



BAR COMMUNITY

BOARD OF GOVERNORS

AUGUST MEETING REVIEW

The State Bar of Arizona Board of Governors held a regular meeting on Aug. 2, 2013, in Flagstaff, Ariz., in conjunction with the Board of Governors Retreat. To see the complete minutes go to www.azbar.org/aboutus/leadership/boardofgovernors/minutes.

► President Whitney Cunningham called the board meeting to order at 10:35 a.m.

► President's Report

- President Cunningham stated he had attended the Arizona Judicial Council meeting.
- He will attend the National Conference of Bar Presidents during the ABA Annual Meeting.
- President Cunningham encouraged board members to know their respective elected officials and to invite them to coffee or lunch to get to know them better.
- Changing the board meeting schedule from nine to six meet-

ings per year means action on matters will be taken at the same meeting they are presented, so it is important to be prepared ahead of time. The decision-making process will no longer include the introduction of a business item one month and taking action the next, except in certain cases.

► CEO Report

- John Phelps reported that CLE by the Sea in San Diego and the annual Convention were both a great success.
- Implementation of a new case management system has an aggressive schedule, with deployment scheduled for October.
- President Cunningham completed appointments to the 28 standing committees. Almost 250 volunteer applications were received.
- The financial formula model

prepared by CFO Kathy Gerhart and Accounting Manager Martín Gaxiola will be a very valuable tool to use in the future as Bar programs and services are reviewed.

- Lisa Deane, Chief Member Services Officer, put together a webinar titled "Violence Against Attorneys" that will be offered to legal professionals throughout the United States. It will air on August 20. The State Bar is taking a lead nationally in this area.
- Yarnell Fire—The State Bar is part of Arizona's Emergency Response and Recovery Plan. State and national representatives worked together to respond.
- Special thanks to board member Alex Vakula, who practices in that part of the state and worked to bring together volunteer lawyers in

a needs assessment.

- Work is progressing on the annual Directory.

► Consent Agenda

- President Cunningham stated that item 4.e—"MCLE Committee Policy Change"—was withdrawn from the consent agenda for further study. Nothing else was removed, and the board voted unanimously to approve the remainder of the items as submitted.

► ABA Commission on Ethics 20/20 Proposed Response

- On behalf of the board Rules Committee, Patricia Sallen, Director, Special Services and Ethics – Deputy General Counsel, reviewed and summarized the draft correspondence prepared for President Whitney Cunningham's signature. A letter addressed to Chief Justice Berch is in response to her request for the Bar's input on the proposed changes to non-

member and admissions-related Model Rule changes emanating from the ABA commission. The Board of Governors unanimously approved the draft response.

► **ABA House of Delegates Resolution 108 and Indiana State Bar Association Resolution 10B**

- Ms. Sallen stated that these are two competing resolutions and very controversial regarding the ABA Model Code of Judicial Conduct.
- ABA Delegate Jim Smith suggested that the State Bar remain neutral regarding these resolutions and also stated that they are likely to be withdrawn from the ABA House of Delegates' agenda. The Chief Justice's Conference Committee voted to recommend the withdrawal of both resolutions.

► **Program Review Committee**

- The board voted unanimously to create a Program Review Committee with Immediate Past President Amelia Craig Cramer as Chair.
- The committee will review all the programs/services of the Bar as well as examine revenue-generating ideas.
- The committee is scheduled to report at the October board meeting.

► **CLE Task Force**

- The board voted unanimously to have the Task Force on CLE Administration, chaired by Jeff Willis, include in its charter the pros/cons of CLE pre-certification.

► **Board Composition**

- The board voted unanimously to file a petition for Supreme Court Rule 32 to change the status of the three law school deans from ex-officio to full voting members of the board, with the stipulation that the voting privilege is for the Dean and not his/her designee or representative.
- October 25 Board Meeting Discussion—It was agreed to also examine the board's composition under Rule 32 (number of members, staggered terms, etc.) will be discussed.

► **Association of Corporate Counsel (ACC) Dinner**

- General Counsel John Furlong reminded those present that the Association of Corporate Counsel (ACC) is holding an annual awards banquet in January 2014 at the Ritz-Carlton Phoenix and that the State Bar agreed to co-sponsor the event.
- The board previously voted to approve the sponsorship with some conditions, which were met by the ACC.
- The contract also was provided for the board's information.

► **Proposed Amendments to the State Bar of Arizona Bylaws**

- Mr. Furlong reviewed all the proposed changes to the bylaws, which are scheduled to be voted on at the October 25 meeting:
 - Change Rule number from 31 to 32
 - Change the Bar address from Suite 200 to 100
 - Technical changes
 - Under 8.02(C), First Vice President duties changed to reflect the changes in the discipline system
 - Change the Long Range Planning Committee

to "Strategic Planning Committee"

- Change Executive Director to "CEO/Executive Director"
- Added under 10.02 Notice of Annual Meeting to include using electronic means.
- 11.01, The number of regular board Meetings is modified from nine regular meetings to a minimum of six regular meetings each year with the schedule to be determined by the President
- Under 14.01, written notice for any proposed bylaw amendments must be given 30 days in advance "by mail or electronic means"

► **Finance Committee**

- CFO Kathy Gerhart reported for the six months ending June 30, 2013, the Bar's income statement generated a surplus of \$745,000, excluding Sections, Access to Justice distributions, and professional services for the Andrew Thomas case.
- Surplus year-to-date is \$310,000 more than budget. This is due to \$67,000 less in revenues and \$377,000 less in expenses. Cash and cash equivalents increased \$2,476,000, which includes principal payments of \$1,100,000 on the line of credit.
- Balance sheet reflects a net worth/net assets of \$9,041,000.

► **Information**

- Informational reports were provided:
 - Arizona Courts Statistics Trends
 - ABA Board of Governors Actions June 2013
 - County Bar Report (Maricopa County Bar)
 - Rocky Mountain Mineral Law Foundation, Report of State Bar Trustee
- **Meeting Schedule**—The next board meeting will be held telephonically on September 27 in Phoenix. The full schedule is posted on the Bar's website: www.azbar.org/aboutus/leadership/boardofgovernors/meetingschedule

PEOPLE, PLACES, HONORS & AWARDS

Robert S. Reder joined **Molever Conelly PLLC** as a partner. The firm's practice emphasizes business law and commercial litigation, employment law, commercial real estate law, and estate planning.



William M. Fischbach III was named a shareholder at **Tiffany & Bosco PA**. He focuses his practice in commercial and civil litigation with an emphasis in real estate, banking, contract disputes, and personal injury. He also serves as Board Chairman for the Greater Phoenix Chamber of Commerce Valley Young Professionals and as a Member of the Board of Directors of the Phoenix Children's Hospital Emerging Leaders Group.



Alana C. Hake joined **Gallagher & Kennedy PA** as an associate in the Environmental and Natural Resources practice group.



Anna Finn, whose practice focuses on commercial litigation, criminal defense, ethics and professional liability, and internal and governmental investigations, joined **Osborn Maledon PA**, Phoenix, as an associate.

Brent Peugnet has joined **Hymson Goldstein & Pantiliat PLLC**. He has represented individuals and corporations in personal injury for both defendants and plaintiffs, medical and other professional malprac-

tice, human resources and employment litigation.



Tyler M. Allen joined **Elkie Law Office PC** as an associate in their Fountain Hills office. His practice will focus on DUI/criminal defense, estate planning, and civil litigation. He earned his J.D. from Phoenix School of Law, where he served as a Delegate for the Student Bar Association and received recognition for his pro bono service.

Lee Stein, formerly of Perkins Coie, and **Barry Mitchell** and **Flynn Carey**, formerly of Gallagher & Kennedy, announced the formation of **Mitchell Stein Carey PC**, a boutique law firm located at 1440 E. Missouri Ave., Suite C-100, Phoenix, representing clients in the full spectrum of criminal, regulatory and complex civil fraud cases. More detail: <http://mitchellsteincarey.com/>

HONORS AND AWARDS



Gust Rosenfeld announced that appellate and trial lawyer **Charles "Chas" Wirken** was elected to membership in **The American Law Institute**. ALI is the leading independent organization in the United States producing scholarly work to clarify, modernize and otherwise improve the law. He was inducted in May during the ALI 90th annual meeting in Washington, DC. He joins 65 other distinguished Arizona judges, law professors and lawyers in receiving this prestigious honor.

George A. Schade, Jr., CMT, was honored by the Market Technicians Association as the 2013 **Charles H. Dow Award** winner at an April gala dinner in Manhattan. He received the award for *The Repeating Story of On Balance Volume*, a paper that demonstrates the importance of history to the field of technical analysis. Since 1994, the MTA has pre-

sented the Dow Award for excellence and creativity in technical analysis. It is the most significant competition in the field and carries a \$5,000 prize.



Jones, Skelton & Hochuli PLC announced that partner **Phillip Stanfield** was selected as a member of the **American Board of Trial Advocates**. He is the ninth lawyer from the firm to receive this distinction.

Ernest Calderón, a partner at Ridenour, Hinton & Lewis in Phoenix and president *emeritus* of the Arizona Board of Regents, was awarded an honorary Doctorate of Humane Letters by

Northern Arizona University. A past president of the State Bar of Arizona, he served as the NAU commencement speaker at its May 2013 ceremony.



Brandi Blair, of Jones, Skelton & Hochuli PLC, was promoted to Membership Chair for the Lawyers' Professionalism and Ethics Leadership Committee for the **Defense Research Institute**.

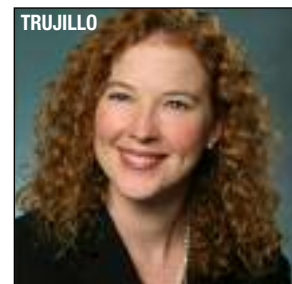
Tiffany & Bosco attorney **J. Daryl Dorsey** was appointed to the Global Turnaround Management Association's (TMA) **Next Gen: Emerging Leaders Board**. The board provides networking and education



opportunities tailored to those turnaround professionals in the early stages of their careers, or new to the profession.



Jennings, Strauss & Salmon announced that **Dick Silverman** joined the **O'Connor House Board of Directors**.



Susan Brichler Trujillo, an associate in the Phoenix office of Quarles & Brady LLP, was re-appointed to the **Community Legal Services** board of directors by the State Bar of Arizona Board of Governors.

Pima County Attorney **Barbara LaWall**, Victim Services Director **Kent Burbank** and the Victim Services Division of the Pima County Attorney's Office received the 2013 Hobson Award for Public Service, presented by the **American Bar Association** Government and Public Service Division at the ABA annual meeting. ►



Jacquie N. Westling, a partner in the Phoenix office of Quarles & Brady LLP, was elected to a three-year term as director of **Arizona Technology Council's** board of directors. She is a member of the firm's Corporate Services Practice Group and chair of the firm's Corporate Group in the Phoenix office.



Jeffrey H. Wolf, a partner in the Phoenix office of Quarles & Brady LLP, was elected to the **Scottsdale Center for the Performing Arts** advisory board.

Molever Conelly PLLC announced that founding mem-

ber, partner and co-manager **Loren Molever** was appointed by the **City of Scottsdale** to the General Plan 2014 Task Force, charged with assisting the City Council with updating the City's general plan.



Richard D. Fincher was appointed to serve as Chairman of the **Personnel Appeals Board** and the **Public Safety Personnel Retirement Board** for the Town of Paradise Valley. Both boards resolve workplace issues concerning classified town employees and police officers. Fincher is a national mediator and arbitrator of employment disputes and litigation.

Mr. Fincher also was elected to the National Board of Directors of the **Scheinman Institute on Conflict Resolution** at Cornell University

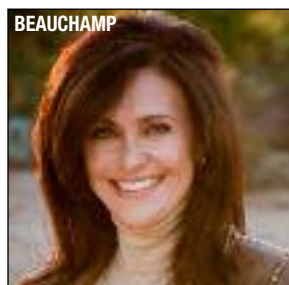
Gallagher & Kennedy PA announced that **David L. Wallis**

was named a BTI Client Service All-Star for 2013 by the Wellesley, Mass. based firm, **BTI Consulting Group, Inc.**



Jennings, Strauss & Salmon attorney **John "Jack" G. Sestak Jr.** was appointed to the **Phoenix Sister Cities** Board of Directors.

Lewis and Roca LLP announced that **Thomas Campbell** was named to the Clean Tech 100 list by **Legal Media Group**.



Attorney **Melanie Beauchamp** has released **DUI: The Next Day** in e-book form. It aids non-lawyers in navigating the court and

MVD process after being charged with DUI. The book is available at www.ArizonaDUI.com.

Jerry D. Worsham II, a member of Ridenour, Hienton & Lewis PLLC, was elected to serve on the Board of Trustees of **Barrow Neurological Foundation**.

Lewis and Roca LLP announced that attorney **Matthew Engle** was re-appointed to the Board of Directors of the **Friends of European Art** to serve an additional one-year term.

RECENTLY DECEASED

John Thomas Banta, Phoenix
Robert M. Frieбус, Tucson
William E. Good, Scottsdale
Robert L. Hazen, Mesa
Dale E. Hutchins, Tucson
Gail M. Ledward, Mesa
W. Lee McLane, Jr., Phoenix
John H. Noll,

Colorado Springs, Colo.
Jeffrey V. Romaine, Tempe
Charles J. Rondelli, Tucson



Send items for the People column to
arizona.attorney@azbar.org.
Items run free of charge, but because we receive many submissions, we cannot guarantee when an item will run. If you also send a photo with the item, we try to use it, depending on that month's space and the photo quality (high-resolution required).