



BAR COMMUNITY

BOARD OF GOVERNORS NOVEMBER MEETING REVIEW

Below are highlights from the Nov. 30, 2007, 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**—Dan McAuliffe reported that he attended the Northern Arizona Women Lawyers Association reception. He announced two new communication initiatives. The first is the Presidents Information Exchange, an e-mail discussion group for past, present and future presidents of the Board of Governors to provide their thoughts and ideas. Second, in February he'll be starting Internet chats that will be scheduled as lunchtime events. Topics may include diversity, the discipline system and MCLE.

► **Executive Director's Report**—Teresa Schmid announced that Richard Platt is being inducted into the Home Run Hitters Club, the highest honor presented by the National District Attorneys Association. David Byers is being honored with induction into the Warren E. Burger Society of the National Center for State Courts.

Ms. Schmid further announced that the Southern Regional Office has launched its own newsletter, *The Rattler*.

► **Senior Lawyers Proposals**—The Board voted to send several proposed Rule amendments to the Supreme Court that concern classes of membership, dues assessments and the obligation to earn continuing legal education (CLE) credits for members of the State Bar:

► Rule 32(c)(1) would be amended to add a sixth class of membership, called "emeritus."

► Rule 32(c)(3) would be amended to restore the age requirement for waiving annual membership dues for senior active members to 75 years, and to require mem-

bers to have been an State Bar active member, judicial member or any combination thereof for 25 years to qualify for the exemption. Senior members who attain the age of 70 before Jan. 1, 2009, will be entitled to retain the exemption. Active members between the ages of 70 and 75 who have been members of the State Bar for 25 years would pay the same reduced dues as members of the Young Lawyers Division.

► The board also voted to replace Rule 45(b)(3) with Rule 45(a)(4), providing that active members who have reached the age of 70 must complete in any educational year in which they maintain active status a minimum of 10 hours of CLE activity, at least two of which must be in the area of professional responsibility.

► A proposal to create a Senior Lawyers Division failed to pass.

► **Bylaws Changes**—The board approved four amendments to the State Bar Bylaws that will: (1) change the Bar's address from the old Monroe Street address to 24th Street; (2) stipulate that the Board's Secretary/Treasurer shall serve as the Vice Chair of both the Finance and Audit Committees; (3) allow some flexibility as to the time and place of each year's final regular meeting of the Board of Governors; and (4) require a minimum of nine regular meetings of the Board of Governors annually.

► **Financial Report**—Larry McVey, Chief Financial Officer, presented the financial report for November, which reflects a year-to-date surplus of \$717,000. The surplus is attributable to favorable variances resulting from non-dues income, total personnel costs and other expenses less than budget.

Mr. McVey then presented the proposed baseline budget for fiscal 2008, which will be voted on at the December meeting.

► **Appointments Committee**—The board voted to reappoint Frank Barriga and Alexander Jamison to final three-year terms as public members of the Board of Governors. Their service will conclude in June 2011. The Appointments Committee will advertise, recruit and interview individuals to fill Fernando Gonzales' position. In June 2008, Mr. Gonzales, a business owner from Tucson, will have served a total of six years as a public member and is not eligible for reappointment.

► **Legislative Report**—The board approved the agenda for the upcoming legislative session. This will include changes to the Arizona Trust Code, proposed amendments to conservatorships and guardianships, and the re-introduction of the Uniform Arbitration Act.

► **Bar Counsel Report**—Chief Bar Counsel Bob Van Wyck reported that the Supreme Court denied review of a petition filed by Lourdes Lopez. Ms. Lopez will be disbarred.

► **Rules Committee News**—The board took the following action:

► The board voted to file with the Supreme Court a petition to adopt proposed Rule 5.2 of the Arizona Rules of Civil Procedure, which would permit limited-scope appearances in matters involving financial exploitation of vulnerable adults. The rule would require a court order to effectuate a withdrawal from a limited appearance in the absence of client consent to the withdrawal, and the rule provides that the court's discretion is limited to determining

whether the agreed-upon representation has been completed.

The Rules Committee reported the following:

► Proposed revised Criminal Jury Instructions will be presented to the board in January.

► The Legal Services Committee will present to the board in December a proposal to amend Rule 38(a) to increase funding to Arizona's legal services providers by (1) increasing the fees paid by pro hac vice attorneys by 15 percent to equal the dues paid by active members of the State Bar and (2) allocating this additional 15 percent to these organizations.

► **Other News**

► Amelia Craig Cramer reported on behalf of the Tucson Building Task Force that the Bar is still waiting for a survey regarding the property it is attempting to acquire, so the due diligence period will be extended, but the Task Force is optimistic that the closing will likely take place in December.

► The Board recognized Deborah Sheasby, who placed first on the July 2007 bar exam.

DECEMBER MEETING REVIEW

The State Bar of Arizona Board of Governors held a regular meeting on Dec. 14, 2007.

► **President's Report**—President McAuliffe announced that he initiated the Presidents Information Exchange listserv to encourage discourse among past, present and future presidents of the State Bar. He then welcomed Dean Dennis Shields as the Board representative from Phoenix School of Law and congratulated board mem-

ber Richard Platt for his initiation into the Home Run Hitters Club, the highest honor bestowed by the National District Attorneys Association.

- ▶ **Executive Director's Report**—Teresa Schmid provided an extensive report on the 2008 Baseline Budget for the State Bar as well as the strategic plan for 2008-2011, which was developed by the Long Range Planning Committee.
- ▶ **Finance Committee Report**—Raymond Hanna reported that the State Bar mileage reimbursement rate would be increased to \$0.505 to match the new federal rate. Mr. Hanna then presented the 2008 Baseline Budget, which anticipates a deficit of \$140,421. Larry McVey, Chief Financial Officer, pointed out that is less than one percent of a \$13 million budget. The Bar has a history over the past few years of favorable year-end variances of several hundred thousand dollars, and Mr. McVey is optimistic the Bar may end fiscal year 2008 without a deficit. The board approved the 2008 Baseline Budget, with a note reflecting that the Bar has sufficient funds in reserve to cover the \$140,421 deficit and will use the reserve funds only if necessary. The long-range plan anticipates several possible sources of new income, but those may not cover additional mandatory expenses and new initiatives. In light of these changes, a dues increase in 2009 is a possibility.
- ▶ **Mandatory E-Filing in**

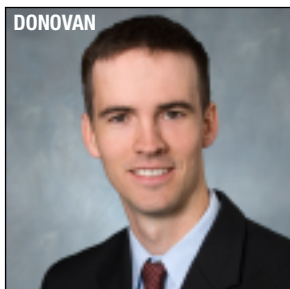
Maricopa County Superior Court—At the request of Chief Justice McGregor, Michael Jeanes, Clerk of the Maricopa County Superior Court, updated the board on the status of the e-filing system being tried by the Court. The board received comments from the Criminal Justice Section Executive Council and the Civil Practice and Procedure Committee, both of which support mandatory e-filing in Maricopa County Superior Court and offered recommendations that they believe would help make such an initiative successful. The board voted to support e-filing and to submit the Civil Practice and Procedure report to the Chief Justice.

- ▶ **Appointments Committee**—Alan Bayham reported that the Arizona Foundation for Legal Services & Education Board of Directors has four vacancies. The committee recommended the following: (1) the reappointment of incumbent Hon. Roxanne K. Song Ong to serve a three-year term; and (2) the appointment of Hon. Thomas J. Berning, Ms. Robin Mitchell and Hon. Frank A. Johnson, Jr. to serve their first three-year terms as Directors. For one vacancy on the City of Glendale Judicial Selection Advisory Board, the committee recommended that the board submit three nominations: Adam E. Lang, Terrance C. Mead and Hon. George B. Nielsen, Jr. The board approved the committee's recommendations.

- ▶ **File Retention Policy for Conservatorships**—The board approved the guidelines recommended by the Discipline Department and Oversight Committee regarding the retention/disposition of conservatorship files. The essential provisions state that: (1) active files be returned to clients; (2) for those closed files that are five years or less, after adequate notices and no response, destruction of files may occur after a two-year and two-month waiting period; and (3) certain original documents and files that are of such importance that they should not be destroyed will be retained.
- ▶ **Tucson Building Update**—Amelia Craig Cramer reported on the progress being made on the purchase of a building in Tucson. The board authorized State Bar staff to negotiate another 60-day extension of the due diligence period and closing to resolve issues of encroachment and easements.
- ▶ **Discipline Oversight Committee**—The board voted to proceed with the petition to the Supreme Court to adopt a proposed new Rule 38(g) on In-House Counsel Registration and authorized the Discipline Oversight Committee to finalize the language.
- ▶ **Legal Services Committee**—On behalf of the committee, Hon. James G. Blake requested that the board petition the Arizona Supreme Court to amend Rule 38(a) to increase funding to Arizona's legal services providers by (1) increasing

the fees paid by pro hac vice attorneys from 85 percent to 100 percent of the dues paid by active members of the State Bar; and (2) allocating this additional 15 percent to Legal Services. The board approved the recommendation.

- ▶ **Legislative Report**—The 2008 State Bar Legislative Agenda will include two new pieces of legislation suggested by the Probate and Trust Section: (1) a comprehensive Arizona Trust Code; and (2) changes and improvements to the statutes dealing with the appointment and administration of guardians and conservators under Section 14. The agenda also includes a third piece of legislation to amend Section 46-456 regarding duties to incapacitated adults. The Alternative Dispute Resolution Section will again introduce the Revised Uniform Arbitration Act.
- ▶ **Other News**
 - ▶ Richard Coffinger, Dee-Dee Samet, Virginia Herrera-Gonzalez and H. Leslie Hall volunteered to constitute the 75th Anniversary Committee. Ms. Hall will chair the committee.
 - ▶ The Young Lawyers Division will host its annual holiday party for children in both Pima and Maricopa counties next week.
- ▶ **Meeting Schedule**—The full schedule of Board meetings is posted on the Bar's Web site: www.myazbar.org/AZBarInfo/BOG/BoardofGovernors.cfm



Jennings Strouss & Salmon PLC announced that **Donald E. Fergus** has joined the firm's estate planning and tax practice as a member, and that **Peter T. Donovan** has joined as an associate in the firm's litigation practice.

David Allen has joined **Jaburg & Wilk** as partner and practices in real estate and business law.



Bryan Cave LLP announced that six associates have joined the firm's Phoenix office.

They are: **David deRuig** and **Coree Thompson**, environmental group; **Will Luzader** and **Wendy Woodfield**, commercial litigation group; **Logan Miller**, corporate finance; and **Pedro (PJ) Rivera**, intellectual property group.

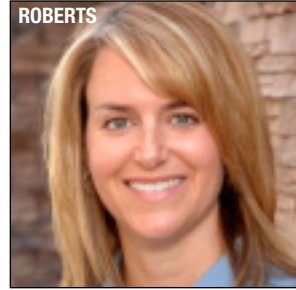


Noel Fidel has joined **Mariscal Weeks McIntyre & Friedlander PA** as Of Counsel.

Associates **Michael Catlett**, **Sharad Desai**, **Robert Weeks** and **Kristin Wright** have joined the litigation practice at **Osborn Maledon PA**.

Elda Orduno Sanchez has joined the **Law Office of Barry E. Lewin, PC**, and practices personal injury, medical malpractice, wrongful death and appellate law.

PEOPLE



Wendy Roberts and **Rob Heglin** have joined the Phoenix Law Group of **Feldman Brown Wala Hall & Agena PLC**. Roberts practices employment law, and Heglin focuses on pharmacy operations and pharmaceutical manufacturing law.

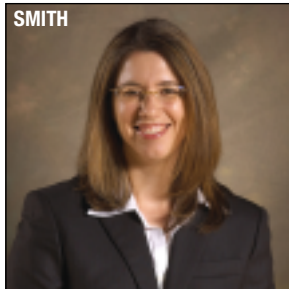
Ken Baker, R.Ph., J.D., has formed a pharmacy consulting and litigation practice with **Renaud Cook Drury Mesaros PA** in Phoenix.



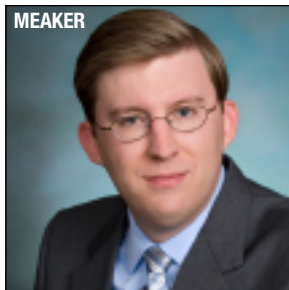
Kim MacEachern, **Catherine Sims** and **Renee M. Shprecher** have joined the **Rose Law Group**. MacEachern practices in environmental law, Sims focuses on business and real estate litigation, and Shprecher practices real estate and commercial leasing.

Fennemore Craig announced that eight attorneys have joined the firm: **James Lee**, Of Counsel, and **Karen Curosh**, part-time Of Counsel, estate planning; **Bradley Shwer**, **Kevin Green** and **Joshua Greer**, associates, commercial litigation; **Suzanne Diaz**, associate,

business tort litigation; **Christian Olson**, associate, real estate; and **Debra Siggard**, associate, environmental and utilities law.



Christopher B. Ingle, **Mingyi Kang** and **Sarah C. Smith** have joined **Gust Rosenfeld** as associates. Ingle practices litigation, Kang practices commercial real estate and Smith focuses on public finance and municipal law. In addition, **David A. Pennartz** joins as a member, and practices municipal law, land use and litigation.



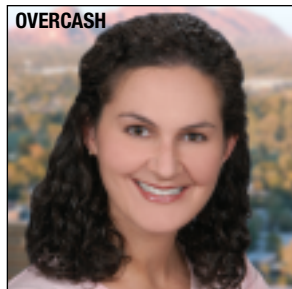
Matthew Meaker has joined **Lewis and Roca LLP** as an associate in the firm's construction practice.

Randal T. Evans, **Alan M. Bayless Feldman** and **Thomas M. Stanek** have been promoted to Of Counsel at **Steptoe & Johnson LLP**, and **Kevin G. Hunter** has been promoted to partner.

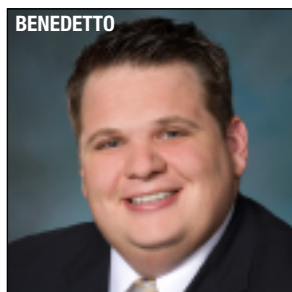
PEOPLE



C. Bradley Vynalek and **C. Christine Burns** were elected to the partnership of **Quarles & Brady LLP**. Vynalek practices commercial litigation, and Burns focuses on labor and employment law.



Jonathan Ariano and **Shannon Overcash** have been named members of **Osborn Maledon PA**. Ariano practices intellectual property law, and Overcash focuses on business, corporate and securities law.



Stephen Benedetto has joined the commercial litigation practice at **Quarles & Brady**.