



# BAR COMMUNITY

## BOARD OF GOVERNORS

## APRIL AND MAY MEETING REVIEW

Below are highlights from the May 21, 2011, meeting of the State Bar Board of Governors. To see the complete minutes, go to [www.azbar.org/aboutus/leadership/boardofgovernors/minutes](http://www.azbar.org/aboutus/leadership/boardofgovernors/minutes).

► **President's Report**—Alan Bayham, Jr., introduced Audrey Jennings, a new public member of the board. The President reminded everyone that there will be a free CLE seminar at the Convention on the new Medical Marijuana Law and its effect on labor law. Among the speakers are Pima County Attorney Barbara LaWall and Pima County Public Defender Robert Hirsh.

► **CEO/Executive Director Report**—John Phelps, CEO/Executive Director, gave highlights of his CEO Report including the pending conclusion of the first online board elections. The State Bar team is working to support the Convention in Tucson. Mr. Phelps further reported that the Bar joined with the Arizona Foundation for Legal Service & Education for Law Day. Forty schools participated throughout the state.

Mr. Phelps reported that a few new people have joined the State Bar, including Lisa Bormaster, Advertising Sales Manager, Communications Division; Kim Vandenberg, Member Services Deputy Director; and Diane Heller, Legal Secretary, Lawyer Regulation Division.

► **Lawyers' Entrance at Courthouse**—President-Elect Joe Kanefield reported that a separate lawyer entrance to the Maricopa County Superior Courthouse is now open.

► **Appointments Committee**—Chair Whitney Cunningham presented the recommended slate of candidates for the two two-year ABA House of Delegates positions, and the board voted to:

- Reappoint Mr. Michael C.

Mason, Greenberg Traurig LLP, as the young lawyer representative, to a second term.

- Appoint Mr. Thomas M. Ryan, Law Office of Thomas M. Ryan.

The board voted to:

- Nominate Mr. Gabriel D. Fernandez, Law Offices of Gabriel D. Fernandez, Mr. Frederick C. Berry, Jr., Frederick C. Berry, Jr. PC, and Mr. Stephen M. Hopkins, Hopkins Law Offices PLC, to the Arizona Supreme Court, for its consideration and ultimate selection, to fill the one attorney vacancy on the Committee on Character and Fitness.
- Appoint Mr. James B. Penny, Law Offices of James B. Penny LLC, to the Client Protection Fund (CPF) Board of Trustees.

► **CEO/Executive Director Job Description**—The board voted to approve the CEO/Executive Director's job description as discussed in Executive Session.

► **Strategic Planning:**

- **MCLE Review**—Chair Tom Crowe reported that the survey on MCLE issues was sent out and they have had 1,400 responses. The task force will review the information received and report to the Board on the findings.

► **Rules Committee**—Chair Bryan Chambers summarized:

- The Revised Arizona Jury Instructions, Criminal 3d ed. 2010 Update. Judge Gary Donahoe presented a summary, and the board voted to approve the revised jury instructions as submitted.

The following proposed comment was tabled at the April meeting of the board, and staff was requested to petition the Court for an extension of time within which to file the Bar's comment, pending the review of additional information that was provided.

- R-11-0001, ARIZ.R.St. 31(d) (allow an authorized agent of an HOA to prepare, execute and record liens on behalf of HOA; communicate with homeowners about unpaid assessments and fees; represent HOA in procedures): The board voted to file the comment on June 10 as originally submitted to the board unless Petitioner files an amended Petition, in which case the Bar would request additional time to comment.

- R-11-005, Supplement to file 38(h) (allow law clerks and corporate counsel to accumulate time on admission on motion). The board voted unanimously to approve the supplement to the Petition, which provides greater clarification to the Rule.

► **Chief Bar Counsel Report**—Chief Bar Counsel Maret Vessella reported on the history of discipline on the web and staff's recommendation to the Discipline Oversight Committee regarding the modification of information posted on the State Bar's website for the "Find a Lawyer" feature. Ms. Vessella provided screen shots of proposals. Proposals will be sent out for comment and vetted before returning to the board.

Ms. Vessella reported that Chief Justice Rebecca White Berch established the Attorney Regulation Advisory Committee as a committee of the Supreme Court of Arizona to periodically review the entire attorney admission and discipline system and to make recommendations for any needed changes. Appointed to the committee was Hon. Michael D. Ryan, who will serve as Chair, Hon. William O'Neil, who will serve as Vice-Chair. Other members include State Bar President Alan P. Bayham, Jr., Chief Bar Counsel Maret Vessella, Director Special

Services and Ethics Counsel Pat Sallen, John Tuchi, James Drake, George Reimer, J. Scott Rhodes, Pamela Treadwell-Rubin, Benny Click, Dr. Ron Watson and Emily Johnston.

- **Fee Waivers**—Membership Administration Services Manager Carolyn de Looper summarized seven members' requests for complete waivers of their annual dues for 2011, or a waiver of the late-fee assessment, or both. The board voted unanimously to ratify the action of the board officers, granting six requests and denying one.

► **Finance Committee/CFO Report**—Finance Committee Chair Joe Kanefield reported on the April financials, and the net worth is more than \$8 million in net assets. The updated five-year plan includes a change in a budgeted amount that was accrued for litigation prematurely. It was not expended, so the surplus was shifted from 2010 to 2011. Mr. Kanefield further stated that the Court budget for 2011 for discipline has an estimated \$200,000 in savings with the new discipline process. The major cost was court reporting. The committee is reviewing the current Financial Policies Manual and making suggested revisions.

► **Website for Member Preview**—Chief

Communications Officer Rick DeBruhl presented to the board a preview of the new member site that will function from [www.azbar.org](http://www.azbar.org). Search optimization allows everyone to go to one site, and then it branches off for the public and for lawyers.

► **Member Survey**—Dr. Bruce Merrill and Dr. Tara Blanc presented a brief overview of the member survey results and explained how further target-specific data can be extrapolated to provide guidance for addressing members' needs.

► **Human Resources Committee Report**—Chair John Sullivan

reported that the committee is reviewing all benefits related to staff, including the 401(K), retirement funds, deferred compensation and medical.

- ▶ **Ad Hoc Committee on Coordination and Communication with the Arizona Foundation for Legal Services & Education (“CCCCF Committee”)**—Amelia Craig Cramer reported that the lease agreement is still being worked on by Whitney Cunningham, John Phelps, Kevin Ruegg and Christina Urias. A subcommittee is looking at the organizations’ respective professional liability insurance and health insurance to determine whether joint coverage is possible. A memorandum of understanding will be prepared and submitted to the board. The next committee meeting will be August 26.
- ▶ **Presentation by Judge Lawrence Winthrop**—Connecting with Classrooms is a program that is for middle school and high school students where the teacher can go online and find volunteer judges and lawyers to come to the classroom. There are eight lesson plans prepared and available to the teacher online. The Foundation is asking the Bar’s assistance by publicizing the program and to verify member’s eligibility through Discipline. This program is sponsored by the Arizona Judges Association as well. The board voted unanimously to support the program in the ways mentioned.
- ▶ **ABA Commission on Ethics 20/20**—Ethics Counsel Pat Sallen reported that the ABA is reviewing the Ethical Rules, and a formal opinion is expected next May. The board may consider whether to advise the State Bar’s ABA Delegates on how to vote on the proposal. Topics of concern are multijurisdictional practice and multidiscipline practice.
- ▶ **SOGI Mission Statement**—Vice-Chair Chad Belville reported that the committee was formed in 1999 and the mission statement has not been updated since that time. Whitney Cunningham stated that the restated mission statement is

good and suggested that all the committees should review their mission statement and submit them to the Strategic Planning Committee for review. The board voted to refer this matter to the Strategic Planning Committee and have all committees go through the same review process.

- ▶ **Section Administration**—Chief Member Services Officer Lisa Deane reported that the Sections Management Policy has gone out to sections for feedback.
- ▶ **Disposition of Law Practice Management Section Funds**—Ms. Deane reviewed the history of the section. The board previously voted to take it off the dues statement because it had been inactive for several years. The staff suggested the section’s remaining funds be used for statewide 30-minute (and free) LOMAP programs that cover topics like understanding financial statements, and managing your inbox and email. The board voted to use the remaining funds from the Law Practice Management Section for this program.
- ▶ **Resolution**—The board reviewed and approved a proposed resolution urging the federal government to (1) take swift action to fill judicial vacancies; (2) consider additional judgeships in the District of Arizona, and (3) add more court staff and facilities, particularly in the Tucson division.
- ▶ **Liaison Reports:**
  - ▶ **Arizona Foundation for Legal Services & Education**—Meredith Peabody read a statement from Dr. Kevin Ruegg, CEO/ED of the Foundation, thanking the board for setting money aside for Access to Justice Initiatives and for all the many citizens that this would help.
  - ▶ **AWLA**—Rhonda Barnes reported on: May 25 Maricopa County Chapter lunch featuring Mary O’Grady; May 26 Mixer with Arizona State University and Phoenix School of Law students;
- ▶ **June 15 tour of the Supreme Court for school-age students; June 16 Past President’s Reception; and June 17 Mary Ann Richey Breakfast at the convention.**
- ▶ **Young Lawyers Division**—Maricela Meza reported many young lawyers are in “survival mode.”
- ▶ **Arizona Asian American Bar Association**—Lisa Loo reported: that the annual Installation Banquet of officers was featured on the front page of the *Asian American Times*, that the Asian Chamber’s Golf Tournament is May 21, and that a Fall CLE is being developed.
- ▶ **Los Abogados**—Virginia Herrera-Gonzales reported that there would be a meet-and-greet at the Polsonelli Shughart law firm.
- ▶ **Black Bar**—I. Godwin Otu reported that although he is not a liaison, he attended a hosted breakfast for members and since that time, the association’s meetings have grown to 45+. A president and secretary have been elected, and bylaws are being drafted.
- ▶ **Pima County Bar Association**—The Third Annual Skyline Affair will be held on June 4. The event benefits Southern Arizona Legal Aid, Inc. and will be held at the Skyline Country Club.
- ▶ **Native American Bar Association**—The Navajo Nation Bar Association’s Annual Conference at Wild Horse Pass Hotel (June 9-10); NABA-AZ’s Annual Meeting will be held on June 17 at noon during the Bar convention in Tucson; NABA-AZ’s Annual Seven Generations Dinner will be held on September 24.
- ▶ **Cochise County Bar**—Jana Flagler reported that 50 people attended a free seminar geared toward guardianship issues and industry care professionals.
- ▶ **Yavapai County Bar**—Chris Jensen reported that the Annual Law Day event

provided free legal advice to more than 100 people (80-100 previously served), and it included the towns of Cottonwood and Prescott Valley this year.

- ▶ **Meeting Schedule**—The full board schedule is posted on the Bar’s website: [www.azbar.org/aboutus/leadership/boardofgovernors](http://www.azbar.org/aboutus/leadership/boardofgovernors)
- The State Bar Board of Governors held a regular meeting on April 29, 2011.
- ▶ **President’s Report**—Alan Bayham, Jr., congratulated Chief Bar Counsel Maret Vessella and Deputy Chief Bar Counsel Amy Rehm on being honored with the Bar President’s Award. The official presentation will occur at the Convention.

He also reported on attending the Arizona Asian American Bar Association Scholarship Banquet with keynote speaker Stewart Kwoh, Founding President and Executive Director, Asian Pacific American Legal Center. Entertainment was provided by Phoenix Baroque, with Attorney General Tom Horne on piano. It was a wonderful event and very well attended.
  - ▶ **CEO/Executive Director Report**—John Phelps introduced Shannon Henric, Member Services Division, recognized as Employee of the Quarter for extraordinary initiative in creating webcasts in partnership with Bar Sections.
  - ▶ **Arizona State University, Sandra Day O’Connor College of Law Update**—Gary Stuart reported on the university and the accomplishments of Dean Paul Schiff Berman during the Dean’s tenure with the college. Dean Berman has accepted a position with the George Washington University Law School, and his first day is July 1, 2011.
  - ▶ **Appointments Committee**—Chair Whitney Cunningham presented the recommended slate of candidates to be interviewed for the two three-year public member positions on the Board of Governors and the Board voted to appoint new

members Mr. Tony Finley, Chief Financial Officer, Long Realty; and Ms. Audrey Jennings, Executive Director, United Blood Services.

► **Strategic Planning:**

- **MCLE Review**—Chair Tom Crowe reported that the survey on MCLE issues has gone out, and the task force will report back to the board by June on its outcome.
- **Diversity**—Chair Lisa Loo reported that she attempted to make it to Cochise County, but due to an accident on the freeway, was unable to do so. Bisbee attorney and Board member Jana Flagler stepped up and conducted the CLE and did a wonderful job leading the exchange of ideas. Ms. Loo plans on submitting a proposal on diversity and related issues to the board in May.
- **Finance Committee/CFO Report**—Richard Platt, Chair of the Audit Committee, reported that Miller Allen & Co. presented a “clean” audit to the committee. No comments were included in the Management Letter.

Finance Committee Chair Joe Kanefield reported that the committee will review the current Financial Policies Manual for possible updating.

Contributions to the Arizona Legal Services & Education Foundation: Mr. Kanefield reviewed the historical contributions to the Foundation of one percent of the membership dues and \$15,000 annually to offset the cost of Mock Trial. The board unanimously voted to continue this support.

Mr. Kanefield reviewed the five-year projection that indicates that the Bar will continue to run a surplus each of those years. The committee vetted six options of what to do with the 2010 surplus. After discussion, the committee voted unanimously to set aside a \$400,000 fund for access to justice initiatives. Disbursement of the funds will be decided by a task force.

CFO Tom Johnson presented the financial statements noting that as of March 31, 2011, the Bar has a surplus of \$312,000, which is favorable to budget by \$64,000, achieved as a result of \$59,000 less in revenues and \$123,000 less in expenses.

- **Legislation**—Michael Preston Green reported on the status of five of the State Bar’s proactive bills:
  - HB 2402, Guardians of Incapacitated Persons, which re-wrote guardianship statutes, was signed into law by the Governor.
  - HB 2211, a strike-everything amendment, would repeal and rewrite statutes related to inpatient evaluation and treatment. The Elder Law and Mental Health Legislative Subcommittee brought a

request to the Board to support changes to A.R.S. §§14-5312.02 and 36-3284. This legislation was also signed into law by the Governor.

- HB 2403 Trusts and Estates was sent to the Governor for her signature. This legislation provides for various changes to the Probate and Trust Code and was amended to limit the bill to technical corrections.
- HB 2635 Court-ordered Evaluation. This legislation originated with the Arizona Psychiatric Association and was brought by the Elder Law and Mental Health Subcommittee for support by the Board of Governors. HB 2635 would allow authorized medical personnel to conduct an examination of a person pursuant to a court-ordered evaluation in a location that is different than the place where the overall psychiatric evaluation occurs and report the examination results to the evaluating physicians. This bill was also signed into law by the Governor.
- SB 1504 Arbitration; Waiver; Restriction. This bill, brought at the request of the Alternative Dispute Resolution Section, would clarify statutory requirements that cannot be waived by any party before a controversy arises that is subject to an agreement to arbitrate. SB 1504 was sent to the Governor for her signature.
- **Rules Committee**—Chair Bryan Chambers summarized the proposed comments listed below, and the board voted to file proposed comments to rule petitions:
  - R-10-0036, ARIZ.R.CIV.P. 8(h)(3), 8(i), 16.3, 39.1 (permanently adopt the Complex Civil Litigation Rules);
  - R-10-0035, ARIZ.R.EVID., ARIZ.R.CRIM.P. 17.4 (incorporates certain proposed stylistic changes and adopts certain provisions of the Federal Rules not currently in the Arizona Rules);
  - R-10-0037, ARIZ.R.CRIM.P. 17.1(a); Adopt Form 28(a), Rule 41 (permits defendant to enter a plea of guilty or no contest by mail in a limited jurisdiction court, under circumstances outlined in the proposed amendment; and to adopt Form 28(a) in conformity therewith);
  - R-10-0026, ARIZ.R.CRIM.P. 11.3 (competency evaluation by expert(s) of a juvenile or of an adult defendant in a criminal case);
  - R-11-0002, ARIZ.R.CIV.APP.P. 5(c) (sets forth method of calculating the additional days for response associated with service by a means other than personal delivery);
  - R-11-0003, ARIZ.R.S.CT. 29(B) (permits appellate courts to send original files to the Arizona State Archives, rather than photocopies for microfilming, and to send digital files in their native format).

The Revised Arizona Jury Instructions, Criminal 3d ed. 2010 Update, was provided to the board as an informational item, to be voted on in May.

The following proposed comment was tabled to the May meeting of the board, and staff was requested to petition the Court for an extension of time within which to file the Bar's comment, pending the review of additional information that was provided at the April meeting. Vote is expected at the May meeting of the bBoard.

- ▶ R-11-0001, ARIZ.R.S.C.T. 31(d) (allow an authorized agent of an HOA to prepare, execute and record liens on behalf of HOA; communicate with homeowners about unpaid assessments and fees; represent HOA in procedures);

The board voted to file a comment, as modified to include requested language by Judge Diane Johnsen, on:

- ▶ R-10-0033, ARIZ.R.CIV.APP.P. 21(c)(1) (when requesting attorneys' fees pursuant to that rule, a party cannot simply cite the rule but must also cite the basis authorizing the court to award fees).

- ▶ **Space Planning Options**—Target Commercial Interiors representatives made a presentation on the utilization of the first-floor space in the Bar's building, which is vacant due to the departure of the Plattner, Schneidman & Schneider law firm. The relocation of rooms and internal departments under consideration would move the receptionist, conference rooms, Resource Center, plus Member Services Division, Communications Division, Board Operations and Administration. The board voted in favor of the move to the first floor and the investment in remodeling and build-outs, with an estimated cost of \$675,000, with a depreciation expense annually of \$42,101. The build-out will include a large CLE meeting room that will handle up to 100 members, a member meet-and-greet area

with Wi-Fi, the CLE library, tables, chairs and coffee and will anticipate a return of \$58,000 annually on additional events in the larger CLE meeting room.

▶ **Strategic Planning**

**Committee**—Chair Ted Campagnolo reported that the Executive Committee added a Preamble to the draft Sections Management Policy. The policy will be shared at the Section Leaders Meeting on May 18. Consideration of the disposition of the Law Practice Management Section funds was moved to the May board meeting for consideration.

▶ **Fee Waivers**—Membership

Administration Services Manager Carolyn de Looper summarized 17 members' requests for complete waivers of their annual dues for 2011, or a waiver of the late fee assessment, or both. The board voted unanimously to ratify the action of the board officers with regard to each request.

▶ **Ad Hoc Committee on Coordination and**

**Communication with the Arizona Foundation for Legal Services & Education** ("CCCC Committee")—President Bayham reported on the April 28 meeting that the joint letter between the Bar and Foundation to Arizona State University is still being worked on. President Bayham further reported that IOLTA banks' participation is going smoothly.

- ▶ **Chief Bar Counsel Report**—Chief Bar Counsel Maret Vessella reported that Bar Counsel Steve Little accepted a position as Assistant Ethics Counsel. New hires included: Stacy Shuman, Staff Bar Counsel; Robert Root, Trust Account Examiner; and Marlene Reyes Cartusciello, Investigator. The Attorney Discipline Probable Cause Committee met on April 8, 2011, and considered eight cases. The next meeting will be held on May 13, 2011. Ms. Vessella also reported on the Discipline Oversight Committee. Staff made recommendations concerning the modification of information posted on the State Bar's website for the "Find a Lawyer"

feature. The recommendations by the committee should be included as an informational item for the board at the May meeting.

AOC Deputy Director Mike Baumstark reported that Chief Justice Rebecca White Berch is forming a committee, comprised of Hon. Mike Ryan as Chair, President Alan Bayham, Jr., Chief Bar Counsel Maret Vessella, Ethics Counsel Pat Sallen, and others. The first order of business will be to review the new rules and to identify any that need to be changed or modified and to make recommendations accordingly. The Discipline Cost Schedule was previously approved, and this committee will be taking a closer look at the amounts, underlying philosophy, and so forth. The committee will be charged with that review and ultimately make recommendations to the Court. The first meeting could be as soon as June.

▶ **Human Resources Committee**

**Report**—Chair John Sullivan reported that the committee is reviewing all benefits related to staff, including the 401(K), retirement funds, deferred compensation and medical. The HR Department has put together a focus group of staff members to give input regarding benefits. In the next few months, the committee will send information gathered to the Scope and Operations Committee on issues and suggested changes.

▶ **ABA Commission on Ethics**

**20/20**—Ethics Counsel Pat Sallen reported that the ABA is reviewing the Ethical Rules, a large undertaking. It is expected to be next May before a formal opinion is issued. She reviewed the Commission's Issues Papers concerning multijurisdictional practice and multidiscipline practice.

▶ **Liaison Reports:**

- ▶ **Arizona Foundation for Legal Services & Education**—Meredith Peabody reported that the National Mock Trial competition is next week, with more than 600 students and

48 schools being represented. President Bayham congratulated Governor Diane Drain on being named one of the 50 Top Pro Bono Lawyers. All 50 will be honored at the Convention.

- ▶ **Young Lawyers Division**—Maricela Meza reported that there would be a social on May 12 at the Capitol Grille in North Scottsdale sponsored by the YLD, Solo and Small Firms, ADR Section, Arizona Society of CPAs (young professional section) and others.
- ▶ **Arizona Asian American Bar Association**—Lisa Loo reiterated the success of the annual banquet that was held April 21 at the C-Fu Restaurant in Chandler, where new officers were installed.
- ▶ **Los Abogados**—Members made presentations at the Minority Bar Convention.
- ▶ **Black Women Lawyers Association**—The awards dinner will be attended by CEO John Phelps.
- ▶ **Pima County Bar Association**—The Third Annual Skyline Affair will be held on June 4. The event benefits Southern Arizona Legal Aid, Inc. and will be held at the Skyline Country Club.
- ▶ **Native American Bar Association**—Ted Campagnolo submitted a written report that highlighted the group's numerous activities, including: Chapter's monthly meeting was held Friday, April 22 at ASU; the Navajo Nation Bar Association's Annual Conference at Wild Horse Pass Hotel (June 9-10); NABA-AZ's Annual Meeting will be held on June 17 at the Bar convention in Tucson; NABA-AZ's Annual Seven Generations Dinner will be held on September 24.
- ▶ **Meeting Schedule**—The full board schedule is posted on the Bar's website: [www.azbar.org/aboutus/leadership/boardofgovernors](http://www.azbar.org/aboutus/leadership/boardofgovernors)

## PROFESSIONAL VOLUNTEER OPPORTUNITIES

The State Bar Appointments Committee is currently accepting applications from *active members in good standing* to fill the following upcoming vacancies. Application forms are due at the State Bar office by **Tuesday, September 6, 2011**, and may be obtained by calling Nina Benham in the State Bar's Phoenix office at (602) 340-7329 or Amy Ihrke in the State Bar's Tucson office at (520) 623-9944. An application form also may be downloaded from the Bar's website [www.azbar.org](http://www.azbar.org) (click on *For Lawyers/Sections and Committees/Committees/Appointments*).

The Standing Appointments Committee and the Board of Governors consider all aspects of diversity in their recommendations and appointments.

### Arizona Supreme Court Committee on Character and Fitness Application Deadline: Tuesday, Sept. 6, 2011

**Purpose:** The committee members are responsible for the investigation and recommendation of applicants for admission to the practice of law in Arizona. Committee members review all applications which total approximately 1,200 per year and attend hearings for further investigation of applicants.

**Openings:** Five appointments will be made by the Arizona Supreme Court. Attorneys Lisa Counters (The Counters Firm, Scottsdale), Lee Holtry (Fender Musical Instruments Corp., Scottsdale), and Viola Romero-Wright (Tucson City Attorney's Office), and public members Steve Wilson (Phoenix) and Dr. Ronald Watson (Tucson), are completing their terms and are ineligible for reappointment. The State Bar Board of Governors is asked to submit three nominations per opening to the Court for its ultimate selection.

The Committee members from Maricopa County are:

- Susan E. Anderson, Office of the Federal Public Defender
- Frederick C. Berry, Jr., Sole Practitioner
- Ed Novak, Polsinelli Shughart PC
- Yvonne E. Tagart, Davis Miles PC
- John J. Tuchi, Office of the United States Attorney
- Stephen L. Weiss, Law Office of Stephen L. Weiss
- Public members Florence Y. Brooks, Erika J. Hand and Steve M. Wilson

The Committee members from Pima County are:

- Evelyn Rick, Sole Practitioner
- Cary S. Sandman, Waterfall Economidis Caldwell Hanshaw & Villamana PC
- Public members Wanda F. Moore and Dr. Ronald R. Watson

Committee members Milton W. Hathaway, Jr. (Murphy Schmitt Hathaway & Wilson PLLC) and Laura J. Zeman-Mullen (Zeman-Mullen & Ford LLP) are from Yavapai County. Public member Bennie R. Click is from Coconino County.

**Candidate Criteria/Qualifications:** Attorney membership is open to active members of, and in good standing with, the State Bar of Arizona. Experienced (5+ years) attorneys preferred. The committee conducts at least one formal hearing monthly in either Phoenix or Tucson. Members are expected to participate in each formal hearing, and in informal hearings held throughout the state on a voluntary participation basis. In addition, membership requires independent review of applicant files, amounting to approximately 25 to 40 hours per month.

**Term:** Seven years, commencing November 2011.

### Arizona Supreme Court Committee on Examinations Application Deadline: Tuesday, Sept. 6, 2011

**Purpose:** Committee members direct the development of the state essay questions, review and revise the questions as necessary, oversee the MBE, MPRE, and grading and administration of all test components, and proctor the February and July exams. In addition, Examiners are responsible for the performance of the graders (12,000 essay answers per year) and for the formula and weighting of the components of the required Bar Examinations.

**Openings:** Four appointments will be made by the Arizona Supreme Court. Commissioner Terri Clark (Maricopa County Superior Court) and attorneys David Earl (Sole Practitioner, Phoenix), Michael Galloway (Bancroft Susa & Galloway, Phoenix), and K. Scott McCoy (McCoy Law Group, Scottsdale) are completing their terms and are ineligible for reappointment. The State Bar Board of Governors is asked to submit three nominations per opening to the Court for its ultimate selection.

Committee members from Maricopa County are:

- James N. Drake, Jr., Secretary of State's Office
  - Mary M. Grier, City of Phoenix
  - Roric V. Massey, City of Goodyear Legal Services Department
  - Raymond K. Ramella, Gallagher & Kennedy PA
  - Lisa S. Wahlin, Graiff Barrett & Matura PC
  - Deborah L. Williams, Federal Public Defender's Office
- Committee members from Pima County are:
- Jeffrey T. Bergin, Lewis, Brisbois, Bisgaard & Smith LLP
  - Jeffrey A. Weinstein, Office of the Pima County Public Defender

**Candidate Criteria/Qualifications:** Open to active members of, and in good standing with, the State Bar of Arizona. Experienced attorneys (5+ years) preferred. The committee meets approximately six times a year, in addition to exam attendance. Meetings are usually held at the State Courts Building in Phoenix.

**Terms:** Seven years, commencing November 2011.



**Yvonne R. Hunter** joined **Fennemore Craig** as of counsel in the Government Relations Practice. Previously, she served as a senior public affairs representative for Pinnacle West Capital Corporation.

**Quarles & Brady LLP** announced the addition of attorneys **James Ullman**, **Jeffrey Wolf** and **Aaron Schepler** to the firm's Phoenix Office. All focus their practices on franchise law.



**Craig M. Waugh** joined **Polsinelli Shughart PC** as an associate in the Trial department, where he will practice in the business litigation group.

**Stinson Morrison Hecker** added five new attorneys to its Phoenix office. **Robyn Stowell** and **Larry Wulkan** joined as partners, and **Danelle Kelling**, **Craig Morgan** and **Roza Simoni** joined as associates.

**David Deibel** was named Chief Deputy City Attorney and **Baird Greene** was named Deputy City Attorney and Chief Prosecutor of the **Tucson City Attorney's Office**.

**Adam V. Schenk** and **Jacob R. Podolsky** have formed **Schenk Podolsky, LLC**, focusing in and handling only personal injury cases. The firm has an office location in Mesa.



**Kim S. Magyar** joined the Phoenix office of **Farhang & Medcoff PLLC** as a partner. She focuses her practice on the defense of labor and employment, product liability and general commercial litigation matters, and regularly counsels and advises employers on labor and employment concerns, and drafts employee handbooks and policies.

**The Law Offices of Tarascio & Del Vecchio** moved its offices to 1 North MacDonald, Suite 201, in Mesa.

**Lorie Ann Birk** joined **Mountain States Employers Council** as an employment law attorney.

**Melanie G. McBride**, a litigator at **Gust Rosenfeld**, was elected to membership in the firm.

## PEOPLE



**David Irwin** joined **Sanders & Parks PC** as an associate. He will focus his practice on medical malpractice and general civil litigation.

The Scottsdale law firm of **Owens & Perkins PC**, Scottsdale, announced that **Max N. Hanson** joined the firm as an associate. His practice focuses on family law and criminal defense.

**Jennifer Thomson** joined the Phoenix office of **Fennemore Craig** as an associate in the Employment and Labor practice.

Also joining the Phoenix office is **Aaron Martin**, as a litigation associate. Previously, he served as a law clerk for the late Chief Judge John M. Roll, U.S. District Court, District of Arizona.



**John E. Kelly** joined **Suzuki Law Offices LLC** as an associate. He is a former Deputy Maricopa County Attorney from a Major Crimes Bureau, and he has successfully tried numerous serious felony jury trials. His focus is on criminal defense in city, state and federal courts.



**Christina Kelly Geremia** joined **Polsinelli Shughart PC** as an associate in the firm's Trial department, where she will focus her practice on all aspects of insurance coverage/bad faith litigation.

**Randal L. Hutson** became a member of the State Bar of Arizona and will focus on various

areas but mostly personal injury matters. He is currently accepting personal injury cases. He is a member of the **Rooney Law Firm** located in the Northwest Valley of Phoenix and holds a certificate in Alternative Dispute Resolution from the Oklahoma City University School of Law.

**Philip N. Yannella** joined **Ballard Spahr** as head of its E-Discovery and Data Management practice.

**Eric Walberg** joined the Scottsdale law firm **Nussbaum Gillis & Dinner PC** in an of counsel capacity. He has practiced for 18 years in transactional, corporate, real estate and general business law.

**Rose Law Group** hired **Sarah Ann Kubiak**, who will work with clients specializing in environmental law, transactional, litigation and tax appeals.

**Sherman & Howard** announced that **Janet Betts** and **Brian Mueller**, formerly partners with Holme, Roberts & Owen, have joined the firm as members in the Scottsdale office. Betts has joined the firm's Business practice, and Mueller the Litigation practice.

**Marjorie Turk Desmond** joined **Gurstel Chargo PA** with a broad background in many areas of commercial litigation. She will assist businesses in all aspects of debt collection.

## HONORS AND AWARDS



Bryan Cave associate **Gustavo "Gus" Schneider** was awarded the "New Volunteer Attorney of the Year" award for 2010-2011 by the **Volunteer Lawyers Program**.



**Charles Slack-Méndez** of Tempe, Ariz., was certified as a life member of both the **Million Dollar Advocates Forum** and the **Multi-**

**Million Dollar Advocates Forum.** He concentrates his practice in personal injury litigation and represents victims of catastrophic accidents.



**Chris Gooch**, a shareholder at Fennemore Craig in Phoenix, was elected president of the **Phoenix Men's Arts Council**. He also was elected vice president of the **Scottsdale Artists' School** board.

**Roger Strassburg**, an attorney licensed in Arizona, Nevada and Ohio, presented on the program panel for the **2011 Second Circuit Judicial Conference**. The bench-bar meeting—exploring the theme of neuroscience and the law—included approximately 650 federal judges, lawyers and nonlawyers from around the Circuit.

**Mark Dioguardi**, co-founder of Dioguardi Flynn LLP, was selected to join the President's Advisory Council for **Rio Salado College**.



**Richard Fincher** completed a one-year research assignment in Vietnam concerning workplace dispute resolution, sponsored by the **United States Agency for International Development**. His ADR policy recommendations will be published in the fall by Cornell University.



**Erin Otis**, a prosecutor in the Sex Crimes Bureau of the Maricopa County Attorney's

Office, was honored with the second annual Paladin Award by **Streetlight Phoenix**, a residential treatment facility for juvenile victims of commercial sexual exploitation. The Paladin Award bears the inscription: "in recognition of her tireless and courageous efforts on behalf of the juvenile victims of our community."

**Hon. Ron Reinstein** (ret.) received the U.S. Attorney General's **National Crime Victims Service Award**.

**Steven T. Lawrence** of Gallagher & Kennedy PA was recognized by the **American Diabetes Association** and the **Phoenix Father's Day Council** as one of five Valley fathers honored as **2011 Father of the Year**.

**Peter Moolenaar**, a partner with Dioguardi Flynn LLP, joined the board of **Sun Sounds Foundation**, an advisory and fundraising arm for Sun Sounds of Arizona, whose mission is to provide audio access and information to people in the Southwest who cannot read print because of a disability.

## RECENTLY DECEASED

**Cynthia H. Hall**, Pasadena, Calif.  
**Dale States**, Peoria, Ariz.