



Members Will Be Herd

Well, Ernie, I have to admit your “President’s Message” from October hurt my feelings. You showcased legal advertising using symbols (i.e., “mascots,” such as my firm’s eagle) as an example of something for lawyers to hate.

I don’t normally respond to such attacks, but you and I have known each other since we were officers of the Young Lawyers Division in the mid-1980s.

When you attack my law firm or others who use symbols to advertise legal services, you attack honest, hard-working lawyers who are using proven and effective techniques to market legal services. Sure, our views on effective professional marketing are obviously quite different from your own. Personally I would not follow your suggestion to use a “salmon” as a symbol for your law firm. But I do feel you should have the right to do so if you feel this will effectively market your firm’s services to the public.

I regret to see you, as our State Bar President, make such a divisive attack on your own members. If the issue is important enough to split us, however, I wish it were truly the clients’ interests you appear to have at heart and not your self-image.

Admit it, Ernie: Your views are partisan and self-interested. No quantitative evidence supports the proposition that the general public dislikes lawyers more or respects us less due to lawyer advertising, whether with the aid of symbols or not.

You mention, for example, how you heard your first lawyer joke back home in rural Duncan, Arizona, long before Van O’Steen successfully won for the public the right for lawyers to communicate with them through advertising in 1976. You are

my vintage, so you grew up here in Arizona in Duncan, just like I did in rural Arivaca, long before the *Bates* decision. Our profession has always had a public image problem.

The public’s antipathy toward lawyers is

are not special in the public’s mind. Nor should we be.

These are reasons also why Justice Brennan’s gravestone—“Private United States Army”—is so admirable to us; it is modest, it is down-home, and it is truly “populist.”

If lawyers could remember (and the public came to believe that) we lawyers are here to serve the public rather than ourselves, I bet we’d solve our profession’s image problems lickety-split. Lawyers (like many powerful people) fall easily victim to the sin of pride. I am proud to be a lawyer, but I decline to place too much emphasis on it. I am

proud that my law firm through its advertising has provided quality legal services to thousands of people. Use of symbols like the eagle, the blue dog or the wolf furthers our ability as a profession to provide the public legal services.


My clients are not your clients. You market how you see fit. But please resist the urge to deny my clients access to my legal services the way they see fit.

So I hate to admit it, but you hurt my feelings, Ernie, because I thought you knew that you and I in fact share the same objectives. We both seek to provide quality legal services to our clients. We both seek to protect the public. I submit that, as our State Bar President, you could best protect the public by choosing another issue besides this one if some issue must divide us.

— *John E. Osborne
Goldberg & Osborne*

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Reference the recent commentary by the Bar President: I doubt the adoption of a “mascot,” as you put it, reflects one way or the other on the public’s perception of the profession or on our own respectability.



On the wing and the hoof: Our letter-writers’ logos.

ARIZONA ATTORNEY is proud to provide a forum for members to voice their opinions. Please limit letters to 250 words. We reserve the right to edit for length, grammar, punctuation and clarity. All letters should be signed and sent to Arizona Attorney, 111 W. Monroe, Suite 1800, Phoenix, AZ 85003, or by e-mail to Tim.Eigo@staff.azbar.org.

ancient. The quintessential historical example of the public’s negative animus towards lawyers occurs in Shakespeare’s Hamlet. But the negative animus behind Hamlet’s famous words—“First thing, lets kill all the lawyers”—probably far predates the 16th century.

Somehow your “Message” misses the basic issues. First, you miss the fundamental benefits that effective advertising (whether by means of symbols or “mascots” or not) permits. You make no mention of the public’s right to access to legal services. Instead, you strike an emotional tone of self-pride and self-indulgence as if “the public” (i.e., John Q. Citizen, not you) will ever truly care what content any one of our headstones contains.

Second, you miss the fact that our profession provides legal services to our clients, not to ourselves. My firm’s success, for example, demonstrates that the public purchases legal services like other products and services. Many members of the public identify legal services providers better if they have a simple symbol with which to associate us. Sorry Ernie, but we lawyers

new people, new places

Goldberg & Osborne announced that **Kevin Finn** and **Michael Kuborn** have joined the firm as associates. Finn will practice in the firm's Tucson office, and Kuborn will practice in the Mohave/La Paz County area.



JUTILA

Sharon Jutila has joined the employment law practice of **Stinson Morrison Hecker LLP** as an associate. **Jamie Williams** has joined the firm's commercial litigation department as an associate.



WILLIAMS

The law office of **Drue A. Morgan-Birch** has relocated to 177 North Church Avenue, Suite 600, Tucson, AZ 85701, and is now providing alternative dispute resolution services.



BUONO

Kathryn M. Buono of **Quarles & Brady Streich Lang** has been named chair of the firm's Corporate Services Group.

honors & awards

Greg Stanton, a Phoenix City Councilman and an attorney with Silver Davis, Ltd., received the Big Brother of the Year award from **Valley Big Brothers Big Sisters**. He has been a Big Brother for eight years.



STANTON

Loren Molever was elected National Advisor/Trustee of the **National Conference for Community and Justice**. The group sponsors programs promoting

cultural diversity and acceptance among youth.

Maricopa County Superior Court Judge **Penny L. Willrich** received a Master's of Science Degree in Community Psychology summa cum laude from **Springfield College** in Massachusetts. She also received an Outstanding Academic Achievement award by the San Diego faculty of Springfield College.

Bryan Cave LLP partner **Frank M. Placenti** has been appointed to the Board of Directors of **Lipid Sciences, Inc.**, a Pleasanton, CA-based medical device manufacturing company.



CRAWFORD

Michael J. Crawford of Chandler, Tullar, Udall & Redhair has been elected Chairman of the Board of Directors of the **Tucson Alliance**, a nonprofit corporation that works to enhance downtown Tucson and make it a center for arts, commerce and entertainment.

ASU Law Adjunct Professor **Bruce Meyerson** was installed as Chair of the Dispute Resolution Section by the **American Bar Association**. The section provides members and the public with educational programs that promote excellence in the dispute resolution services.

The **Pima County Attorney's Office** announced that Juvenile Court Division Supervising Attorney **Clint Stinson** has been named the 2002 Pima County Prosecutor of the Year. He has worked in criminal prosecution for 28 years.

Susan Wissink, an attorney at Fennemore Craig, was presented with a Star of the Year award by the Young Lawyers Division of the **American Bar Association** for spearheading free legal assistance to aid victims of the September 11 disaster.



WISSINK

The **Federal Bar Association** has elected **Drue A. Morgan-Birch** of Tucson as Vice-President of the Ninth Circuit. She will serve as chairperson for the newly formed Foundation Committee.

soundoff

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I only wish the elimination of eagles, dogs, bears, wolves and horses would so simplistically remedy *that* lingering problem! In truth, the advertising menagerie you decry is likely no more offensive than the usual staid smattering of ionic column, landscapes, lakes and gavels.

And notwithstanding my own adoption of a brand identity or logo, I only add that as to your well-founded concerns about our public image, that particular horse left the barn a long time ago when the gate was left unlatched by a rider named *Bates et al. v. State Bar of Arizona*, 433 U.S. 350 (1977). Bates and its progeny have long since permitted lawyers the same rights as other "trades" to constitutionally protected commercial speech.

My intent, then, is not to dwell on well-settled aspects of U.S. Supreme Court decisions. Nor is my intent to more properly rail against the most outrageous examples of television or directory advertising, but rather to affirm to you that what matters most for our legacy is whether we are persons of character. This trumps our choice of profession. We are not remembered best or loved most because we were lawyers, teachers, carpenters or physicians. Instead, we are remembered best for the moral, value-centered, ethical lives we led. A life led in such a manner defines true courage and lasting boldness.

Our headstones remember us as loving and beloved wives, husbands and fathers, not for the quality of our depositions, cross-examinations, advertising or letterhead stationery. My hope, were I to have a tombstone, is to be remembered best in the words of Dr. Martin Luther King's dream: by the content of my character. Such a legacy endures in the heart far beyond words inscribed on granite.

— *Mauricio R. Hernandez*

Secrets, Ends & Means

Regarding "The Secrets Lawyers Keep" (October 2002): Yes, people within the legal system deserve "due process," but the rest of society on the outside deserves a "due result," as well. The process should not be more important than the result. Like the scales of justice, we need balance. We should consider both the ends and means of our actions. Just as the end does not justify the means, a good means should not justify a bad end.

— *Steve Brandon*