



# CORE VALUES

## Nick Wallwork Assumes State Bar Presidency

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**LEADING A STATE BAR** is a task that brings to mind the difficulty of, say, urging cats to walk in a parade—so many interests, so many conflicting and complementary goals, so many personalities. Adding to the balancing act is the fact that this year’s parade has some looming challenges—the institutional equivalent of threatening weather, runaway floats and bewildering road maps.

In that environment, the Bar now looks to Nicholas J. Wallwork to guide the headstrong troupe. Named Bar President on June 15, he has practiced in large and small firms and has known the trials of opening his own law office with only a few partners. Because of that, he may be well suited to recognize the challenges that face lawyers in both kinds of practice. He also has extensive experience working with public lawyers in environmental law and other matters on State Bar committees.

**W**allwork grows alternately pensive and animated when discussing law and its challenges: “A large law firm is an excellent place to be trained in law practice. ... [But] a small firm can have a wonderful collegial environment.” Asked what he finds invigorating about his work with his 14-lawyer firm, he says that they are able to be “flexible, able to change quicker to meet the needs and expectations of your client.” But he is not interested in stereotypes of what separates large and small firms: “I think everybody is recognizing, from solos to large law firms, that the work is changing. The rapidity of change is significant, and you have to be fairly flexible.”

Palpable in any conversation with Nick Wallwork is his ability to see—and embrace—change as an agent for possible great things. He is adept at describing in detail the challenges and controversies that lie ahead for bar associations nationwide, and his extensive work on bar committees and consultation with many lawyers over the years make his analysis a nuanced one.

One of Wallwork’s first priorities, he makes clear, is to perform a task too little done today: listening. “We as a profession are affected by the same kinds of sea changes that are affecting society generally,” he notes. The practice, at its worst, can be fragmented, less cohesive, less civil. “It’s frustrating if what you’re trying to do is just listen and try to make up your own mind.”

by Tim Eigo

He expects that the State Bar can help to create the kind of intellectual space in which ideas can be debated well and decisions made in an environment of respect. He groans when he mentions TV talk shows premised on a format of pitting two people “with polar opposite views” and watching as they tear into each other. The survival and prosperity of a profession, Wallwork says, require dialogue, not dueling.

His view of a flexible debate may be tested in the next year, when the Board of Governors and bars nationwide wrestle with difficult elements that affect law practice. But when Nick Wallwork is asked about intransigent issues like multidisciplinary practice, multijurisdictional practice, and the unauthorized practice of law, he sees opportunity, not discord. Each of those dilemmas, he says, merely “remind ourselves of some of our core values and purposes for the organization.”

Those core values are guiding principles that Wallwork does not tire of discussing: “Integrity, the independence of the profession, professionalism that we have to offer our clients.” These, he says, comprise the foundation of a successful law practice and the foundation that sustains a successful bar association.

Wallwork is educated in the complexities of legal trends of nationwide import; he also relishes the more home-grown challenges of representing a diverse membership and urging them to recognize the value in their association. To do that, he has to dismantle some long-held beliefs: “There is

sometimes an impression that the Bar serves large law firms,” he says, “but if you scratch below the surface and start looking at a lot of the things that the Bar does, you find a tremendous amount of support and volunteer input across our Bar committees and sections reflective of what our membership is, which is very heavily in the small firm and solo area.”

“In my view, the Bar has developed a tremendous set of resources for people in a variety of practice settings, but it’s not always recognized.” As an example, he points to the Bar’s Law Office Management Program (LOMAP), which is “almost solely devoted to solos and small firms.” He also says that small firms and solos are the primary beneficiaries of the Bar’s endorsement of professional liability and health insurance programs.

His goal of proving the Bar’s worth to all practitioners may get an early test because of a dues increase announced in June (see page 35). Wallwork spoke in May of the need for an increase: “There will be a dues increase because the fixed costs do not go away.” He said that associations often put off financial problems until a crisis exists. In the future, he’d like to see smaller increases, but they would occur more often.

Are the dues providing good value to members? Wallwork says that he finds the work done by the Bar and the Bar Foundation “mind-boggling, extraordinary.” And he sees it as part of his job in the next year to make sure all members can see that work as well.

Another word heard often from Nick Wallwork is “diversity,” and he is committed to gender and ethnic diversity. He defines the word more broadly than that, however. “We also have to focus on public lawyers and corporate law departments” and other practitioners not considered often enough. He also speaks of achieving geographic diversity, but acknowledges that is a difficult challenge, given the fact that the vast majority of Arizona lawyers live and work in Maricopa and Pima counties.

One who has seen Wallwork’s commitment to excellence in the bar is Patrick Cunningham, who works as an assistant attorney general: “Nick is a strong believer that diversity in our practice and diversity in our practitioners should be represented in the state bar.”

Cunningham saw this firsthand when he worked with Wallwork on the Environmental and Natural Resources Section in 1994–1995 writing the two-volume *Environmental Law Manual*. While Nick was chair of that section, he acted as the editor-in-chief of the entire effort, “including editing, the recruitment of editors, chapter authors, and those who cite-checked, all the way through to publication.” Wallwork also authored portions himself. His 18 months of effort resulted in a manual consulted daily by hundreds of practitioners.

Having watched the way Wallwork gets the best out of others, Cunningham comments, “He finds a way to get people to excel. He’ll be an outstanding president. He has

great vision and great leadership abilities.”

“Nick gave a lot to the section, and they were very appreciative,” Cunningham continues. “All the members of the State Bar are about to be very appreciative, because now he’s going to lend his time and talents to leading the entire Bar.”

“I think practitioners will find that they are very pleased that he’s taken the time and effort to do this,” adds Cunningham, “and they will indeed thank him when his year is over.”

Another who speaks highly of Nick Wallwork is Arizona Supreme Court Vice Chief Justice Charles Jones: “In leadership and administrative qualities, Nick is superb. He has a very focused understanding of State Bar administration. He also has a great personality and works well with others.”

Jones points out that Wallwork may find the going rough at times. “The list of his challenges is almost endless. There will be challenges with the unauthorized practice of law, with MDP and with MJP.” But the Vice Chief Justice has great confidence in the new President. Jones believes that Wallwork will foster the relationship between the Bar and the Supreme Court. And as for leading others, Jones feels the Bar chose the right person: “Nick is an independent thinker; he’s his own person. Nick will fill the leadership role very well.”

As Jones points out, one of those challenges is MJP, and Wallwork says that the State Bar will have to examine it to serve the twin goals of protecting consumers and listening to

## Nicholas J. Wallwork

is the managing shareholder of the law firm Beshears Muchmore Wallwork in Phoenix. The firm practices extensively in complex and class action civil litigation, including disputes involving technology and commercial matters, as well as environmental, toxic tort and insurance coverage matters.

**Education:** B.A., University of Utah; J.D., University of Virginia

**Bar Experience:** Founding Chair, Section of Internet, E-Commerce & Technology Law; Chair of the Task Force on the Future of the Profession; member of the Steering Committee of the Technology Task Force. Executive Council member and Past Chair, Environmental & Natural Resources Law Section. Past Chair, Appointments Committee. Past Chair, Discipline Oversight Committee. Sustaining Fellow, Arizona Bar Foundation. Founding Benefactor, Maricopa County Bar Foundation. Long-time elected member of the State Bar's Board of Governors.

**Legal and Professional Organizations:** Member, American Law Institute. Member, National Association of Bar Presidents. Past member, Supreme Court of Arizona's Commission on Technology. Past-Chair, Environmental Group of the American Bar Association's Law Practice Management Section. Liaison to the ABA's Standing Committee on Environmental Law. Member, International Association of Defense Counsel and the American Arbitration Association. Founding Chair, American Law Institute–American Bar Association satellite program, *The Internet for Practical Litigators*. Founding Chair, ALI–ABA's regular annual seminar *Toxic Tort & Environmental Matters: Advanced Course*. Founding Chair, Arizona Conference on Environmental & Natural Resources Law.

**Publications:** Editor-in-Chief and author of several portions of the ARIZONA ENVIRONMENTAL LAW MANUAL; author of the environmental chapter of the ARIZONA APPELLATE HANDBOOK; *Liability Insurance in Environmental Litigation*, ARIZONA STATE LAW JOURNAL (Summer 1990); *Protecting Public Funds*, ARIZONA STATE LAW JOURNAL (Summer 1993).

**Awards:** State Bar Award for Outstanding Leadership; State Bar Award for Outstanding Contribution to the State Bar.

**Personal:** Married to Alice Wallwork, who soon will complete her doctorate in public administration at ASU. They have two children, Andrew, 8, and Nicholas, 5.

the membership. “There is a national movement to try to break down some of these barriers,” he says. “It’s going to grow stronger because of ... travel and distant relationships. That’s what commerce and reality is today.”

In a related issue, Wallwork expects that *pro hac vice* rules “will be an area in the next year that the Bar looks at in some detail.” Again, he looks at national trends and the realities of practice for guidance: “We have a more mobile population, and we also have a broader web of our business population than we used to have. That isn’t new. What is new is that it’s happening to more people so that ... it’s something the Bar’s going to have to step up to the plate to look at. [Law practice] has become very borderless in many respects.”

He notes that members have not been polled on their opinions of *pro hac vice* but says, “My sense is that our members would recognize a benefit to opening up of an admission on motion.”

Wallwork’s close study of Bar challenges is rooted in his early interest in history. Born in Ogden, Utah, he earned his undergraduate degree in American history from the University of Utah. He went on to earn his law degree at the University of Virginia, and began his legal career at O’Connor, Cavanagh, Anderson, Killingsworth & Beshears. He remained at the second-largest Phoenix firm for 10 years, until becoming a shareholder. In 1993, he decided to hang out his own shingle with partner and co-founder Charles Muchmore. Muchmore & Wallwork (now Beshears, Muchmore & Wallwork) practices in a range of civil litigation matters, including products liability, securities matters and class action suits. The firm also practices in professional negligence, and it has seen an increase in litigation in the technology arena, especially over trade rights and who has the right to market products.

In recent years, most of Wallwork’s cases have been large document complex litigation. Many of his cases are on environmental issues, mostly in hazardous waste cleanup.

One of Wallwork’s avocations is technology, not just in legal cases but also in law practice management. He was the chair of the technology committee to computerize O’Connor, Cavanagh in 1986. “We hopped on the distributor network trend far earlier than anyone else did,” he recalls. “As a pioneer, you never know if you’re going to end up flat on your face with the arrows in your back.” The arrows never arrived, and his new firm benefited greatly from his growing expertise.

“From the day we formed the firm in 1993,” says Wallwork, “we had a shared electronic calendar and imaging of documents. A few years later, we had an Internet connection in our office far earlier than other firms.” Although many firms introduce technology, says Wallwork, “they don’t always ingrain it in the firm culture so that it becomes second nature to think of ways in which technology cannot just replace how you accomplish something.”

“As lawyers, we’re still hidebound to paper. That’s not changed yet, and I don’t expect it to change.”

Wallwork revels in the empowerment that technology can bring a practitioner. He enjoys the ability to not be tied to a geographic area to do your job and “to still have a real connection to my firm.” Technology, he believes, “has

changed how we come up with the professional product ... and it allows us to serve clients better. On a personal level, it enhances your ability to be flexible.”

But is the flexibility appreciated by young lawyers who may work far too many hours already? Does technology merely allow lawyers to work whenever their supervisors want them to? Wallwork, once a young lawyer in a large firm, has been in their shoes, but he says that technology ultimately will be more friend than foe: “Young lawyers probably appreciate it more than they dislike it, because the work’s there; the question is, where are you going to do it?”

As someone who enjoys taking his laptop to a coffee shop whenever he can, his advice might be applicable to lawyers in every kind of practice: “The mere fact that I can be interrupted 24/7 does not mean that I opt to allow myself to be interrupted 24/7.”

Wallwork notes a divide between firms large and small in many areas, including technology. “The business of practicing law is challenging, because it is the quintessential cottage industry, and yet there are all kinds of issues that are much easier dealt with if you have size, like purchasing power.” In this area, at least, he feels that the State Bar can be a resource: “The smaller firms need to be looking to bar associations and other methods for getting expertise.”

For the near future, Nick Wallwork expects to work with the Board to update the Bar’s strategic plan. Beyond that, he says that he feels “excited and privileged” to get out of the office to meet even more members and to speak to new admittees. Wallwork smiles as he relates the topics discussed “when you meet with attorneys about the practice of law: It is what you get out of the practice personally, what you learn and how you develop as a person.”

That is just fine with the new President, who believes that lawyers are ready to speak more often about the core values that originally drew them to the profession. Of the upcoming year, Patrick Cunningham says, “I look forward to great things.” As does Wallwork, experienced at bringing out the best in others—and in himself. 🏠