



# BAR COMMUNITY

## BOARD OF GOVERNORS MAY MEETING REVIEW

Below are highlights from the May 18, 2007, meeting of the State Bar Board of Governors. Meetings typically are held monthly at the Arizona Bar Center in Phoenix. To see the complete minutes, go to [www.myazbar.org/AZBarInfo](http://www.myazbar.org/AZBarInfo) and click on "Board of Governors."

- ▶ President Jim D. Smith called the meeting to order.
- ▶ President Smith stated that the Board meeting in June would be held on Tuesday, June 26, at the Arizona Bar Center in the afternoon.
- ▶ Teresa Schmid, Executive Director, gave a short review of the written Executive Director's report.
- ▶ The board discussed the Phoenix Country Club's holding male-only dining and lounge facilities and the Board's position not to hold Bar-related events there; The Board voted unanimously to inform the Construction Law Section leadership of the Board's position and instruct the members that no further meetings would be allowed at the facility.
- ▶ The board voted to approve the Consent Agenda, including approval of the April meeting of the board, approval of resignations of members in good standing, annual dues suspensions updated list, approval of reinstatements for non-compliance (ARIZ.R.S.CT. 45(d) (Mandatory MCLE) and reinstatements of members suspended for non-compliance with ARIZ.R.S.CT. 32(c)(9) and/or rule 43 (annual membership dues and trust account compliance).
- ▶ Appointments Committee—The committee reported on vacancies and recommended candidates. The board adopted the recommendations of the committee:
  - ▶ For the two State Bar positions in the American Bar Association House of Delegates, the board reappointed both incumbents for a final term: Susan Villarreal (her final two-year term) and C. Brad Vynalek (his second and final two-year term).
- ▶ For one open position on the Client Protection Fund Board of Trustees, the board reappointed Larry W. Suci.
- ▶ Financial Report—The Finance Committee and the CFO provided information to the board, which took the following actions:
  - ▶ The board voted to provide \$1,000 to help underwrite the Minority Judges Reception at the upcoming annual convention at the Westin Kierland Resort.
  - ▶ The board approved the expenditure of \$2,500 to secure a table at the ABA's Margaret Brent Awards luncheon, where former Bar President Roxana Bacon will be one of the honorees for this prestigious award.
  - ▶ The board approved the annual disbursement to the Arizona Foundation for Legal Services & Education of the 1 percent of Bar dues, amounting this year to approximately \$60,000. In addition, the board approved a change in the manner of financial reporting so that the amount disbursed annually will be shown as a line item.
  - ▶ The board heard a report on a possible convenience fee to be charged members when they seek to use a credit card to pay annual dues. State Bar expenses related to credit card purchases were reported to be about \$70,000 in the first quarter of 2007, and the possible \$10 charge per credit card transaction could offset that. The board requested more detail on the savings the Bar experiences through member use of credit cards, and asked for more options before it may take action.
- ▶ Rules Committee—The Rules Committee reported on a number of proposed rules and changes on which the Supreme Court comment period ends on May 21, and the board took the following actions:
  - ▶ R-06-0038 (unpublished opinions)—In a vote of 13–10, the board voted to support the existing petition (filed by a member who is a member of the Board, but did not file on behalf of the Board) in those cases where there is a reversal, a concurrence or a dissent. The board supported the Rules Committee's opposition to the portion of the petition that would require judges to sign a certification that an opinion is not necessary.
  - ▶ Rule 111—The board will consider at its next regular meeting the Rules Committee's support of a petition from the Civil Practice & Procedure Committee regarding the use of unpublished opinions.
  - ▶ R-06-0021 (compulsory arbitration)—After hearing the recommendations of the Rules Committee, the board voted to adopt the position of the Rules Committee to support the draft from the Civil Practice and Procedure Committee, which had recommended the adoption of some of the recommendations of the Supreme Court committee that was charged with examining the issue. (Abstaining were Alan Bayham, Jr. and Mike Baumstark.)
  - ▶ R-06-0034 (electronic discovery)—After hearing the recommendations of the Rules Committee, the board voted to support the com-
- ment as proposed by the Civil Practice & Procedure Committee. (Abstaining: Mike Baumstark)
- ▶ R-06-0001 (bail bondsmen and restoration of rights after certain criminal convictions): The board voted to file no comment regarding the petition.
- ▶ R-06-0016 (to amend Rule 1.6 ARIZ.R.CRIM.PROC., appearances by defendants via videoconferencing for initial appearances, arraignments and some other hearings)—The board voted to support the petition in regard to Initial Appearances and Arraignments only.
- ▶ R-06-0012 (notification of victims in capital cases)—The board voted to support the petition. (Abstaining: Mike Baumstark)
- ▶ R-06-0024 (to amend Rule 15, ARIZ.R.CRIM.PROC., to create a new Rule 15.10 dealing with *ex parte* communications, proceedings or requests)—Justice Scott Bales left the Boardroom prior to discussion. The board voted to file no comment regarding the petition.
- ▶ Legislative Report—Janna Day reported that the Legislature was still in session working on negotiations to get a balanced budget. She gave an update on Judicial Appointments; SB1286 (Victim Rights Omnibus); HB 2779 (employers required to provide affidavits from all employees stating they were not illegal immigrants. She provided a handout that summarized the State Bar's position on bills.
- ▶ Lawyer Referral Information Service (LRIS)—The Task Force reported on its continuing work, and the Board gave its approval to continue working with all stakeholders including Pima County and Maricopa County Bar

## BOARD OF GOVERNORS

- Associations, and to negotiate on behalf of the board.
- ▶ Liaison Report?The board was introduced to and heard from attorney Linda J. Benally, who is one of the people involved with forming the new Native American Bar Association.
  - ▶ Admission on Motion—Helen Perry Grimwood had completed her draft of the board's comment to the Supreme Court opposing the pending petition that would allow admission on motion, without taking the Arizona bar exam.
  - ▶ Admissions Ceremony—Ed Novak discussed the possibility of re-instituting an admissions ceremony for new admittees to the Arizona Bar. He solicited discussion of board members, and indicated he would report back in the future with proposals.
  - ▶ ABA House of Delegates representative Susan Villarreal sought board input on the selection of a new ABA President. She asked board members who may know a candidate or who otherwise have an opinion to provide her feedback.
  - ▶ Tucson Building Task Force Report—The board heard from Amelia Craig Cramer about the work of the Task Force. She reported on a possible site—270 N. Church Ave. in Tucson—for the new Bar Southern Regional Office. A report of the Task Force recommendations will be coming at a future time.
  - ▶ Human Resources Committee—Ben Click, Chair, reported that it was time for the annual survey that would be available to the board and managers at the State Bar to give their input on the Executive Director's evaluation. All responses are confidential and a summary of the responses will be provided during executive session of the June meeting.
  - ▶ Meeting adjourned.

## NEWS FOR MEMBERS

## 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 Wednesday, Aug. 29, 2007, and can be obtained by calling Carrie Sherman in the State Bar's Phoenix office at (602) 340-7201 or Amy Ihrke in the State Bar's Tucson office at (520) 623-9944. An application form can also be downloaded from the Bar's Web site ([www.myazbar.org](http://www.myazbar.org) – refer to *Appointment Committee News*).

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

### Reopened — Arizona Commission on Appellate Court Appointments Application Deadline: Wednesday, Aug. 29, 2007

**Purpose:** This non-partisan commission is chaired by the Chief Justice of the Supreme Court of Arizona (or his/her designee). Primary responsibility is to screen, interview and recommend judicial candidates to the Governor of Arizona for his/her final selection to fill judicial vacancies.

**Openings:** Two. In the 2007 legislative session, the Senate Judiciary Committee did not confirm the Bar's two nominees, Michael L. Piccarreta (Piccarreta, Davis & Storie, PC) and Anne C. Graham-Bergin (Law Office of Anne C. Graham-Bergin). The incumbents, Commissioners Deborah Oseran (Mendelsohn & Oseran, PLC, Tucson) and D. Burr Udall (Chandler & Udall, LLP, Tucson) are continuing to serve until their successors have been confirmed. The other attorney-commissioners are Albert M. Flores (Attorney at Law, Phoenix), Mark K. Briggs (Quarles & Brady Streich Lang, LLP, Phoenix) and Robert E. Schmitt (Murphy, Lutey, Schmitt & Fuchs, PLLC, Prescott). The State Bar's Board of Governors submits nominations to the Governor of Arizona for his/her appointment, subject to the advice and consent of the Arizona State Senate.

**Criteria/Qualifications:** Applicants must be active members of, and in good standing with, the State Bar of Arizona. Applicants must be admitted to practice before the Supreme Court of Arizona for not fewer than five years and may reside in any county other than Maricopa County. None of the attorney or non-attorney members of the commission shall hold any governmental office, elective or appointive, for profit, and no attorney member is eligible for appointment to any judicial office of this state until one year after membership in the commission terminates. There are no applicant restrictions with regard to political party affiliation for these two openings. The Commission meets as necessary when judicial openings occur.

Arizona's Constitution (art. VI, § 36.C) provides for ethnic and gender diversity on the appellate commission. Female attorneys and attorneys with ethnically diverse backgrounds are encouraged to apply for these openings.

**Term:** Four years.

### City of Surprise Judicial Selection Advisory Commission Application Deadline: Wednesday, Aug. 29, 2007

**Purpose:** The powers and duties of this newly forming commission are to seek out and encourage qualified individuals of diverse backgrounds to apply for the office of presiding and associate judge; to conduct investigations into the background and qualifications of said candidates; and to submit its recommendations regarding candidates to the city council, which shall interview all candidates recommended.

**Openings:** One. The commission shall be composed of seven voting members appointed by the city council: an appellate court judge; a superior court judge; a member of the State Bar of Arizona; a member of the Maricopa County Bar Association; and three public members who are residents, but not employees, of the City of Surprise. The Board of Governors is being asked to submit three nominations to the city council for its ultimate selection to fill the State Bar designated position.

**Candidate Criteria/Qualifications:** Applicants must be active members of, and in good standing with, the State Bar of Arizona and reside in Maricopa County. Attorneys who have limited jurisdiction and criminal court experience are preferred.

**Term:** Three years commencing September 2007.

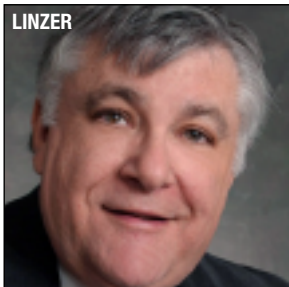
**PEOPLE,**  
PLACES, HONORS, AWARDS

GILSON



**Thomas Gilson**, an attorney with Lewis and Roca, was named co-chair of the **Criminal Litigation Committee** of the American Bar Association's Section of Litigation.

LINZER



**Stephen P. Linzer**, a shareholder with Sacks Tierney PA, has been elected to the board of the **National Association of Dealer Counsel**.

MALONEY



Gov. Janet Napolitano selected **Brenda M. Maloney**, an attorney with Quarles & Brady, to serve on a blue-ribbon panel conducting a national search for candidates to oversee the **Arizona Department of Veterans Services**.

**Brian A. Laird** of Weeks & Laird PLLC was elected president of the Tucson Chapter of the **Federal Bar Association**. Other officers include **D. Douglas Metcalf**, vice-president; **Sean E. Brearcliffe**, secretary, and **Stacy R. Butler**, treasurer.

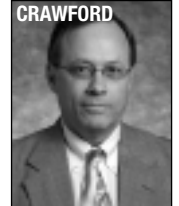
**Patricia Lee Refo**, a partner with Snell & Wilmer, and **Carolyn Johnsen**, a member of Jennings Strouss & Salmon, received **Outstanding Achievement Awards** from the Sandra Day O'Connor College of Law. They were honored as co-chairs in establishing the "Arizona Women Lawyers Honoring Justice O'Connor" fund.

## PEOPLE

**Denise M. Bainton**, shareholder with DeConcini McDonald Yetwin & Lacy PC, was elected to the board of the **National Schools Boards Association Council of School Attorneys**.

**Michael C. Manning**, managing partner of Stinson Morrison Hecker LLP, received an **Honorary Doctorate of Law Degree** from the Board of Regents of Washburn University School of Law.

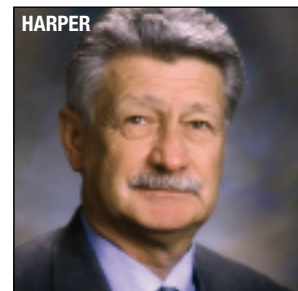
Snell and Wilmer partner **Vaughn Crawford** has been named Fellow of the **American College of Trial Lawyers**.



Bancroft Susa & Galloway in Tucson announced that **Jim Susa** was confirmed to a six-year term on the **Arizona State Board of Tax Appeals**, and that associate **Douglas John** was appointed to the **Arizona State Board of Equalization**.



Greenberg Traurig attorney **Michael C. Mason** was elected to the boards of the **Boys and Girls Clubs of the East Valley** and the **Federal Bar Association-Phoenix Chapter**.

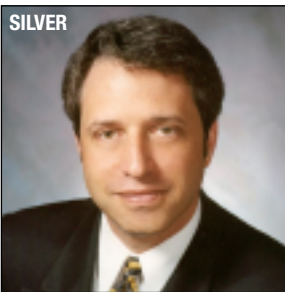


**Marty Harper**, managing partner of Shughart Thomson & Kilroy, was elected vice chair of **Mackrell International**.



Tiffany & Bosco attorney **Tracy S. Morehouse** was elected to the board of **Free Arts of Arizona**.

**Ronald J. Kisicki**, a partner with Jaeckle Fleischmann & Mugal LLP, is a contributing author of *Patent Settlements, Negotiations and Litigation: Leading Lawyers on Strategies for Effectively Settling Patent Disputes*.



**Leon Silver**, shareholder with Shughart Thomson & Kilroy PC, received the first **Fabulous Attorney Advisor Award** from ASU's Sandra Day O'Connor College of Law, for his work with the Liberty Project. Silver was also elected to the board of the **YWCA of Maricopa County**.

The Phoenix office of **Steptoe & Johnson LLP** was honored as A&A Cottages' **Community Partner of the Year**, for making a difference in the lives of youth and the community.



Mesch Clark & Rothschild announced that managing shareholder **Jonathan Rothschild** was appointed to the **Tucson Parks and Recreation Commission** and partner **Michael McGrath** was elected chair of the **Tucson Urban League** board.

**B. Michael Dann** will receive the American Bar Association's inaugural **Jury System Impact Award**.

## PEOPLE

**Professor Judy Stinson** of ASU's Sandra Day O'Connor College of Law is the president-elect of the **Association of Legal Writing Directors**.



**Michael A. Yarnell**, assistant clinical professor at Phoenix School of Law, published his article "Jury Reform: Where is the Science—The Arizona Jury: Past, Present & Future Reform" in the *Australian Journal of Forensic Sciences*.

## RECENTLY DECEASED

**James S. Alexander**, Tucson  
**Anthony Burgi**, Gilbert  
**Dorothy M. Carson**, Phoenix  
**James P. Howell**, Tucson  
**Thomas J. Keenan**, Phoenix  
**Lyn Brewster McKay**, Phoenix  
**Mary Frances (Bumsted) Mitchell**, Scottsdale  
**Lawrence L. Pavilack**, Phoenix  
**James Powers**, Phoenix  
**Joseph P. Spellman**, Sarasota, Fla.  
**Robert D. Young**, Mexico City

## PEOPLE

### Item Submissions:

Members are invited to send items for the People column to [arizona.attorney@azbar.org](mailto: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 try to 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](mailto:Kate.Cortez@staff.azbar.org)) about paid advertisement at member rates.