



BAR COMMUNITY

BOARD OF GOVERNORS

JULY MEETING REVIEW

The State Bar of Arizona Board of Governors held a regular meeting on July 26, 2012, in Prescott, Ariz., in conjunction with the Board of Governors Retreat. To see the complete minutes go to www.azbar.org/aboutus/leadership/boardofgovernors/minutes.

- ▶ The President called the meeting to order at 10:09 a.m.
- ▶ **President's Report**—President Amelia Craig Cramer reviewed the Board Retreat Agenda and the schedule for the next two days. She discussed the purpose of the flip charts and encouraged those present to write down "What Keeps You Up at Night?" for an open discussion. She further stated that her platform for this year includes continued efforts to further Access to Justice; enhance organizational excellence, and support fair and impartial courts.
- ▶ **Consent Agenda**—President Cramer asked if anything was to be deleted from the Consent Agenda, and Second Vice President Bryan Chambers asked that the 2012 Dues Waivers be removed. The board voted unanimously to approve the Consent Agenda without the Dues Waivers and subsequently, after discussion, voted to accept staff's recommendations to grant the 2012 Dues Waiver requests.
- ▶ **Access to Justice Task Force**—President Cramer reviewed the history of the Access to Justice Task Force.
 - ▶ The First Quarterly Report detailing use of the State Bar's funds to advance legal services initiatives was summarized.
 - ▶ After discussion the board voted to accept the AJTF First Quarter Report.
 - ▶ The Governors discussed future reporting and asked that the Committee on Coordination and Communication with the Arizona Foundation for Legal Services & Education ("CCCCF Committee") Committee be the conduit for this communi-

cation. CCCF Chair Jana Flagler asked the board to review the report and send her any suggestions for additional information that they would like to see in future reports. The board agreed that future reporting should come from and in the name of the Arizona Foundation for Legal Services & Education, which should continue to craft the reports.

Director of Special Services and Ethics and Deputy General Counsel Patricia Sallen reviewed the status of rule changes that came from the Access to Justice Task Force Final Report. The two petitions approved by the Board of Governors included:

- ▶ **Rule 38 petition:** would clarify the ability of retired Arizona lawyers to provide pro bono services and would clarify and simplify the ability of registered in-house counsel to do the same.
- ▶ **Limited-scope petition:** Proposes changing four Ethical Rules and two civil-procedure rules to make it easier for all lawyers to engage in limited-scope representation.
- ▶ Both petitions were filed and will be considered in the 2013 rules cycle; the earliest the changes could take effect is January 2014. No expedited consideration request was filed.

The two rule changes that the Board did not approve were:

- ▶ Proposed amendments to ER 6.1 and Rule 41 to make pro bono mandatory
- ▶ Proposed changes to increase the percentage of pro hac vice fees that fund legal services initiatives

With the budget being reviewed in the fall, the pro hac vice matter will be discussed in depth regarding the possible financial impacts.

▶ **CEO/Executive Director Report**—John Phelps:

- ▶ Over the past year his report format reflected activities and accomplishments that advance

the Strategic Plan, including the goal of organizational excellence. Mr. Phelps asked for guidance regarding contents of his future reports and asked the Governors for their input.

- ▶ **New Board Agenda Format**—President Cramer stated that she is reorganizing the agenda format so it will have action/vote items earlier in the meeting. The process to address issues remains unchanged: informational one month with a vote the next unless otherwise indicated. Ample time will be left at the end of the meeting for policy discussions. President Cramer further stated that she was asking that the Finance Committee report quarterly. Should something arise that requires board input or vote, it would be immediately be put on the agenda that month. President Cramer further stated that the Rules Committee report would also not be on the agenda monthly but would be calendared as informational in November and March, with voting in December and April. After discussion, it was determined that the whole board should receive the Rules Committee agenda each month should they wish to attend or direct questions to Chair Alex Vakula.
- ▶ **Strategic Plan Action Items and Board Reporting Schedule**—President Cramer asked the Governors to review this schedule, which dictates when different committees or task forces would be reporting. This plan covers September to May reporting.
- ▶ **Committee Appointments/Liaison Assignments**—President Cramer asked the Governors to review their assignments as this was the final list. Also in the materials was a chart that contained contact information for the chairs and staff liaisons.
- ▶ **Strategic Planning Committee Responsibilities for the Year**—President Cramer stated that

Whitney Cunningham will be the chair this year and reviewed the committee's charge, which includes monitoring the newly adopted Section Guidelines and whether to combine certain Bar committees.

- ▶ **Establishment of New Task Force on Diversity and Inclusion**—President Cramer asked the board to review the Charter and approve the establishment of the Diversity and Inclusion Task Force. A review of the goals include:
 - ▶ Serve as umbrella committee for communications and coordination between the Board of Governors and the Committee on Minorities and Women in the Law, the Sexual Orientation and Gender Identity Committee, and the Committee on Persons with Disabilities in the Law;
 - ▶ Serve as liaison between the Board of Governors and sister bars;
 - ▶ Develop a Diversity and Inclusion Action Plan to present the board at the December 2012 meeting (to be implemented in 2013-2014 and ongoing);
 - ▶ Communicate and coordinate with the Mentor Committee;
 - ▶ Develop and implement a single online calendar of events for all diversity-related sister bar organizations and diversity-related State Bar committees;
 - ▶ Design and implement an Oral History Project whose goal is to educate members and the public regarding individuals who have made significant contributions to the legal community;
 - ▶ Promote diverse faculty for CLE programs; and
 - ▶ Consider and be a resource to legal employers for various "best practices" that reflect the Bar's core value relating to diversity.
- The board voted unanimously to approve the formation of the Diversity and Inclusion Task Force.
- ▶ **Establishment of New Law School Deans Committee**—President Cramer reported that Dean Lawrence Ponoroff, James E. Rogers College of Law at U of A, has agreed to chair this new com-

mittee. Its mission is to “ready future lawyers for the practice of law and service to the public, and serve and support established lawyers in their practice.” The board voted unanimously to support the formation of this new committee.

- ▶ **Task Forces to Complete Their Work this Year**—President Cramer anticipates that the following will complete their work this year: Committee on Communication and Coordination with the Foundation; Access to Justice Task Force; Task Force on ER 8.4 (Bias & Prejudice); and Task Force on ER 1.15 (Safekeeping Property).
- ▶ **Bylaws Committee 2013-2014**—President Cramer stated that a number of things in the Bylaws need to be updated and/or eliminated. A thorough review should be completed, and she suggested a committee be formed next year to review and recommend to the board necessary changes.
- ▶ **Chief Bar Counsel Report**—Maret Vessella reported that the Discipline Oversight Committee has not met, and their next meeting will be September 27, 2012. At that time they will revisit Discipline on the Web.
- ▶ **New Business: ABA Resolution 10A**—Ms. Sallen summarized this issue.
 - ▶ The ABA Commission on Ethics 20/20 has discussed whether nonlawyers should be allowed to have financial interests in law firms. A discussion paper on what is called “alternative law practice structures” was produced in 2011 that proposed to upend the historical prohibition on nonlawyer law firm ownership. In 2000, the ABA adopted this statement as policy: “The sharing of legal fees with non-lawyers and the ownership or control of the practice of law by non-lawyers are inconsistent with the core values of the legal profession. The law governing lawyers from sharing legal fees with non-lawyers and from directly or indirectly transferring to non-lawyers, ownership or control over entities practicing law should not be revised.” In response to the “alternative law practice structures” discussion paper the State Bar Board of Governors authorized on Feb. 24, 2012, sending a letter (dated March 12, 2012) to the commission stating the Bar’s long-standing opposition to multi-disciplinary practice (MDP). On April 16, the commission announced that it would not propose changes to long-standing ABA policy prohibiting nonlawyer ownership of law firms.
 - ▶ The Illinois State Bar Association (ISBA), in a May 14, 2012, letter to then-President Joe Kanefield, asked the Bar to support and co-sponsor a resolution that would affirm and re-adopt the existing ABA policy stated above. In a May 25, 2012 letter, President Kanefield advised that the resolution appeared to be “an appropriate next step”

and sent a copy of the Bar’s March 12, 2012, letter to the ISBA. The ISBA now lists the State Bar of Arizona as a co-sponsor of its resolution.

- ▶ On July 17, 2012, a commission member, Fred Ury of Connecticut, urged the opposition of the ISBA’s resolution “because it attempts to reach the merits of a subject that is not before the House at the August meeting and therefore is not in a good process.”
- ▶ On July 24 and 25, President Cramer, Mr. Phelps and Ms. Sallen attended conference calls organized by the ISBA to discuss presenting the resolution to the ABA House of Delegates.

Analysis: The ISBA resolution itself—simply stating the existing ABA policy—reflects the State Bar’s position on MDP. Two paragraphs in the accompanying report, however, appear to go beyond the black letter of the resolution and usurp the committee process.

The State Bar supports the resolution but also supports allowing the ABA commission to engage in an open and fair process and complete its work. At this point, no proposals regarding MDP, alternative law practice structures or fee sharing are before the House of

Delegates, nor have they been issued by the commission as a whole.

President Cramer stated that the Scope and Operations Committee (Scope) had an emergency meeting earlier in the morning regarding this matter.

Board Action Recommendation: Authorize President Cramer to advise the ISBA that the SBA withdraws its support and co-sponsorship of the ISBA resolution unless the two paragraphs are removed.

- ▶ Scope voted unanimously and comes to the floor as a motion to support the black-letter resolution but to request that the ISBA remove the two paragraphs that disparage the process. Otherwise, the officers support the resolution and are against the report.
- ▶ The board voted unanimously to support the recommendation of Scope.
- ▶ The Bar’s five ABA Delegates will be advised of the board’s action regarding this matter.
- ▶ **Meeting Schedule**—The next Board meeting will be held on September 28; there is no August meeting. The full schedule is posted on the Bar’s Web site: www.azbar.org/aboutus/leadership/boardofgovernors/meetingschedule

PEOPLE, PLACES, HONORS & AWARDS



Scottsdale-based **Andante Law Group of Daniel E. Garrison PLLC** announced that **Joseph E. Cotterman** joined the firm as a partner, and **Jessica R. Kenney** joined as an associate. Both attorneys' practices are concentrated in commercial bankruptcy, creditors' rights and general business litigation.



Blanchard, Walker, O'Quin & Roberts (A Professional Law Corporation) in Shreveport, La., announced that firm shareholders selected **Scott R. Wolf** as a shareholder and elected him as a Director in the firm, effective Jan. 1, 2012.



Melissa G. Iyer was named a shareholder at **Burch & Cracchiolo PA**, Phoenix.

Davis Miles McGuire Gardner PLLC, Tempe, announced that a number of lawyers joined the firm.

Joining as partners are Scottsdale City Councilwoman **Lisa M. Borowsky** (litigation); **Joshua E. Carden** (litigation); **Elizabeth**

Chatham (immigration); **Michael L. Ferrin** (transactional); **Scott F. Gibson** (litigation); **Edmund F. Richardson** (transactional, real estate); and **Douglas G. Zimmerman** (litigation).

Joining as associates are **Allison T. Preston** and **Charles B. Sellers** (bankruptcy).



Benjamin A. Thinnnes was named a shareholder at **Tiffany & Bosco PA**. He practices in the area of real estate transactions and finance.



Michael J. Donovan, Ph.D. and lawyer, joined the Phoenix office of **Polsinelli Shughart** as an associate. His practice focuses on intellectual property issues, including patent preparation and prosecution. He will help represent biotech companies and public and private universities in complex scientific legal matters.



Theresa L. Seifert was named Managing Attorney for **Vescio Law Firm, PC**, Glendale.

Ryan C. Curtis joined **Brownstein Hyatt Farber Schreck** as an associate in the corporate and business department. His practice focuses on employee benefits plans and includes Employee Retirement Income Security Act (ERISA) compliance, plan mergers, IRS and Department of Labor audit defense, and withdrawal liability collection.

Hadar Avraham and **Paul Pappalardo** joined **Snell & Wilmer** as associates in the Phoenix and Tucson offices. Avraham will practice with

the State and Local Tax group in both Phoenix and Tucson. Pappalardo will practice with the Intellectual Property group in Phoenix.



Shanna N. Orlich joined Phoenix-based **Jennings, Strouss & Salmon PLC** as a litigation associate.



The **Aiken Schenk** law firm elected **Philip R. Rupprecht** as its managing shareholder. He joined the firm in 1990 and has been a shareholder since 1991. His practice emphasizes wealth preservation, business protection planning and loan workouts.



Megan Evans joined **Sanders & Parks PC**, Phoenix, in its medical malpractice and general civil litigation practice groups.



Attorney **Jim Cross** has launched **Cross Business Consulting Services LLC** to provide cost-effective advice to businesses and lenders in turnaround management, receivership, bankruptcy trustee/examiner, loan modifications, profitability analysis and other areas related to business restructuring.

Amanda J. Taylor joined **Graif Barrett & Matura PC** in Phoenix as an associate. Her practice focuses on insurance law and commercial litigation.

In July, **Fennemore Craig** announced that it had added 23 attorneys from the Las Vegas firm Jones Vargas. The firm's name in Nevada will become Fennemore Craig Jones Vargas.

HONORS AND AWARDS



Scott H. Gan of Mesch, Clark & Rothschild received the 2012 Judicial Branch Distinguished Service Award from the **Arizona Supreme Court** in the Pro Bono Service category.

The awards program recognizes teams, projects and courts that have made substantial contributions to improving public trust and confidence in the Arizona court system. Gan was selected for his commitment and passion to provide pro bono services to those who would not otherwise have access to the justice system.



Charles W. Wirken, an attorney at Gust Rosenfeld, was elected Chair of the State Bar of Arizona **Client Protection Fund** by his fellow trustees. He is a former president of the State Bar and was appointed as a trustee by the Board of Governors in 2008; he recently served as Treasurer of the Fund.

The trustees evaluate and determine claims alleging losses due to the dishonest conduct of Arizona lawyers, and the Fund reimburses eligible claimants.

In August, **Ralph Hunsaker** of **The Cavanagh Law Firm** achieved a career milestone of 50 years in the practice of law. His early years of practice included significant involvement in matters concerning the allocation of water rights from the Colorado River to Arizona and other states. He has focused in civil litigation,

including insurance defense, bad faith, personal injury and commercial litigation, throughout his career. He has taken more than 150 cases to jury trials.

Joanne Trifilo Stark, **Judy C. Flanagan** and **Eric G. Bjotvedt** received Immigration Attorney of the Year awards at the **Maricopa County Bar Association's** For Love of Justice Pro Bono awards ceremony in June at the Phoenix School of Law. The three have regularly participated in the St. Vincent de Paul free legal clinic.



Shane Buntrock, a shareholder at Rowley Chapman Barney & Buntrock, Ltd. in Mesa, was appointed to the Board of Directors of the **Mesa Chamber of Commerce**.

He manages the firm's Commercial Litigation, Business Law and Bankruptcy departments. His primary areas of practice include business law, commercial litigation and real estate.



Timothy A. Stratton, an attorney at Gust Rosenfeld, was appointed Chairman of the **City of Scottsdale Board of Adjustment**. He focuses his practice on public finance and municipal law.



Michael J. Curley, an associate in the Tucson office of Quarles & Brady LLP, was selected as the **Volunteer Lawyers Program** Outstanding Pro Bono Attorney of the Month for July.

Another firm attorney, **Jeremy Lite**, received the honor in January.



The **100 Club of Arizona** will honor Deputy Maricopa County Attorneys **Suzanne Cohen** and **Patricia Stevens** with the 2012 Outstanding Public Safety Performance of the Year Award at the annual Jason Schechterle Scholarship Ball on Sept. 29, 2012. They earned this recognition for their successful conviction in *State v. Mark Goudeau*, described by law enforcement officials as the single largest and most significant criminal case in the state's history. Goudeau received the death sen-

tence in November 2011 for each of nine murders he committed during a nearly year-long crime spree that also involved multiple kidnappings, armed robberies and violent assaults.

Matthew Meaker, a shareholder at Andante Law Group of Daniel E. Garrison PLLC, was recognized as 2011–2012 Outstanding New Member by the **American Subcontractors Association of Arizona**.



Debora Verdier of Sanders & Parks PC, Phoenix, was appointed to the **International Association of Defense Counsel**.

Lewis and Roca LLP announced that attorney **Scott Brown**, who is co-chair of the **American Bankruptcy Institute's Bankruptcy Litigation Committee**, and his committee were recognized as "Committee of the Year" for 2012.

He is a partner in the firm's Bankruptcy and Creditors' Rights group and the Commercial Litigation group.



Lynda R. Vescio of Vescio Law Firm PC, Glendale, was appointed to the Northwest Regional Council for **First Things First** for a four-year term.



Daniel B. Pasternak, a shareholder in the Phoenix office of Greenberg Traurig LLP, spoke at the **Society for Human Resource Management's** annual conference in June, leading a session titled "Traditional Labor Law Issues Affecting the Non-Union Employer."

A number of law firms with Arizona offices earned Gold Standard Certification from the **Women in Law Empowerment**

Forum for their success in providing professional opportunities and leadership roles for women attorneys: **Fennemore Craig** (met all six criteria); **Ballard Spahr; Ford & Harrison; Jackson Lewis; Littler Mendelson; Perkins Coie; Quarles & Brady; Sherman & Howard; and Stinson, Morrison & Hecker**.

Shane Olafson, an attorney at Lewis and Roca LLP, was elected as an Executive Committee Member at Large for the Greater Phoenix Chapter of **Mensa**. His term runs from July 2012 through June 2013. He is a partner in the firm's Intellectual Property and Litigation Practice Groups.

RECENTLY DECEASED

Robert S. Hensel, Irvine, Calif.
Mark W. Roth, Phoenix
Paul Ruderman, Phoenix

PEOPLE ITEM SUBMISSIONS
 Send items for the People column to
arizona.attorney@azbar.org.
 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 with the item, we try to use it, depending on that month's space and the photo quality (high-resolution required).