or joint custody to batterers.

To make another attempt at documenting and rectifying the problem, the **Legal Committee of Arizona Coalition Against Domestic Violence (ACADV)** has begun an ambitious two-year project. The goal is to ensure that the minimal human rights of battered mothers and their children are met in Arizona family courts. The legal committee is borrowing heavily from the Women's Rights Network at Wellesley College, which pioneered the first such project.

The objective is to identify the adherence of Arizona courts to international human rights standards of bodily integrity, security of person, an adequate standard of living, the highest attainable standard of physical and mental health, freedom from torture, equal protection of the law, nondiscrimination and other rights as guaranteed under international human rights law. If we document the violation of human rights, we can promote change in the practice and procedure of the courts in custody cases to ensure the rights of the victims.

Project volunteers will interview and audiotape women from across the state, especially in rural and tribal areas, regarding their experience in divorce, custody and child sup-

port cases. Some people will be invited to testify at a tribunal in their region at a later date.

The courtroom experiences of the women will be linked to international human rights standards for women and children, and a final document will report on the adherence of Arizona's courts to international human rights standards. The hope is that the report and tribunals to present the report will lead to changes in laws and court procedures, court practices and judicial training and selection.

To volunteer, call Dianne Post at ACADV, 602-279-2900 ext. 213. Fund-raising also is needed (all donations to ACADV are tax-deductible).

Family Violence Intervention Program

An innovative program aimed at helping victims of domestic violence in the juvenile courts has brought together some diverse partners. **Arizona Attorney General Janet Napolitano, the Maricopa County Bar Foundation, the Maricopa and Pima County juvenile courts and the Arizona Coalition Against Domestic Violence (ACADV)** partnered to aid domestic violence victims who are in the court system because Child Protective Services (CPS) removed their children due to allegations of child maltreatment. Nationally, almost 60 percent of child maltreatment cases also involve domestic violence in the home.

The Attorney General's program, which began offering services in July 2001, is the first effort in Arizona and one of the first nationwide to address the issue of overlapping domestic violence and child maltreat-

ment via a coordinated approach. The program seeks to aid victims who can be supported with services, decrease the danger to victims and children and hold abusers accountable.

"We are learning more and more about the devastating impact that domestic violence has on children," says Napolitano. "To tackle this problem, we must create programs aimed at stopping the cycle of intergenerational violence. By helping battered mothers become safe and self-sufficient, these mothers can provide a safer environment for their children."

Doreen Nicholas of ACADV says, "This program is needed to provide services to domestic violence victims who may otherwise remain silent about their abuse because of the fact that they are involved in a court process with CPS. If we can empower these women and promote their self-sufficiency, we are also helping their children and future generations."

Brenda Thomas, Executive Director of the Maricopa County Bar Foundation, says, "The Bar Foundation wholeheartedly supports this program and is excited to be a partner in something that has never been done in Arizona."

Services in the program are provided by trained domestic violence advocates, who provide safety planning and substantive victim services such as job training, housing, shelter and medical services. The advocates attend court hearings and are located on-site at the juvenile courts in Maricopa and Pima Counties.

The program's initial funding comes from settlement dollars from an antitrust lawsuit filed by the Arizona AG's Office. Other key partners in the program include domestic violence shelters (including Sojourner Center and Brewster Center), and Child and Family Resources, Inc. ▀