



# BAR COMMUNITY

## BOARD OF GOVERNORS

## SEPTEMBER MEETING REVIEW

Below are highlights from the September 24, 2010, 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 Alan Bayham, Jr. acknowledged Chief Bar Counsel Maret Vessella and Dave Byers, Director of the Administrative Office of the Courts, for all of their work on the new lawyer discipline system. One of the Bar's major tasks for the coming year will be to get the new system streamlined and running.

President Bayham and CEO John Phelps have met with Arizona Supreme Court staff regarding e-filing. As the court moves toward turbo court, the Bar must be mindful of attorneys who don't have all of the equipment necessary to work with that system.

President Bayham recently attended a legal malpractice conference, and the projection is that there will not be any immediate increase in malpractice insurance premiums.

The 2011 State Bar Annual Convention will be held at the Westin La Paloma in Tucson. Leticia Marquez is the chair, and Dee-Dee Samet is assisting her. The State Bar will reach out to the minority bar community to assist in the planning.

► **Board Members' Commitments/Board Liaison Job Description**—Director of Board Operations Carrie Sherman recapped the commitments made by board members at the July retreat. Those members who serve as liaisons to committees, sections, or sister organizations were asked to review their role and responsibilities. Ms. Sherman introduced the staff liaisons to the board, and then asked the board liaisons to report back to the board on an ongoing basis regarding the challenges and

successes of their groups.

► **CEO/Executive Director's Report**—John Phelps summarized the major initiatives the staff is working on: contracting for health insurance for staff, tying new programs to the strategic plan, finalizing the budget process, assimilating new leadership in sections and committees, and establishing performance metrics.

Mr. Phelps encouraged the board to attend a special screening of *To Kill a Mockingbird* on October 14 at the Pollack Tempe Cinemas. All proceeds will benefit the Arizona Foundation for Legal Services & Education.

Mr. Phelps announced that 11,855 MCLE Affidavits were filed online this cycle, an improvement of 1,100 over the last educational cycle.

- **Strategic Planning:**
- **MCLE Review**—Member Services Director Lisa Deane reported that there has not been a review of the MCLE program for 11 years. She recapped the history of Arizona's MCLE program. Arizona is the only mandatory bar association that does not have a preapproval process for courses or providers. President Bayham has appointed Tom Crowe to chair a task force to study the program.
  - **Discipline Guidelines**—Chief Bar Counsel Maret Vessella announced that the Discipline Oversight Committee would review the charging guidelines to see if they should be modified.
  - **Positive Things Lawyers Do**—Mr. Phelps noted the large number of press releases issued by the Communications Department, with a push toward positive news about the work lawyers do.

- **Mission Statement**—Ted Campagnolo reported that the Long-Range Planning Committee is reviewing three suggested changes to the mission statement, will solicit additional input from section chairs, and have General Counsel John Furlong review any proposal for Keller issues. The committee hopes to have a proposal to the board before year-end.
- **Diversity**—Diversity Director I. Godwin Otu announced that the fourth class of the Bar Leadership Institute kicks off on September 25. By May 2011, the BLI will have graduated 62 attorneys. President Bayham has asked Lisa Loo to head a task force to review the recommendations established by the original Diversity Task Force to see what goals have been achieved and which ones need further attention.

► **Appointments Committee**—Chairman Whitney Cunningham presented, and the board approved, the slate for the Arizona Supreme Court Committee on Character and Fitness: Yvonne Tagart, Zachary Cain and Gabriel Fernandez. The nominations will be submitted to the Court for its consideration to fill one position.

For two positions on the Arizona Supreme Court Committee on Examinations, the board voted to submit the names of Roric Massey, Thomas Murphy, Lisa Wahlin, Yvonne Tagart, Mitchell Resnick and Richard Strohm.

For one vacancy on the City of Scottsdale Judicial Appointments Advisory Board, the board voted to submit the names of Don Alvarez, Wendy Harnagel Roberts and Stacy Gabriel for the City Council's ultimate selection.

► **Law Practice Management Section**—Based on a survey conducted with members of the Law Practice Management Section, the board voted to remove the section from the annual fees statement. A decision to sunset the section was tabled until the October meeting.

► **Finance Committee/CFO Report**—Joe Kanefield reported that the final budget for fiscal year 2011 would be voted on at the December meeting. The committee approved the hotel contract for the 2014 Annual Convention, as well as funds to improve the camera equipment in both CLE centers. The committee will continue a feasibility study of moving some of the Bar operations to the first floor of the Phoenix office once the tenant moves out. Leasing the space remains an option.

CFO Tom Johnson presented the June, July and August financial statements, noting that as of August 31, 2011, the Bar has a surplus of \$236,000 better than budget, primarily as a result of a decrease in expenses as compared to the budget. As a result of the decrease in expenses the Bar is projected to have a favorable 2010 year-end variance to budget in the range of \$250,000.

► **Unified Bar Exam**—Chief Justice Rebecca White Berch noted that law schools are teaching a national curriculum. The Uniform Bar Examination (UBE) recognizes that trend. In addition, lawyers are relocating more frequently. For these reasons, she supports Arizona considering moving toward the UBE.

Arizona's bar examination currently includes the multiple-choice multistate bar examination, along with general essay questions prepared by the National Conference of Bar

Examiners (NCBE) and specific essay questions geared to Arizona law. Three-quarters of the exam mirrors those of other jurisdictions.

Home states: are responsible for the character and fitness process; set cut-off scores levels; and evaluate special accommodation requests. Chief Justice Berch believes a professional national panel should evaluate special accommodation requests.

Missouri and North Dakota are on board with the UBE, and the Chief Justice hopes that Arizona will soon support it. She requested that the State Bar solicit opinions from members about the exam as soon as possible.

- ▶ **Legislative Update**—Janna Day reported there would be a significant turnover in both the House and the Senate. A number of candidates are vying for Senate President. The State Bar continues its outreach program with President Alan Bayham, CEO John Phelps, CCO Rick DeBruhl, and Ms. Day meeting with leadership and legislators. The Law School for Legislators Program will probably be held during the first week of January.

Ms. Day asked the board to approve the Alternative Dispute Resolution Section request to proposed legislation that would amend subsection “A” of the recently enacted Revised Uniform Arbitration Act. The motion was requested and it passed. Ms. Day also noted that the Probate & Trust Section intends to propose small changes to the newly enacted Arizona Trust Code. The Mental Health and Elder Law Section will also be presently a request for legislation soon that would amend various statutes dealing with guardianship issues.

- ▶ **ABA House of Delegates**—Michael Mason informed the board about significant announcements at the ABA Annual Meeting:
  - ▶ The ABA has dramatically reduced fees for government lawyers, judges, and sole practitioners. As a result, the organization has seen large increases in membership. Further dues reductions for other members have been put on hold.
  - ▶ The ABA has lobbied for exemption for lawyers under the Consumer Protection Act, debt relief for graduates, and prompt placement of judicial nominees. The organization filed an amicus brief before the Supreme Court claiming that denial of COLA benefits for judges is unconstitutional.
  - ▶ The new ABA president’s agenda is to pass the Katrina rule.

Mr. Mason reviewed items passed by the ABA, although Arizona didn’t take positions on many issues based on *Keller* concerns. He sought input from State Bar members on future issues, prompting Amelia Craig Cramer to request that Mr. Mason’s report be distributed to all sections and committees for response.

- ▶ **Chief Bar Counsel Report**—The Lawyer Regulation Department continues to present on the new discipline system, with recent programs held at CLE by the Sea and the Workers Compensation Workshop. Future programs are scheduled with the Tucson Defense Bar, the Maricopa County Attorney’s Office and the Arizona Attorney General’s Office.

As of August, Lawyer Regulation moved three litigation lawyers into Intake. One Intake lawyer moved back into litigation. Two new positions in Intake have been created from existing administrative positions. The primary responsibilities of the new Intake Assistants will be to answer live calls and do a preliminary screen of those calls. The result will be to get consumers into the process quicker or to direct them to other appropriate resources.

The Discipline Oversight Committee met on September 23, 2010. The committee reviewed case clearance numbers for the past several months. Overall, Lawyer Regulation continues to dispose of cases within the current guidelines with an overall yearly compliance rate of 97 percent.

On September 9, 2010, the Supreme Court appointed the State Bar as a special investigator in a Character and Fitness case. The appointment is for the investigation of two applicants for admission and for representation of the Committee and presentation of evidence at a formal committee hearing.

In 2008, the National Organization of Bar Counsel (NOBC) appointed a committee to study and report on methods for improving the development of professionalism and professional identities in the law school experience. The NOBC report focuses on the need for change in legal education including the development of professionalism plans that address legal analysis, practical skill and professional identity. Scope voted to send the report to the State Bar’s Professionalism Committee for evaluation and for a recommendation back to the board on whether the State Bar should endorse the report and/or propose a plan to further advance the positions taken in the report.

- ▶ **Special Presentation**—Past President Ray Hanna acknowledged the co-chairs of the 2010 Convention Committee, Roberta Tepper and Chris Jensen, and presented them with crystal plaques.
- ▶ **Status Report: FTC/“Red Flags” Rule**—Ethics Counsel Patricia Sallen summarized the ABA’s dispute with the FTC over the “Red Flags Rule,” which would have required lawyers to take steps to prevent identity theft. In June the State Bar agreed to sign on to the amicus brief authored by the New York State Bar Association. The brief was filed in the United States Court of Appeals for the District of Columbia on

September 17, with 54 state and local bar associations having signed onto it.

Ms. Sallen also updated the board on three briefs filed by the State Bar in admission on motion cases tied to ER 5.5. The Arizona Supreme Court denied one petition and remanded the other two. The board agreed to forward future actions to the UPL, Ethics and Professionalism Committees for review.

► **Liaison Reports:**

- **AWLA**—Rhonda Barnes announced that the Maricopa County Chapter would host the two candidates for clerk of the court at its monthly luncheon. The Tucson Monthly Luncheon is scheduled for October 22, and the AWLA Convention for Nov. 5, 2010.
- **Young Lawyers Division**—Maricela Meza reported that

YLD would hold its first meeting on September 29. They will be partnering with sister sections and associations on other networking events throughout the fall.

- **CMWL/Arizona Asian American Bar Association**—Lisa Loo noted that CMWL would sponsor its annual Judge Tang writing competition. They continue to work with the ASU Sandra Day O'Connor College of Law on their writing program, and assist with the Minority Bar Convention. The Asian Bar has a weekly newsletter, collaborates with other bars, and will have a special presentation at the Minority Bar Convention.
- **Los Abogados**—Virginia Herrera Gonzalez announced that three mem-

bers of the group have been selected for the Bar Leadership Institute.

- **Pima County Bar Association**—Amelia Craig Cramer said the PCBA is sponsoring a joint event with the doctors association and has expanded its offering of CLEs to complement those that the State Bar is sponsoring.
- **Diversity Report**— Diversity Director I. Godwin Otu acknowledged board members who have been very active with the Bar Leadership Institute. He believes that the Bar has accomplished most of the recommendations of the Diversity Task Force. He emphasized the Diversity Pipeline Program at Cloves C. Campbell Senior Elementary School, and has created a pool of 16 volunteer attorneys and 22 law students who connect with

the program.

- **Policy Regarding Promotion of Non-Bar Activities**—Mr. Phelps presented a policy drafted by the Communications Advisory Committee. The basic principle is that the Bar has an obligation to protect the privacy of its members. The policy, which would restrict direct access by outside organizations to its membership, will be voted on at the next meeting.
- **Rules Committee**—Chairman Bryan Chambers provided a detailed report on Supreme Court 2010 Rule Changes and the court filings by the State Bar 2009-2010. The filing date for next year's rule petition submissions is Jan.10, 2011.
- **Meeting Schedule**—The full schedule is posted on the Bar's website: [www.myazbar.org/AZBarInfo/BOG/BoardofGovernors.cfm](http://www.myazbar.org/AZBarInfo/BOG/BoardofGovernors.cfm)

**NEWS FOR MEMBERS**

**CERTIFIED SPECIALISTS**

The following attorneys have submitted applications for certification or recertification in Specialization. If you would like to submit comments on any applicant, please submit to the Board of Legal Specialization, State Bar of Arizona, 4201 N. 24th Street, Suite 200, Phoenix, AZ 85016. Comments also may be e-mailed to [BLS@staff.azbar.org](mailto:BLS@staff.azbar.org). Anonymous comments will not be considered.

**Bankruptcy Law**

*Recertification Applications*

Thomas C. Axelsen  
Steven M. Cox  
James E. Cross  
Larry O. Folks  
Michael P. Lane  
Joseph C. McDaniel  
Pernell W. McGuire

**Criminal Law**

*Initial Applications*

Benjamin M. Brewer  
Stephen R. Glazer  
Joey N. Hamby

*Recertification Applications*

Robert F. Arentz  
David W. Basham  
Michael V. Black  
Sean H. Bruner  
Robert J. Campos  
David Michael Cantor  
Todd K. Coolidge  
Tom Crowe  
Kristen M. Curry  
Clark L. Derrick  
Bruce Feder

Carmen L. Fischer  
Stacey F. Gottlieb  
Thomas M. Hoidal  
Gregory J. Kuykendall  
Paul J. Mattern  
Raymond V. Panzarella  
Rick D. Poster  
Stephen G. Ralls  
Anders V. Rosenquist Jr.  
John M. Sears  
Joseph P. St. Louis  
Michael Terrible  
Marc J. Victor

**Estate & Trust Law**

*Initial Application*

T. Troy McNemar

*Recertification Applications*

Kevin F. Kinghorn  
James G. Knollmiller  
Timothy A. Olcott  
Michael J. Tucker

**Family Law**

*Initial Applications*

Keith Berkshire  
David N. Horowitz

Bert E. Moll  
Alexander Poulos  
DeShon Pullen  
Lisa J. Stone

*Recertification Applications*

James S. Bruce Jr.  
Annette T. Burns  
Bruce K. Childers  
DeeAn Gillespie Strub  
Leonard J. Mark  
Suzan V. Pearlstein  
Daniel J. Siegel  
Stephen Roy Smith  
James F. Wees  
John R. Zarzynski

**Personal Injury & Wrongful Death**

*Initial Applications*

Louis Hollingsworth  
Thomas J. Howard  
David E. Wattel

*Recertification Applications*

David M. Bell  
Mark P. Breyer  
James R. Broening

Charles E. Buri  
John A. Elardo  
Thomas P. Gannon  
Michael W. Herzog  
Harry L. Howe  
John H. Ishikawa  
Peter C. Kelly II  
Terrence J. McGillicuddy  
Jeffrey Boyd Miller  
Dorothy Q. Paine  
Lloyd L. Rabb III  
Louis T. Seletos  
W. Daniel Shelton  
Neal S. Sundeen  
Terry P. Thompson  
Nicholas E. Vakula  
Jerald R. Wilson

**Real Estate Law**

*Initial Applications*

Adam B. Decker  
Bennett R. Shelsky

*Recertification Applications*

Clare H. Abel  
Andrew Abraham  
Robert G. Anderson  
Stephen Aron Benson

## NEWS FOR MEMBERS

James F. Byrne Jr.  
Gary A. Drummond  
Paul D. Ellsworth  
James C. Frisch  
Keith L. Hendricks  
Steven A. Hirsch  
Craig T. Irish  
Robert J. Itkin  
James W. Johnson  
Barrett L. Kime  
Charles M. King  
Daniel L. Kloberdanz  
J. Gregory Lake  
Richard V. Mack  
Thomas J. McDonald  
Deborah Oseran  
Thomas M. Pace  
Robert P. Robinson  
D. Randall Stokes  
Dale S. Zeitlin  
Lynn T. Ziolko

### Tax Law

#### *Recertification Applications*

John A. Beaver Jr.  
Barry C. Becker  
Gerald F. Ehrlich  
Susan Ward Harris  
Robert L. Lane  
Ilene L. McCauley  
Richard C. Onsager  
John G. Pattullo  
Gregory A. Robinson  
Henry W. Tom

### Workers' Compensation Law

#### *Initial Application*

Christopher C. Norton

#### *Recertification Applications*

Trace A. Bartlett

Brian I. Clymer  
Harlan J. Crossman  
Avery N. Crossman  
Julie A. Doherty  
Don A. Fendon  
Scott M. Finical  
Arthur V. Gage  
Jean K. Gage  
Ellen E. Hendrickson  
Scott H. Houston  
R. Kent Klein  
Dennis R. Kurth  
K. Casey Kurth  
Terrence Kurth  
Mark S. Lucas  
John W. Main  
Steven J. Messer  
Melinda K. Poppe  
Thomas C. Whitley  
Charles M. Wilmer

## MEMBERSHIP DIRECTORY CORRECTIONS

Information on the following attorneys or judges is listed incorrectly or missing in the 2010–2011 Bar Membership Directory. The information provided here is the correct version. The State Bar apologizes for the errors.

**Michael B. Lange**  
Phone: 520-742-2494

**Jade Wu**  
jadewu1066@yahoo.com





After 24 years of service, **Hon. Nanette M. Warner** retired from the Superior Court bench in Pima County at the end of May 2010 and joined the Tucson law firm **Karp & Weiss PC**, where she is associated as Of Counsel. She serves as a mediator and arbitrator in the areas of family law, probate, personal injury, employment and contract disputes. She completed mediation training with the Straus Institute for Dispute Resolution at Pepperdine University Law School during the summer. She is also available for legal consultation and to handle appeals.

**Stephen Anthony** joined the Phoenix office of **Buckley King**, a business and commercial law firm, as a partner in its Litigation and Advocacy Group.



**Raul Abad** has returned to the Phoenix office of **Gust Rosenfeld PLC**. He focuses his practice on commercial real estate transactions including development, leasing, real estate financing, and acquisitions and dispositions of various real estate assets. He works with both public and private clients on complex commercial real estate matters on a local, regional and national basis.

**Deanna R. Rader** has joined the Phoenix office of **Gordon & Rees** as a partner to lead the regional expansion of the firm's national labor and employment practice.



**Jessica Maziarz** has joined **Bryan Cave LLP** as an associate in the Phoenix office. She practices with the firm's Class Actions and Commercial Litigation groups.



**Sterling R. Peterson** has been named a partner in the Mesa law firm **Gunderson, Denton & Peterson, PC**. His practice focuses primarily on commercial and business litigation as well as contract, trust and estates, construction and real estate disputes and arbitrations.



**Fennemore Craig** hired the following associates in the Phoenix office: **Todd Allison** (litigation); **Daniel Arana** (business and finance); and **Carrie Pixler** (labor and employment). The firm also hired **Meredith Marder** (business and finance) in the Tucson office.

**Nicole Hamilton** has joined the Insurance Coverage/Bad Faith Litigation practice in the Trial Department of **Polsinelli Shughart PC**, Phoenix.

**Stinson Morrison Hecker LLP** has hired **Stefan M. Palys** as an associate in the Phoenix office. He joins the firm's commercial litigation division and will focus on a variety of litigation and bankruptcy matters.

**Gregory Fisher** has joined the Anchorage, Alaska, office of **Davis Wright Tremaine LLP** as a partner. Also admitted in Arizona, he has 20 years of experience as a general civil and commercial litigator, with a particular emphasis in appellate practice and labor and employment law.



Attorneys **Barbara Lee Caldwell**, **James E. Padish** and **Kellie N. Wells** have formed **Caldwell, Padish & Wells PLLC**. The Scottsdale firm's services emphasize domestic relations, elder law, criminal defense and personal injury.

**Jennings, Strauss & Salmon, PLC**, Phoenix, hired **Jacob A. Hecker** as an associate. He will concentrate his practice on general commercial litigation with an emphasis in franchise, business, real estate, contract, securities and finance.

**Ryley Carlock & Applewhite**, Phoenix, hired **Zachary L. LaPrade** as an attorney. He practices in the areas of creditors' rights, bankruptcy and commercial litigation.

RECENTLY DECEASED

- Carmine A. Brogna**, Tucson
- M. Kathleen Gavin**, Tucson
- Mark Leibsohn**, Phoenix
- Joseph F. Musumeci**, Phoenix
- David K. Ng**, Los Angeles
- Westlyn C. Riggs**, Mesa

**Mark Leibsohn**, 88, passed away after a short illness on September 1, 2010, in Phoenix. He was born in Cedar Rapids, Iowa, on Dec. 12, 1921. He was preceded in death by his parents, Mayer Leibsohn and Rebecca Effron Leibsohn, and his beautiful loving wife, Betty. The Leibsohn family moved to Phoenix in 1933.

Mark pursued his undergraduate studies at the University of Arizona. In 1942, he was drafted in the U.S. Army, where he served four years in the U.S. and Pacific Theatre of Operations and was honorably discharged with the rank of Captain. After the war, he attended Northwestern University Law School and graduated with honors. Thereafter, he became a member of the Illinois, District of Columbia, and Arizona Bars. He was a founding member of the law firm Leibsohn, Eaton, Gooding and Romley. During the last decade of his law practice, he served in an of counsel capacity to Mariscal, Weeks, Friedlander, and McIntyre.

After returning to Phoenix, Mark courted and married his one and only love, Betty Mae Becker, of Cedar Rapids, to whom he was married for more than 56 years.

Mark prepared for and performed his life's work with great skill, integrity and intelligence. He specialized in real estate law with emphasis on condominium development and was co-chairman of the State Bar Committee that drafted the condominium laws for the State of Arizona. He was a recipient of a 50-year certificate of service from the State Bar of Arizona. He served as a panelist on various real estate law seminars and taught several classes, including those sponsored by the American Law Institute-American Bar Association, state and county bar associations and local title companies.

Mark was honored many years for his outstanding legal ability by being cited in Naifeh and Smith's "The Best Lawyers in America."

Mark felt strongly about giving back to the community. He was an active member, officer and director of many organizations. He was a founding member of Encanto Kiwanis Club, a past president of Century Country Club, and served as a board member at various times of Jewish Family Service, Phoenix Jewish Federation, Phoenix Jewish Community Center, Temple Beth Israel, and Arizona Arthritis Association. He was chairman of the steering committee appointed by the Jewish Federation, which made a study of all Jewish educational facilities in the valley and was instrumental in the formation of the Bureau of Jewish Education.

Missing him always will be his children and grandchildren he loved so much: Linda (Leibsohn) Deaktor and her son Joshua, Eric and his wife Rachelle and their children Tracy and Daniel, Steven and his wife Hope and their children Chanel and Brandon, his son-in-law Tom Rose and his grandson Matthew Rose, and his loving brother Gene and his wife Marion.