

bar community

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board of governors candidates

* = Incumbent

Watch your mail (attorneys in Districts 2, 6 and 8) around April 30 for your Board of Governors Election Ballot. The Bar's Web site (www.azbar.org) contains additional information about the candidates. Each candidate was asked the following questions:

Why are you interested in running for election to the Board of Governors? What do you believe are the significant issues facing the members today? If elected, how would you hope to address these issues?

District 2

Yavapai County (one seat)

Raymond A. Hanna*
Raymond A. Hanna,
P.C.

Prescott

In running for the Board of Governors, I hope to help maintain acceptable State Bar dues and realistic continuing legal education requirements.

To this end, the annual Arizona State Bar Convention is a model for which many state bars aspire. The ability to complete required continuing legal education in this pleasant environment helps make the practice of law more enjoyable.

Our Board of Governors should also strive to make our continuing legal education meaningful and interesting. In this regard, we should attempt to focus on continuing legal education that appeals to a broad base of the profession.



profession, maintaining integrity, and providing a voice for the sole practitioner, public and small firm lawyers. The main positions I will advocate include:

- Fighting unnecessary bar dues increases.
- Keeping the bar under the control of the membership, and not the legislature.
- Providing a forum for diverse and minority membership.
- Eliminating the abuses of the disciplinary process.
- Stopping the unauthorized practice of law.
- Opposing increases in mandatory CLE.

I view the Board of Governors as an entity that not only serves the membership, but vigorously advocates and protects the interests of lawyers. The board should, above all, be responsive to the interests of lawyers, and communicate with them on issues that concern the membership. The Board of Governors has a responsibility to each of the members to defend our profession, promote integrity, and support legislative agendas that benefit lawyers, and oppose those propositions that do not.

Dana Carpenter
Carpenter &
Hamilton, P.A.

The Board of Governors must be responsive to the needs of all lawyers and law firms regardless of the size of the firm or the nature of the practice. Sole practitioners and small boutique firms need the same representation as larger firms and public firms. I will represent sole practitioners and small boutique firms where it appears their interests have not been consid-



ered in relation to a particular issue.

I will advocate for fiscal responsibility within the State Bar organization. This will include looking for ways to save money and a reduction in state Bar dues, particularly for certified specialists. I will also seek ways to make courtroom technology and the electronic filing of pleadings accessible to practitioners. I will advocate for responsible lawyer advertising in strict compliance with our ethical rules.

I intend to help accomplish these goals by attending all possible Board of Governors meetings; carefully reviewing the State Bar budget; soliciting input from peer groups within the bar; supporting efforts to shift resources to these goals if otherwise appropriate; and enhance all lawyers' access to courtroom technology and electronic filing in state and federal courts by encouraging the courts' technical staff to be available to teach/assist practitioners.



Stephen M. Dichter
Bryan Cave, L.L.P.

My practice, divided between civil and criminal trials, puts me close to members of both bars and to their issues. I am regarded as a consensus builder within the committees

I have served, and

lawyers, judges, and law enforcement personnel enjoy working with me. I have had some successes in these roles and believe that being on the Board will enable me to serve a larger constituency. At 55, I have the normal desire to impart what I have learned over the last 32 years of practice to those who are maturing in the practice and think myself

District 6

Maricopa County (nine seats)

Each candidate's principal place of business is in Phoenix unless otherwise indicated.

Alan P. Bayham, Jr.*
Bayham Jerman,
P.L.C.

As an incumbent member of the Board of Governors, I believe the key issues facing our membership in 2003 concern the changing nature of our



well-equipped to do so.

The Bar fulfills at least three major roles: It is a professional organization and as such, needs to balance, preserve, and protect the interests of its members against outside attack. It polices its own members and, therefore, needs to ensure that its discipline system limits itself to those cases in which discipline is actually merited. Last, the Bar and its members owe a societal duty to do all we can to make sure that those delivering legal services reflect the diversity of the groups to whom those services are being provided.

Diane L. Drain*
Law Office of D. L. Drain, P.A.

Today we are all asked to be fiscally responsible, whether dealing with our own funds or those we control as fiduciaries. The State Bar is a fiduciary for members of the Bar. Therefore, the Bar has a heavy burden to spend the members' funds wisely. The Bar has an equally heavy burden to provide services that assist everyone—members, judiciary and public—as relating to the practice of law. At times those duties may be diametrically opposed.

Members of the Board of Governors are in a difficult position. They are servants to many and masters of none. They must be strong enough to make difficult decisions, but wise enough to seek alternatives in order to mediate opposing opinions. They rarely address issues that are supported by all factions: members, judiciary, public and government. Despite this difficult position, it is incumbent on every member of the Board to put aside personal agendas and concentrate on promoting quality legal services. This can be done by providing answers to ethical conundrums; offering solutions to practicing smarter; mediating attorney-client disputes in a non-adversarial manner; encouraging professionalism; and, but only as a last resort, supporting a fair and equitable discipline system.



James N. Drake, Jr.
Arizona House of Representatives

I am interested in running for election to the Board of Governors because I believe that public sector attorneys need greater representation on the Board.



I feel that I am capable of providing a clear and cogent voice for those noble individuals who have chosen to pursue careers as government attorneys. Those attorneys who serve the people of our state through public representation often do so because of a strong desire to promote the welfare and quality of life for all Arizonans.

The three most significant issues facing the Arizona Bar are the ongoing issue of the unauthorized practice of law, discipline of attorneys and a mandatory continuing legal education process that is meaningless and ineffective. To fully address the unauthorized practice of law problem I believe that a statutory framework must be enacted to work in harmony with the newly adopted court rules. To instill greater public confidence in this once-august profession, I believe that bar complaints should all be resolved within 120 days. Lastly, I believe that the paternalistic system of continuing legal education should no longer be mandatory because practicing law with integrity and honor already demands constant and diligent learning.



William E. Farrell
Mariscal, Weeks, McIntyre & Friedlander, P.A.

I am interested in running for the Board of Governors because for the first time in my 30 years of practice I have the ability to give back time and effort to the State Bar. I hope I have gathered experience that would assist the Board and I believe I am able to represent a large section of attorneys because my practice has been both public and private as well as being both alone and a firm member.

I believe the single most important issue facing lawyers today is their ability to cope with the stress and change in our profession. If elected I would continue the Bar's role as the best source for education and assistance, both technical and ethical. I believe that many members are dues-paying only and that the Board needs to continue to reach out to all members with programs that are aimed at "re-membering" the Bar with pride and professionalism.

The State Bar has the tools and the staff to reach all members and I believe it is our duty as professionals to make sure our members have what they need to practice law in the new century.

Helen Perry
Grimwood*
The Grimwood Law Firm plc

Last year, I served as Secretary/Treasurer; now, I am Second Vice President and Chair the Rules and Appointments Committees. During my first six years on the Board, I have encouraged long-term planning, fiscal responsibility, and critical review of programs.

Our focus this year has included addressing unauthorized practice, ethical rules changes, and multi-jurisdictional practice. Earlier, we reconstructed the discipline system to improve speed, quality and fairness. We have also continued the ongoing effort to promote the profession's image by spotlighting the importance of lawyers' work in the profession and the community.

In deciding important issues like these, I first study them and then solicit the thoughtful views of our diverse membership. I firmly believe that to make good decisions, Bar committees and appointments must include fair representation of public and private practitioners; solo, small and large firm practitioners; men, women and minorities.

Professional background: 21 years of civil litigation practice, after clerking for Judges Haire and Canby and graduating ASU law in 1980. CPA. Judge Pro Tempore, Superior and Appeals Courts; Fellow, American Bar Foundation; Director, MCBA; President AWLA; Director NCWBA; Founding copresident, Lockwood Inn of Court; various other committees and awards for pro bono service, CLE Excellence, and leadership.



David Guzman
GUZMAN PLC
Mesa

As our State Bar dues have gradually increased, I have felt disappointment in this. The American economy is in crisis; state and local governments are struggling; private corporations and individuals are failing. Individual lawyers and law firms are suffering. In these difficult times, the State Bar of Arizona should do its part to cut costs and exercise fiscal restraint.

At the same time, democratic freedoms and the rule of law are under attack from many directions. Our honorable profession



in the law is not merely a trade, but a sacred vocation. If we attorneys are absorbed into other trades or diluted into a faceless, bureaucratic, regulatory morass, then we will have lost something precious, the ability to effectively serve and uphold the rule of law. A weakened, dysfunctional legal profession cannot effectively protect from within our beautiful American civilization and its most precious and delicate flower, the rule of law.

The mission of the legal profession must be to serve and uphold the rule of law. The State Bar of Arizona should also exist with an eye single to that noble mission and should do so in a focused and efficient manner.

In these things I believe.

Nicholas S. Hentoff
Hentoff Law Office

I am running for the Arizona State Bar Board of Governors because I believe the Bar has become unresponsive to the needs of its members. The Bar operates more like a business than a professional membership organization. The Bar should stop spending our dues on direct mail marketing programs and entirely unnecessary "Madison Avenue" advertising promotions. Instead, the Bar should work toward eliminating waste and inefficiency with an eye toward reducing dues and the cost of CLE programs.

Of particular concern is the fact that while the number of disciplinary attorneys hired for the Lawyer Regulation section of the State Bar has more than doubled in the past two decades, there is still only one ethics advisor on staff who is available to answer ethics inquiries from State Bar members. In addition, the Board of Governors should form a commission to examine whether it is appropriate for Lawyer Regulation to remain a function of the Arizona State Bar, or should instead become a separate and independent entity under the direct supervision of the Administrative Office of the Courts.



Joseph A. Kanefield*
Office of the
Attorney General

During these past two years I have enjoyed serving as one of your representatives on the Board. The Board has dealt with many important issues, including major reform to the rules of pro-

fessional conduct and efforts to curb the unauthorized practice of law.

Though I am the only public lawyer from Maricopa County, I have also been active in issues of interest to the private bar such as multijurisdictional practice. I have reached out to lawyers in our community to hear their thoughts and concerns regarding the Bar. I am always available to meet in person or talk on the phone.

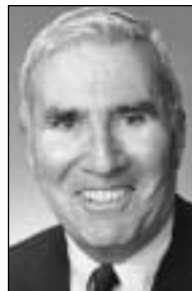
If reelected, I will continue to represent the interests of public lawyers and the private bar and to fight for greater access to justice. I will also see that every lawyer's dues are spent wisely, hold the line on further dues increases, and do my best to assure that the voices of every sector of the Bar are well represented.

Finally, it is critically important that the Board be a reflection of the State Bar membership. There are over 800 public lawyers in Maricopa County. As an Assistant Attorney General, I bring to the Board an essential public lawyer perspective.

Jack Levine
Attorney at Law

I favor the adoption of a long-range plan that would substantially reduce the size and cost of administering the State Bar. The State Bar presently has ninety-two (92) employees and spends \$9 million dollars a year. Many benefits of State Bar membership such as C.L.E., section involvement, group insurance and corporate discounts are already available, and at far less cost, through our local county bar associations, where membership is voluntary. The Board should consider whether such functions as discipline, specialization, and membership lists should be assumed by the Supreme Court, which, unlike the State Bar, is supported entirely by taxpayer funds. Even responsibility for the annual Convention could be contracted out to a professional convention service organization, with members of our county bar associations providing the programming. I also favor eliminating mandatory C.L.E. If elected, I would like to see the Board explore and implement these proposed changes.

I view the Board's role as keeping abreast of what is happening in our profession and being willing to make the tough decisions that will improve the lot of lawyers and our ability to serve the public. I pledge my best efforts toward these goals.



Daniel J. McAuliffe*
Snell & Wilmer,
L.L.P.

I am seeking re-election to the Board because I have devoted a significant portion of my professional career to efforts to improve the Bar and the profession, and I believe my experience in that regard qualifies me to participate in decisions that will affect the profession and those who practice it in Arizona in the future. The key issue confronting the Board, as the steward of a mandatory Bar, is to strive to provide value, to *all* the members of the Bar, commensurate with the dues they are required to pay. The Board should adopt a systematic process for securing from the members information concerning problems and issues they confront in their practices, and implement programs, utilizing Bar staff, to assist members in coping with them. In the immediate future, the Bar needs to follow up its accomplishment in securing regulation of the unauthorized practice of law with an effective enforcement effort, develop a position on multijurisdictional practice that reflects the realities of cross-border practice, but still protects Arizona clients in need of legal services, and strive to make available to the membership affordable malpractice insurance coverage.

Edward F. Novak*
Quarles & Brady
Streich Lang, L.L.P.

The past few years on the Board have been challenging and rewarding. I am running for re-election because I enjoy the Board work and believe I am helping to solve the issues facing the Board. These issues include: (1) legislative attacks on merit selection; (2) poor reputation of the profession; (3) discipline; (4) the unauthorized practice of law; (5) multijurisdictional practice; (6) lawyer advertising; (7) continuing legal education requirements and programs; and (8) bar finances.

Most pressing at this time is the need to fight the attack on merit selection. A return to the popular election of judges or senate confirmation of judicial nominees will politicize the bench and lower its quality. Similarly, the unauthorized practice of law negatively impacts the public and needs to be closely regulated. From *notarios* who take advantage of poor Hispanics to disbarred lawyers who



prey on anyone they can, UPL needs to stay a priority in the Board's agenda.

I have worked hard the past four years while on the Board on these and other issues. I look forward to continuing this work in the future.



Foster Robberson
Lewis and Roca,
L.L.P.

According to the popular Sprite commercial, image is nothing. Not so for attorneys. Public perception of our profession is important not only to maintain an

appropriate level of job satisfaction, but also for essential functioning of the justice system.

First, State Bar leadership must demonstrate to the public that we can effectively deal with our own members, which means prompt and effective action on disciplinary complaints and fee disputes. There have been improvements, but we can do better. Second, we need to better communicate to the public the many contributions to the community by State Bar members. Is there any profession that gives more time, expertise and other resources to the community—from the arts to politics—and gets less recognition for it?

The State Bar also needs to relate better to its "customers" (the members). Many are surprised to learn about services available through the State Bar. Other members feel disenfranchised from participation because, for example, committee meetings are held in downtown Phoenix, placing an additional burden on members from Scottsdale, Mesa and other areas. This could be addressed through better use of technology and greater recognition of the diversity of the membership.

Charles W. Wirken*
Gust Rosenfeld,
P.L.C.

I seek re-election to the Board of Governors because I am proud to be a lawyer and our profession needs experienced leadership to resolve the many issues before us.



One issue always facing the State Bar is to prove itself worthy of every lawyer's membership. To do that the Board of Governors must ensure that the State Bar successfully fulfills its multiple missions, including advancing the administration of justice, pro-

viding useful services and benefits to lawyers, and serving the public interest.

Another of the challenges facing lawyers and the State Bar is to constantly demonstrate that our profession can effectively regulate itself independently. We must therefore continue to improve the entire discipline system by, among other things, decreasing the time required to conclude individual cases. And we must communicate to the public and our members a better understanding of how the process works in order to achieve greater acceptance of discipline decisions.

Finally, we must improve the public's understanding of the lawyer's role in society. I propose to do so through programs of communication and education.

To meet these objectives the State Bar must continue to re-examine and re-invent itself. I want to lead these efforts on your behalf.

District 8

Pinal County (one seat)

Each candidate's principal place of business is in Florence.



Bret H. Huggins Office of the Pinal County Public Defender

The State Bar, through the Board of Governors, is losing relevance to the lawyers who practice in rural Arizona.

The State Bar spends a great deal of time addressing issues like multi-disciplinary practice and *pro hac vice* admissions. The State Bar spends a great deal of money putting out the *Arizona Attorney*. The State Bar collects our dues and IOLTA funds but doesn't seem to hear our voice.

The State Bar, two years ago, indicated indigent defense contracts created serious ethical problems. Nothing has changed.

We face continuance panels where lawyers are belittled because they need more time. We have a disciplinary system where an accounting error on a trust account will bring swifter punishment than a lawyer suborning perjury. And, we avoid ethical reform because some lawyers want to interrogate our clients without our knowledge or consent because they are "people not parties."

The representative for Pinal County should be a member of the County Bar Association. The representative should oppose attempts to impose Maricopa County rules on the rest of the state. We need to protect the qualities that make us different.

Richard T. Platt*

Office of the Pinal County Attorney

I am running for re-election to the Board of Governors, from District 8, for several rea-

* = Incumbent



sons. As a rural district, it is important to maintain a strong presence on the Board. As your representative for the past two years, there are distinct issues that are facing attorneys who practice outside of the Phoenix

and Tucson metropolitan areas. I have provided responsive representation on many issues including mandatory malpractice insurance, multi-disciplinary practice and multi-jurisdictional practice. As the Board liaison to the CLE Committee, I will continue to represent service issues for rural attorneys. I believe members of the State Bar of Arizona deserve notice and information from your Board of Governors. I have provided this information to the District 8 Bar in a regular fashion. If re-elected, I will continue to represent you to the best of my ability.