



BAR COMMUNITY

BOARD OF GOVERNORS AUGUST MEETING REVIEW

Below are highlights from the August 22, 2008, meeting of the State Bar Board of Governors. To see the complete minutes, go to www.myazbar.org/AZBarInfo/BOG/BoGMinutes.cfm.

► **President's Report**—President Ed Novak received the resignation of Teresa Schmid, Executive Director, effective October 31, 2008. Ms. Schmid has accepted a position as Executive Director of the Oregon State Bar. President Novak and the entire board thanked her for her years of service to the State Bar of Arizona. A committee was appointed to begin the search for a new director and make recommendations to the board on the transition process.

President Novak reported that Proposition 104, known as the Arizona Civil Rights Initiative (sometimes referred to as the Connerly Amendment) failed to gain sufficient signatures and was disqualified from the ballot. The proposition aimed to eliminate affirmative action in public education, public employment and public contracting.

► The Arizona Supreme Court denied jurisdiction in the Special Action filed by Maricopa County Attorney Andrew Thomas. To reduce the potential for complaints of conflict of interest, the Bar has appointed retired Maricopa County Superior Court Judge Rebecca Albrecht to act as the independent investigator/prosecutor and attorney Gary Stuart of Gary L. Stuart, P.C., to serve as the independent probable cause panelist.

► **Executive Director's Report**—Teresa Schmid announced that the State Bar has been selected by the Black Board of Directors Project to receive the Outstanding Nonprofit Diversity Award at the Project's 25th annual black-tie dinner to be held on October 17.

Ms. Schmid formally introduced Tom Johnson, the new Chief Financial Officer. She also introduced the July Employee of the Month, Tim Eigo. He was chosen for his service as modera-

tor of the Law Day program, co-sponsored with Maricopa County Superior Court.

► **Ad Hoc Conflict Policy Committee**—Amelia Craig Cramer, Chair, reported that the committee recommends amendments to the policy presently titled "Appointment of Board Members as Hearing Officers." The committee researched the history of the current policy by reviewing historical documents, applicable Arizona and federal statutes and current policies or rules of other state bars on this issue. Based on that research, the committee recommends reducing the waiting period from two years to one year for board members to serve as a hearing officer or to represent a party in any disciplinary matter. The recommendations also include re-naming the policy to note that it relates to avoiding conflicts of interest and making reference to the conflicts prohibitions contained in the Ethical Rules. The board unanimously approved the committee's recommendations.

► **Request for Administrative Order of Supreme Court**—Chief Financial Officer Tom Johnson provided detailed projections on membership growth, reflecting a drop in 2008 from 3.3 percent to 1.6 percent growth. In light of the decline in growth, the Finance Committee revisited its request to redirect a portion of the Client Protection Fund. The committee now recommends that in 2009 and each year thereafter, \$20 of the \$30 per member Client Protection Fund assessment be redirected to operating expenses of the State Bar.

The State Bar will send a request for Administrative Order to the Arizona Supreme Court seeking the change, and the Client Protection Fund will transmit a letter to the Court in support of the change. The Bar will provide ample notification to members of the redirection of funds, including a notation on the dues statement. The board

unanimously approved the motion.

► **Dues Waiver Request**—The board voted unanimously to deny an active member's request for the waiver of 2008 annual membership dues.

► **Appointments Committee**—The board approved the appointment of Ms. Co Horgan to fill the current Gila County vacancy on the Southern Arizona Legal Aid (SALA) Board of Directors. The board also approved the committee's recommendation to reopen the application process for the representative to the ABA House of Delegates, which will include reevaluating current applications.

► **Finance Committee/CFO Report**—Chief Financial Officer Tom Johnson presented the June financial statement. Dues are down by \$88,000, and he expects that trend to continue due to the decline in membership growth. Seminar income from online programs, as well as MCLE revenue, showed a significant increase in June. The new CLE room in the Phoenix office is near completion and should result in additional income. Expenses YTD are favorable by \$395,000.

Joe Kanefield, Chair, reported that the Finance Committee voted to track the IRS rate on mileage reimbursement.

► **Legislative Update**—Janna Day reported that at the end of the session there were rumors of attempts to legislatively affect the Bar's disciplinary process, including a discussion of the merits of adoption of ABA Model Rule 2. She expects significant legislation to be introduced that will affect the Bar, and the likelihood of passage is largely dependent on the outcome of the elections this fall. Accordingly, she urged staff and the board to continue preparations for the 2009 session.

► **ABA House of Delegates Report**—Brad Vynalek reported on the annual House of Delegates meeting. The new

ABA president is Tommy Wells from Birmingham, Ala. He reported on two controversial proposals, the first being a modification to Model Rule 1.10(a), which would relax conflicts of interest safeguards applied to lawyers moving from one firm to another. By a vote of 192-191, the House postponed its consideration indefinitely. The second proposal was an amendment to modify the ABA's mission statement.

► **Chief Bar Counsel Report**—Robert Van Wyck stated that at the close of July 2008, the State Bar had opened 222 new cases and closed out 204, achieving a 96 percent compliance rate with the Supreme Court's timeframe for disposition of informal cases and a 70 percent compliance rate for disposition of formal cases. The Discipline Oversight Committee will develop more tools for tracking how charges move through the discipline process.

► **Diversity Report**—I. Godwin Otu announced that the second class of the Bar Leadership Institute would begin September 6 in Tubac, Ariz. He expects that expenses will be significantly reduced and noted that several law firms and organizations have once again stepped forward to sponsor the institute.

► **Oath**—The Supreme Court has asked the State Bar to review and recommend revisions to the Oath of Office for State Bar members. President Novak introduced a proposed revision to the current oath. Discussion of the proposal will continue at the next meeting.

► **Advertising Policy**—Tim Eigo, editor of ARIZONA ATTORNEY, reported on the Advertising Guidelines for the State Bar of Arizona that have been in place for approximately eight years.

► **Meeting Schedule**—The next board meeting will be held on September 26. The full schedule is posted on the Bar's Web site: www.myazbar.org/AZBarInfo/BOG/BoardofGovernors.cfm

The State Bar Appointments Committee is currently accepting applications from *active members and judicial members in good standing* to fill the following upcoming vacancies. Application forms are due at the State Bar office by **Wednesday, November 19, 2008**, 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 also can be downloaded from the Bar's Web site (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.

Arizona Commission on Appellate Court Appointments

Application Deadline:
Wednesday, November 19, 2008

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

Openings: Two. Commissioner Albert M. Flores (Sole Practitioner, Phoenix) is completing his second four-year term and, pursuant to a State Bar Board of Governors' policy, is ineligible for reappointment. In the 2008 legislative session, the Senate Judiciary Committee did not convene a confirmation hearing for Commissioner Scott H. Gan (Mesch, Clark & Rothschild, PC, Tucson). His seat is now vacant. The Board of Governors will submit one nomination per opening to the Governor of Arizona for her appointment, which is subject to the advice and consent of the Arizona State Senate.

The other attorney-commissioners are:

- Mark K. Briggs, Quarles & Brady, LLP, Phoenix
- Jill Harrison, WL Gore & Associates, Inc., Flagstaff
- Robert E. Schmitt, Murphy, Schmitt, Hathaway & Wilson, PLLC, Prescott

Candidate Criteria/Qualifications: Applicants must be active members of, and in good standing with, the State Bar of Arizona. Applicants shall have resided in the state, and shall have been admitted to practice before the Arizona Supreme Court, for not fewer than five years. There are no applicant restrictions with regard to geographical location and political party affiliation for these two openings. 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. The commission meets as necessary when judicial openings occur.

Arizona's Constitution (Article 6, Section 36.C) provides for ethnic and gender diversity on the commission. Minorities and women are encouraged to apply for these positions.

Terms: One four-year term and one two-year term (to fill an unexpired term).

Maricopa County Commission on Trial Court Appointments

Application Deadline: Wednesday, November 19, 2008

Purpose: This nonpartisan commission is chaired by the Chief Justice of the Arizona Supreme Court (or her designee). Primary responsibility is to screen, interview and select judicial candidates for submission to the Governor of Arizona for her final selection to fill judicial vacancies.

Openings: One. Commissioner Helene S. Fenlon (Helene S. Fenlon, PLC), representing Supervisorial District 2, is completing her second four-year term. Pursuant to a State Bar Board of Governors' policy, she is ineligible for reappointment. The Board of Governors will submit one nomination to the Governor of Arizona for her appointment, which is subject to the advice and consent of the Arizona State Senate.

The other attorney-commissioners are:

- James E. Blair, Jr., Maricopa County Attorney's Office, representing Supervisorial District 1
- Michael A. Leal, Navidad Leal & Silva, PLC, representing Supervisorial District 3
- Toysha R. Martin, Wells Fargo Bank NA, representing Supervisorial District 4
- Jennifer R. Hunter, Arizona Attorney General's Office, representing Supervisorial District 5

Candidate Criteria/Qualifications: Applicants must be active members of, and in good standing with, the State Bar of Arizona. Applicants shall have resided in the state, and shall have been admitted to practice before the Arizona Supreme Court, for not fewer than five years. Registered Democrats are not eligible to apply for this particular vacancy. Applicants must have resided in Supervisorial District 2 in Maricopa County for at least one year. To learn what supervisorial district you reside in within Maricopa County, go to <http://recorder.maricopa.gov/pollingplaces/GetDistrict.aspx> or call the Maricopa County Recorder's Office at (602) 506-1511. 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. The commission meets as necessary when judicial openings occur.

Arizona's Constitution (Article 6, Section 41.D) provides for ethnic and gender diversity on the commission. Minorities and women are encouraged to apply for this position.

Term: Four years.

Pima County Commission on Trial Court Appointments

Application Deadline: Wednesday, November 19, 2008

Purpose: This nonpartisan commission is chaired by the Chief Justice of the Arizona Supreme Court (or her designee). Primary responsibility is to screen, interview and select judicial candidates for submission to the Governor of Arizona for her final selection to fill judicial vacancies.

Openings: Two. Commissioner John C. Hinderaker (Lewis and Roca, LLP), representing Supervisorial District 2, has served one four-year term. He is eligible for, and is seeking, reappointment to a final four-year term. In the 2008 legislative session, the Senate Judiciary Committee did not convene a confirmation hearing for Commissioner Armando Rivera (Sole Practitioner), who was representing Supervisorial District 3. His seat is now vacant. The State Bar's Board of Governors will submit one nomination per opening to the Governor of Arizona for her appointment, which is subject to the advice and consent of the Arizona State Senate.

The other lawyer-commissioners are:

- Cynthia T. Kuhn, Rusing & Lopez, representing Supervisorial District 1

PROFESSIONAL VOLUNTEER OPPORTUNITIES —continued

- Elizabeth D. Bushell, Elizabeth D. Bushell, PLC, representing Supervisorial District 4
- John R. Evans, Arizona Attorney General's Office, representing Supervisorial District 5

Candidate Criteria/Qualifications: Applicants must be active members of, and in good standing with, the State Bar of Arizona. Applicants shall have resided in the state, and shall have been admitted to practice before the Arizona Supreme Court, for not fewer than five years. There are no applicant restrictions with regard to one's political party affiliation for these two openings. Applicants shall have resided in either Supervisorial District 2 or Supervisorial District 3 in Pima County for at least one year. To learn what district you reside in within Pima County, go to

www.recorder.pima.gov/search/geocode/search.html or call the Pima County Recorder's Office at (520) 740-4350. 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. The commission meets as necessary when judicial openings occur.

Arizona's Constitution (Article 6, Section 41.D) provides for ethnic and gender diversity on the commission. Minorities and women are encouraged to apply for these positions.

Term: One four-year term and one two-year term (to fill an unexpired term).

PEOPLE, PLACES, HONORS, AWARDS



Litigator **Scott W. Hulbert** has joined **Engelman Berger** and practices in commercial, construction and environmental litigation matters.



Greenberg Traurig has announced that three associates have joined the firm. They are: **Julie R. Barton** (com-

mercial litigation and appellate advocacy), **Laura Sixkiller** (business and commercial litigation) and **Michael L. Walker** (labor and employment). The firm also announced that **Frank G. Long** joined as Of Counsel in its intellectual property practice.

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Sarah Silvester has joined Littler Mendelson as an associate and practices in labor and employment matters.



Raymond K. Ramella has joined Gallagher & Kennedy PA as Of Counsel in the firm's litigation department.



Annette Cox has joined DeShon Pullen & Associates PLC and practices family and juvenile law.

Bowman and Brooke LLP announced that William Alcock, J. Scott Dutcher, Leslie K. Harrach, Mary M. Kranzow and Christine L. Meyer have joined the firm as associates.



Jennings Strouss & Salmon PLC announced that three attorneys have joined the firm as associates: Terry Cushing, litigation; Todd B.

Tuggle, bankruptcy and litigation; and Valerie Walker, labor and employment and litigation.



The Morris K. Udall Foundation in Tucson has named Ellen Wheeler as Executive Director and Jeffrey Silvyn as General Counsel.

Gallagher & Kennedy PA announced that five attorneys have rejoined the firm. E. Calvin Fuchs has returned to the firm as shareholder in its Prescott office. Shareholders Sandy Broadfoot, Curtis Keller and Eric Wilhelm, and associate Ryan Hamilton have rejoined the firm's real estate practice in Phoenix.



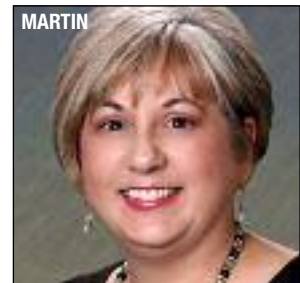
Samantha Dillon has joined Bonnett Fairbourn Friedman & Balint PC as an associate in the firm's insurance defense practice.



Joe Mais, a partner with Perkins Coie Brown & Bain, was elected chair of the firm's national Commercial Litigation practice.



Quarles & Brady LLP announced that two commercial litigation attorneys have joined the firm. Elizabeth Fella works in the Tucson office, and Brian A. Howie joins the Phoenix office.



Kutak Rock LLP announced that Paige A. Martin and Joy A. Sullivan have joined the firm as partners. Martin practices commercial litigation and public pension law, and Sullivan practices in commercial real estate and business transactions.

Stinson Morrison Hecker LLP announced that Christian C. M. Beams and Leslie O'Hara were elected partners. Beams practices in complex business disputes, and O'Hara focuses her practice on personal injury litigation.

Teresa K. Anderson has joined Sanders & Parks PC as an associate and focuses on business and commercial litigation.

Judge Susan Ehrlich has retired from the Arizona Court of Appeals and has joined the Barrett Honors College at Arizona State University. Judge Ehrlich is also a member of

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the National Science Advisory Board on Biosecurity, and is finishing her LL.M. in genomics and biotechnology law at ASU.

Julie M. McDonald has joined **Donovan Law PLLC** in Yuma as a criminal law associate, and is one of three certified criminal law specialists in Yuma County.

Attorney **Ronee Korbin Steiner** has been appointed Judge Pro Tempore of the **Maricopa County Superior Court**.

Sharon Sprague has joined **Jaburg & Wilk PC** as an associate and practices in intellectual property, collections and litigation.

Buchalter Nemer has announced the addition of an immigration practice to its Labor and Employment Practice Group, and that **Addie Hogan** has joined the firm's Scottsdale office.

Todd Williams has joined the litigation practice at **Dioguardi Flynn LLP**.

Ford & Harrison LLP announced that three attorneys have joined the firm's Phoenix office. **Dinita L. James** joins as partner and practices complex litigation. Joining as associates in the labor and employment practice are **Stephen B. Coleman** and **Dominic L. Verstegen**.

Attorney **Kevin Rattay** has joined **Hymson Goldstein & Pantilliat PC** in Scottsdale.

Nussbaum and Gillis PC announced that **Dean M. Dinner** has joined the firm as an equity partner, and that **John E. Parzych** has joined as a litigation associate.

David O'Daniel and **Tim McCulloch** have joined the Phoenix office of **Gordon & Rees LLP**. O'Daniel joins as partner and concentrates on complex trials and litigation. McCulloch joins as senior counsel and focuses on airport and aviation law.

Mark Nickel has joined **Fennemore Craig** as an associate and practices in the firm's business torts and personal injury group.

Patricia Beary has opened the **Beary Law**



Offices in Phoenix with a focus on commercial and personal bankruptcies.

HONORS AND AWARDS



Scott H. Gan, a partner with Mesch, Clark & Rothschild, has received the Arizona Supreme Court's 2008 **Judicial Branch Achievement Award** for "serving the community by improving the legal profession." He was nominated for his work on drafting and revising forms and guides for use in civil appeals.

Hon. Ann A. Scott Timmer, a magna cum laude graduate of the Sandra Day O'Connor College of Law at Arizona State University, was elected chief judge of the **Arizona Court of Appeals, Division One**.



The Hispanic Leadership Institute honored **Israel G. Torres**, managing partner of Torres Law Group PLLC, with the **Daniel R. Ortega, Jr. Public Service Award**.



Timothy Burr, Of Counsel with Jennings Strouss & Salmon PLC, has been admitted to the **American Arbitration Association's Commercial Panel**.

Burch & Cracchiolo PA attorney **Ian Neale** has been appointed a visiting professor at the School of Business Administration Turiba in Latvia, as part of a program organized by the **Center for International Legal Studies**.

Arizona Governor Janet Napolitano has made the following appointments: Fennemore Craig shareholder **Leonardo Loo** to the **Asian-**



American Advisory Council; Tiffany & Bosco PA attorney **Andrew Ellis** to the **African-American Advisory Council**; and Quarles & Brady attorney **C. Bradley Vynalek** to the **Arizona Commerce and Economic Development Commission**.



Brian J. Burt, an attorney with Snell & Wilmer, was elected to the board of the **Better Business Bureau of Central, Northern and Western Arizona**.



Alan Matheson, dean emeritus at the Sandra Day O'Connor College of Law at Arizona State University, received the **Jesse Udall Community Service Award** from the Phoenix Chapter of the J. Reuben Clark Law Society.



Hon. Penny Willrich, a professor at the Phoenix School of Law, was inducted as a charter member of Alpha Phi Sigma, an honor society for criminal justice/criminology students at **Capella University**. Professor Willrich also was elected to the board of **Community Legal Services**.

HONORS AND AWARDS



Four attorneys from Lewis and Roca have received the **Robert J. Hooker Award** from the Arizona Public Defender Association. They are: **Randall S. Papetti**, **Adele G. Ponce**, **Jon Weiss** and **Pamela Ramsey**. The award recognizes “exceptional commitment of time, expertise and resources to a partnership with the Mohave County Public Defender’s Office and the provision of high quality representation to an indigent client.”



The **Autism Society of America** named Greenberg Traurig attorney **Gretchen Nady Jacobs** as Volunteer of the Year.

Arizona Supreme Court Chief Justice **Ruth V. McGregor** was appointed to the American Bar Association’s **Presidential Commission on Fair and Impartial State Courts**, and will work to organize a national summit to address the challenges of state courts.



Bahar Schippel, a partner with Snell & Wilmer, has been appointed vice-chair of the **American Bar Association Tax Section’s Partnership Committee**.



Quinn P. Williams, a shareholder with Greenberg Traurig, was appointed to the board of the **American Red Cross, Grand Canyon Chapter**.



George L. Paul, a partner with Lewis and Roca, has published the book *Foundations of Digital Evidence* for the **American Bar Association**.



Greenberg Traurig shareholder **Robert A. Mandel** has been appointed chair of the American Bar Association Appellate Practice Committee’s **Task Force on Written Appellate Advocacy** and co-chair of its **Membership Recruitment Subcommittee**.

Attorney **Jerry G. Landau** received an **Arizona Judicial Branch Achievement Award** in recognition of his outstanding achievement in

improving court services. Landau is the director of government affairs for the Arizona Supreme Court.



Stephen Newmark, a partner with Jennings Strouss & Salmon PLC, was named co-president of the **Lorna E. Lockwood American Inn of Court**.



The **Arizona Democratic Party** has appointed **David E. Funkhouser III**, an attorney with Quarles & Brady, to fill a vacancy in the state’s 11th legislative district.

Maricopa County Superior Court **Presiding Judge Barbara Rodriguez Mundell** was selected to serve as one of 30 members of the “Executive Session for State Court Leaders” at **Harvard University’s Kennedy School of Government**. The group of court leaders and scholars will meet for discussions six times over the next three years.