



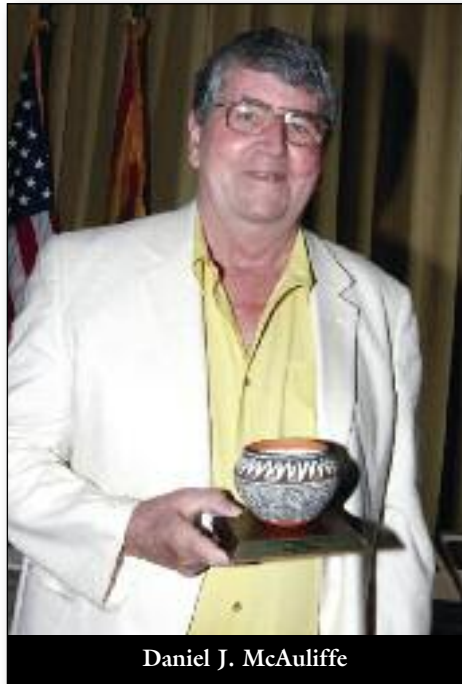
BAR COMMUNITY

NEWS FOR MEMBERS

Being selected to receive the Member of the Year Award for a second time was both a surprise and a singular honor. It is always gratifying to be recognized by those whose opinions

I hold in such regard, but it is humbling as well, because it causes one to reflect on how one's individual contributions to the betterment of our profession pale in comparison to what so many of our colleagues do year in and year out. Arizona is truly fortunate to have so many lawyers who are committed to preserving and improving our system of justice, and who back that commitment up with countless hours of service to the profession."

— Daniel J. McAuliffe



Daniel J. McAuliffe

AWARD NOMINATIONS

The State Bar of Arizona is soliciting letters of nomination for awards to be given at the annual convention. Nominations for all categories should be submitted to: State Bar Awards, 4201 N. 24th Street, Suite 200, Phoenix, AZ 85016-6288. The deadline for nominations (with one exception) is February 24, 2010.

MEMBER OF THE YEAR AWARD

Awarded to that attorney or those attorneys who have rendered extraordinary contributions to the programs and activities of the State Bar in the prior year. Hundreds, even thousands, of the Bar's members contribute their time and talent to the work of the Bar, but this award is limited to those whose contributions are exceptional. In 2009, the award was given to Daniel J. McAuliffe.

JAMES A. WALSH OUTSTANDING JURIST AWARD

Awarded to that judge whose career exemplifies the highest standards of judicial conduct for integrity and independence; who is knowledgeable of the law and faithful to it; who is unswayed by partisan interests, public clamor or fear of criticism; who is patient, dignified and courteous to all who appear before him or her; and who endeavors to improve the administration of justice and public understanding of, and respect for, the role of law in our society. Last year's recipient was Hon. Ruth V. McGregor.

AWARD OF SPECIAL MERIT

Awarded to that member or those members of the State Bar who have made significant contributions to the furtherance of public understanding of the legal system, the administration of justice and confidence in the legal profession. In 2009, the recipient was John W. Rogers.

SHARON A. FULLMER LEGAL AID ATTORNEY OF THE YEAR AWARD

Awarded to that legal services lawyer or lawyers in Arizona whose service to low-income people encompasses aggressive advocacy on behalf of individuals in extreme need and addresses systemic issues affecting significant numbers of low-income people. Last year's recipient was Rachel Wilson.

AWARD OF APPRECIATION

Awarded to that individual or those individuals who are not members of the Bar in recognition of outstanding service toward the creation of a better public understanding of the legal profession and the administration of justice, the judiciary or the legislative process. Bennie R. Click was honored last year.

TOM KARAS CRIMINAL JUSTICE AWARD

Awarded to that criminal defense practitioner who during his or her career has worked tirelessly to advance the principles of criminal justice by representing clients with integrity, fairness, tenacity, creativity, brilliance and, above all, professionalism. The recipient in 2009 was Bruce S. Griffen.

MICHAEL C. CUDAHY CRIMINAL JUSTICE AWARD

Awarded to that criminal law prosecutor who during his or her career has worked tirelessly to advance the principles of criminal justice by representing the public's interest with integrity, fairness, tenacity, creativity, brilliance and, above all, professionalism. The recipient in 2009 was Barbara LaWall.

HON. JOHN R. STICHT EXCELLENCE IN DISABILITIES ACCESSIBILITY AWARD (This award has a nomination deadline of April 30)

Awarded to private and/or public legal employers for their efforts to improve access to the Arizona judicial system for persons with disabilities in the legal profession, including lawyers, paralegals and court and law firm staff. The awards are presented at the State Bar Convention, and at a ceremony at the State Capitol in July, the annual anniversary of the passage of the Americans With Disabilities Act (ADA). The law firms of Mesch, Clark & Rothchild, PC (Tucson) and Quarles & Brady, LLP (Phoenix) were honored in 2009.

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BOARD OF GOVERNORS

OCTOBER MEETING REVIEW

Below are highlights from the Oct. 23, 2009, meeting of the State Bar Board of Governors. To see the complete minutes, go to www.myazbar.org/AZBarInfo/BOG/BoGMinutes.cfm.

► **President's Report**—President Ray Hanna reported he attended an AWLA reception in Prescott, where he met with local lawyers. He also attended the Native American Bar Association meeting, the Section Leadership Summit and a meeting of the Arizona Judicial Council. Together with Bar Convention Chairs, he visited the site for the next bar convention, and along with John Phelps attended a roundtable at Phoenix School of Law regarding their accreditation.

He met with Congresswoman Ann Kirkpatrick and attended the retirement festivities for Judge Howard Hinson.

Maret Vessella, board member Bryan Chambers and President Hanna met with Bar members in Graham and Greenlee counties to discuss the potential changes to the attorney discipline system.

Mr. Hanna will be attending an upcoming AWLA conference, and encouraged other members to also attend.

► **CEO/Executive Director's Report**—John F. Phelps announced that staff member Ray Ragan presented to Bar staff an American flag and certificate of authenticity for a flag flown over his base camp in Iraq. Mr. Phelps also presented a Board Resolution to Mr. Ragan at a recent staff meeting.

Employee of the Month Barbara Mathers was recognized for her assistance to the Member Services Department.

Rick DeBruhl has been named the Bar's new Chief Communications Officer. He has been a news correspondent for 31 years with Channel 12, and his Bar start date will be November 30. In addition, Christine Oxford has been hired in the Accounting Department as controller.

The first session of the new Bar Leadership Institute was held, and Mr. Phelps lauded them as an inspiring group of lawyers.

Mr. Phelps reported that the budget review process has begun.

► **Appointments Committee**—Amelia Craig Cramer reported on the resignation of Commissioner Wesley E. Peterson from the Conflict Case Committee. She also noted that three additional openings would occur in March. After discussion, Judy M. Miller, a sole practitioner in Phoenix, was unanimously selected to fill the unexpired term.

Ms. Cramer reviewed the candidate criteria for upcoming openings on the Commission on Appellate Court Appointments and the Pima and Maricopa County Commissions on Trial Court Appointments. She encouraged the board members to recruit qualified candidates by the November 23 deadline.

The board approved the Appointments Committee's recommendation that applications be retained no longer than two years.

► **Rules Committee**—Whitney Cunningham presented the proposed revisions to the Criminal Jury Instructions, for information only at this meeting. Also, the Rules Committee has deferred action on the matter to its upcoming November meeting.

Mr. Cunningham reported the recommendation from Civil Practice and Procedure Committee to amend Rules 45 and 84 (Subpoena Rule). He noted that another committee was looking to revise Federal Rule 45 as well. The board will vote at its next meeting on the Rules Committee recommendation.

Mr. Cunningham reported that the committee recommended adoption of the proposed Speaker Communication Policy that asks for a speaker's representation of a client to be disclosed. The board approved the language by unanimous consent.

► **Amicus Brief**—Mr. Cunningham provided a background report on a potential *amicus* brief to be filed by the Bar in response to the Committee of Character and Fitness' recommendation to allow a person admission to practice law in Arizona.

After extensive discussion, the board recommended that the Amicus Brief Committee take the position that the deferred adjudication for attempted sexual assault should be considered a felony conviction for a "serious crime," and until the petitioner completes community supervision, the Supreme Court should not consider admitting the applicant.

► **Finance Committee/Treasurer/CFO Report**—Amelia Craig Cramer, chair of the Finance Committee, welcomed Christine Oxford to the bar. She then asked Tom Johnson to review the September financial statements. He reported that the year-to-date net surplus was significantly better than budget primarily as a result of expenses being 5.7 percent below budget, or \$604,000, as a result of the Bar's concerted efforts to reduce its spending.

Mr. Johnson reported that the surplus year-to-date was \$1,012,000, and the year-end projected surplus is currently expected to be \$954,000.

Lease discussions with a current tenant are continuing, with a resolution expected soon.

Ms. Craig Cramer then addressed the board regarding the first pass of the 2010 budget that was presented to the Finance Committee on October 22. Major budget assumptions were discussed, including capital expenditures.

She then informed the board that at the recent Finance Committee meeting the staff presented a Sponsorship Contribution recommendation that was unanimously approved by the committee. This recommendation will be

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FROM THE BOARD

presented to the full board for its consideration at the November meeting.

The board voted to retain any 2009 surplus to be used in the future to offset a dues increase.

- **Chief Bar Counsel Report**—Maret Vessella reported on the Attorney Discipline Task Force meetings and that the group will be meeting to finish its work in the near future. She also mentioned that she is scheduled to speak with the sole practitioners about the potential discipline rule changes.

She mentioned that there was no Discipline Oversight Committee meeting, but she provided statistics on the status of the discipline cases. She noted that the guideline-required completion of formal cases was 22 months, and 11 months for informal cases. During September, 93 percent of the informal cases were disposed, and 154 of 191 cases closed in six months or less.

For formal complaints, there was an 86 percent compliance rate on seven formal cases. Completion was 375-425 days vs. the required guideline of 660 days.

Ms. Vessella noted there was a 10 percent increase in charges filed. She commented that this might be related to economic issues with clients and attorneys holding on to files and possibly more conflicts cases. The formal filings, however, were down by one-third.

She also said the meetings with Graham and Gila County members were very productive.

- **Admission on Motion**—Dave Byers reviewed the administrative order and provided a list of states that will offer reciprocity. He requested that everyone visit the Arizona Supreme Court's Web site for further updates.
- **ADR: Revised Uniform Arbitration Act**—Ernie Modzelewski, Dick Fincher and Mark Lassiter, as representatives of the Alternative Dispute Resolution Section with a combined 18 years of experience on the proposed legislation, presented their request to the board for sponsorship of the Revised Uniform Arbitration Act.

Changes have been made to prior legislative efforts to make acceptance more possible to the banking, securities and insurance industries. The new approach is to allow them to opt out of the legislation because they are covered by federal rules and regulations and also would be covered by the 1962 Arbitration Act.

The basic purpose of the Arbitration Act is to be an effective process that is neutral with high levels of disclosure of conflicts based upon fairness.

The board will vote on the issue at its next meeting.

- **Legislative Report**—Mark Bolton, Bar lobbyist, reported that the state budget deficit now stands at \$2 billion. He noted that a special session might be held during the second week in November to address the lack of funding to state agencies.

He reported on the outreach to legislators

SUBMIT 2010 FEES ONLINE

2010 fee statements were mailed in early November. Members may review and submit their 2010 annual membership fees online at

www.myazbar.org/fees.

Fees are due on or before Feb. 1 each year.

and that meetings have been held to discuss the strategic communications plan. Mr. Bolton noted that Senator Paton requested assistance from the Bar for his meeting with the Pima County Bar Association.

- **Liaison Reports**—Teri Thompson-Taylor, AWLA representative, spoke about the 30th annual convention and the AWLA Foundation.

Lisa Loo announced that the Arizona Asian American Bar Association Board will be supporting the South Asian Bar as a new sister organization.

Richard Coffinger reported that the O'Connor House has been opened. The board previously made a contribution to its relocation to its new site in Tempe at Papago Park.

- **Presentations**—Ray Hanna presented Justice Scott Bales with a plaque for his service on the Board of Governor for the years 2005-2009. Justice Bales, in accepting, spoke about the legal system in Arizona that is based on volunteers, as shown in the Foster Care Review Board and Discipline Oversight Committee. He spoke about the volunteer work of the board members who are not paid but whose work is critically important to the success of the Bar. He expressed his sincere gratitude to the board for its recognition.
- **Meeting Schedule**—The full board schedule is posted on the Bar's Web site: www.myazbar.org/AZBarInfo/BOG/BoardofGovernors.cfm

McAuliffe Honored By CLE Center Dedication



The State Bar of Arizona has named its new continuing legal education center after former Bar President Dan McAuliffe.

The new CLE center was officially dedicated to McAuliffe during the annual Bar convention in June. The center, which seats more than 60 people, is equipped with state-of-the-art technology, enabling the Bar to produce cutting-edge seminars and Web casts, benefiting attorneys throughout the state.

Besides serving as Bar President in 2007-08, McAuliffe has served the Bar in many capacities, including chair of the Professionalism Course Committee, and serving on the Executive Council of the Appellate Practice Section and on the Task Force on Technology.

McAuliffe is a partner with Snell & Wilmer LLP, and his practice encompasses complex commercial litigation matters with special emphasis on antitrust law, construction law, defense of civil racketeering, lender liability and accounting malpractice claims, and appellate work. He is the author or co-author of four books on Arizona civil procedure, and of the *Arizona Legal Ethics Handbook*, published by the State Bar.



Shari L. Miller has joined the **Carpenter Law Firm**, Scottsdale, as an associate. She is a lawyer and a certified pharmacy technician and counsels health care providers and pharmacies on regulatory law, business planning and third-party payor issues. She also provides health care mediation services.

Vishnu R. Jonnalagadda has joined **Nussbaum & Gillis PC**, Scottsdale, as an associate.

Buchalter Nemer hired **LeslieAnn Haacke** as a shareholder; she joined its litigation group in the Scottsdale office.



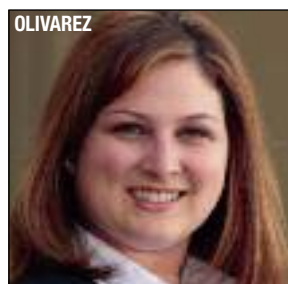
Quarles & Brady announced the election of the following attorneys to partnership: **Heather L. Buchta** (intellectual property, technology); **Nicole Maroulakos Goodwin** (commercial litigation); **Brian A. Howie** (commercial litigation); and **Lori L. Winkelman** (bankruptcy).



D. Alexander Baker has joined the real estate practice group at the Scottsdale law firm **Lang Baker & Klain, PLC**.

Fennemore Craig, Phoenix, has hired three new associates: **Andrew Breavington** (commercial litigation), **McKenzie Davis Brown**

(business and finance), and **Matt Seaton** (intellectual property).



Lindsay M. Olivarez has joined the **Mied Law Group, PC**, Scottsdale, as an associate. Her practice will focus on family law litigation and alternatives.



Stephen T. Portell has joined the office of **Haralson, Miller, Pitt, Feldman & McAnally, PLC**.

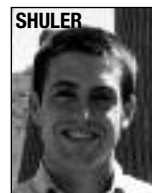


Brian Mueller has joined **Holme Roberts & Owen LLP**, Scottsdale, as a partner in the firm's litigation practice.



Gallagher & Kennedy, PA, Phoenix, hired **Mark O'Connor** as a partner in the firm's personal injury practice. Also hired were two new associates, **Ryan Johnson** and **Laura Antonuccio** (commercial litigation).

Jake Shuler has returned to Arizona to join his father, **Robert Shuler**, at **SHULER Government Affairs LLC**. Their practice focuses on representation of businesses with agriculture, natural resources, and environmental interests. For the past two years, Jake worked at the White House Office of Management and



Budget. He can be reached at jakeshuler@shulerllc.com.

Melissa S. Lavonier has joined **The Travis Law Firm, PLC**, Phoenix. She will provide collection, general counsel and litigation services to community associations.

John Freeman has been promoted to Director of Investigations and Compliance at **Lightstone Solutions, LLC**. **David S. Johnson**, formerly an attorney with Gallagher & Kennedy, has joined the firm as Director of Investigations and Regulatory Affairs.



James B. Galbraith has joined the firm of **Owens & Perkins**, Scottsdale.

Gerald L. Shelley, a certified specialist in bankruptcy law, has joined **Fennemore Craig** as a shareholder and member of the Bankruptcy, Creditor's Rights and Financial Restructuring Practice Group.

HONORS & AWARDS



Greenberg Traurig attorney **Michael C. Mason** was appointed by the State Bar of Arizona as a Delegate to the **American Bar Association**. His two-year term began in August 2009.

Jon M. Sands, Federal Public Defender for the District of Arizona, was elected to membership in the **American Law Institute**.



Phoenix Municipal Court Judge **Louis Frank Dominguez** has been named the 2009/2010 Board Chair for **Valley Leadership**, which strives to enhance the abilities of leaders so they can better serve and strengthen their communities.

Phoenix attorneys and sole practitioners **Shaye Mann** and **Peter N. Greenfeld** have been elected to the Board of Directors of the **Young Israel of Phoenix**.



Brett Johnson, an attorney with Snell & Wilmer in Phoenix, has been recognized as a certified International Traffic in Arms Regulations (ITAR) Professional by the **International Import Export Institute**, recognized as a leader in export education and certification.

Dev Sethi, an attorney with Kinerk, Schmidt & Sethi, has been named by the **Arizona Daily Star** to its "40 Under 40" list for 2009.



Stephen Tully, managing partner of the Phoenix office of Gordon & Rees LLP, was appointed Chairman of the **Arizona Developmental Disabilities Planning Council** by the Governor. He practices in the firm's commercial litigation group.



Stefan M. Palys, of Lewis and Roca, was appointed the Bankruptcy Co-Chair of the **American Bar Association's Young Lawyers Division**; his appointment runs until August 2010.

Curt Harrington, a partner in the Long Beach, Calif., patent and tax law firm Harrington & Harrington, has been appointed Vice Chair of the **California State Bar**

Board of Legal Specialization Taxation Law Advisory Commission for the 2009-2010 term.



Donald Gaffney has been elected to the executive board of the **University of Texas Law School Alumni Association**. He is a partner at Snell & Wilmer LLP, Phoenix, and concentrates his practice in bankruptcy and workout law, privacy law and electronic communications.



The **Arizona Pharmacy Alliance** awarded **Laura Carpenter**, principal of the Carpenter Law Firm, the Pharmacy Appreciation Award in recognition of her significant interest and time dedication to support of the advance of the profession of pharmacy in Arizona.

Anthony J. Hancock, Anna C. Ortiz, Phillip H. Stanfield and Rick A. Unklesbay have been inducted into Fellowship by the **American College of Trial Lawyers**.

James G. Hodge Jr., Lincoln Professor of Health Law and Ethics at the Sandra Day O'Connor College of Law at ASU, and a Faculty Fellow in its Center for the Study of Law, Science & Technology, was appointed a vice chair of the **ABA's Public Health & Policy Interest Group**.

Michelle J. Perkins received the Award of Excellence from the **Scottsdale Bar Association** for her contributions to the legal profession and the Scottsdale community. She is the managing partner of Owens & Perkins, Scottsdale.

Fennemore Craig attorney **Steve Good**, who chaired the **Ronald McDonald House Charities** Expansion Committee and was president of the Board of Directors, will

receive a *Heart of the House* award at the annual fund-raising event.

Pilar Thomas, of Lewis and Roca, was named **Deputy Solicitor for Indian Affairs**, in the U.S. Department of Interior, Office of the Solicitor. While at the firm, her practice focused on Indian gaming and tribal economic development.

Mary Beth Besler has received the **International Trademark Association's** 2009 award for the Advancement of Committee or Subcommittee Objectives. She is the trademark administrator for Lewis and Roca's Intellectual Property practice group, and chair of the Young Practitioners Subcommittee of the Membership Services Committee for INTA.

Thomas A. Mauet will be the speaker on Jan. 14 for the **UA Phoenix Alumni board's** inaugural 2010 series. The UA's Milton O. Riepe Professor of Law and Director of Trial Advocacy at the college will speak about witness impeachment. The event will be held at the UA Medical School, 550 E. Van Buren St., Phoenix.

RECENTLY DECEASED

Roger K. Gilbert, Phoenix
Richard A. Halloran, Phoenix
Nathan Holt, Phoenix
Edward A. Loss, Glendale

People Item Submissions:

Members are invited to send items for the People column to
arizona.attorney@azbar.org
 or to
Tim Eigo, Arizona Attorney,
 4201 N. 24th St.,
 Ste. 200, Phoenix, AZ 85016.

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, we may use it, depending on that month's space and the photo quality (high-resolution required). If you need to guarantee when your item is published and how it appears, please contact
 Kate Cortez (Kate.Cortez@staff.azbar.org)
 about paid advertisement at member rates.