



BAR COMMUNITY

BOARD OF GOVERNORS SEPTEMBER MEETING REVIEW

Below are highlights from the Sept. 26, 2008, meeting of the State Bar Board of Governors. To see the complete minutes, go to www.myazbar.org/AZBarInfo/BOG/BoGMinutes.cfm.

- ▶ President Ed Novak welcomed the newest member of the board, Paul Schiff Berman, the new dean of the Sandra Day O'Connor College of Law at Arizona State University. He indicated that 25 new initiatives have been launched at the College in the past five weeks. Dean Berman wants to expand what constitutes the meaning of legal education, extend the LLM program, create new programs for Indian law, and connect with members of the Bar for suggestions on ways to improve the law school. He discussed the need for additional programming and expanded physical space.
- ▶ **Executive Director's Report**—Teresa Schmid announced the Supreme Court's recent approval of the redirection of a portion of Bar members' contributions to the Client Protection Fund toward dues and stated that this will help the Bar maintain current service levels in the short term while not negatively affecting the Client Protection Fund. She also reported that the subpoena project is set to go on the Supreme Court's October agenda. In addition, she reported that several of the Court's recent Rules decisions will impact staffing and budget; these includes: random trust account reviews, registration of in-house counsel, additional resources for ACAP, more paid hearing officers, additional CLE opportunities, better use of our database, and Client Relationship Management tools. Ms. Schmid also reported that the Court approved admission on motion and in-house counsel registration. The Court has also recommended hiring paid hearing officers, which will be budgeted out of membership dues.
Ms. Schmid further reported that the technology audit has

been completed and recommendations may lead to some capital expenditures. These will be presented to the Finance Committee for consideration.

- ▶ **IOLTA Update from the Arizona Foundation for Legal Services & Education**—Dr. Kevin Ruegg, CEO/Executive Director of the State Bar Foundation, related a brief history of IOLTA (Interest on Lawyer Trust Accounts) in Arizona, statutes that govern their operations, and the Foundation's work to monitor the 80 banks who hold the IOLTA accounts. One bank currently is not in compliance with IOLTA requirements. Negotiations are under way to resolve the conflict. If the conflict is not concluded to the Bar Foundation's satisfaction, the Board of Governors of the State Bar may consider taking further action at its October meeting.
- ▶ **President's Report**—Ed Novak reported that rocky times are ahead for insurance carriers continuing through 2012. It will become increasingly difficult to obtain malpractice insurance and coverage will be more expensive. President Novak has appointed an Insurance Committee to provide immediate recommendations to the board for their action.
In an effort to continue to develop our relationship with the legislature, President Novak and Janna Day will meet with all current leaders and potential leaders before the legislative session starts. In addition, the Bar will sponsor Law School for Legislators in early December.
The theme of the 2009 Annual Convention will be "Renewing Our Promise." The theme refers to the State Bar's mission statement to serve the people of Arizona and our members.
- ▶ **Oath of Office for State Bar Members**—A recommendation was received to review and update the Oath. Further discussion was tabled to the next meeting. The proposed changes will be voted on at the November board meeting, and members will be able to comment in the same manner used for rule petitions.
- ▶ **Appointments Committee**—Joe Kanefield, committee chair, reported that seven applications were received for two public member positions on the Supreme Court Committee on Character and Fitness. The board voted to forward the names of Florence Brooks, Steve Wilson, Erika Hand, Theresa Jackson, and Rev. Karl Clark to the Supreme Court. For one lawyer member opening on the Committee on Character and Fitness, the board approved sending the names of Clarence Matherson, Deborah Williams, Brad Astrowsky, Susan Anderson and Daniel "Greg" Sakall. For one lawyer member position on the Committee on Examinations, the board will forward the names of Karen Karr, Mary Grier, Deborah Williams and Adam Zickerman.
- ▶ **Finance Committee/CFO Report**—Tom Johnson, Chief Financial Officer, reported that the Bar is still ahead of budget by \$32,000, despite a significant negative variance in July. The variance was tied to a drop in membership dues, pro hac vice fees, seminar income and publications revenue. Net worth is \$6.1 million. In Phoenix, the new CLE room should be completed by mid-October and the lobby stairs by the end of October. The total cost of ground floor renovations for the Southern Regional Office is now projected to be \$260,000. The board unanimously approved the expenditure of \$260,000 for the build-out of the Tucson office. The Finance Committee recommended postponing building out the second floor of the Southern Regional Office until the Bar has a tenant for the space.
The Finance Committee is working on a policy for dona-

tions to minority bars and other organizations. The committee recommended and the board approved a contribution of \$1,000 to Los Abogados for its golf tournament to sponsor scholarships.

Amelia Craig Cramer reported on behalf of the Finance Committee that the budget process began on September 19 with a session involving the staff. The budgeting process will take a total of three months. Staff has been directed to present three alternative budget proposals next month—one at a break-even level for expenditures with the exception of health care premiums and two at varying lowered levels for expenditures. The board will discuss these options at its October meeting and will provide direction to staff with respect to a draft budget to be presented in November. There will be additional discussion in November, and the final vote on the budget will occur at the board's December meeting.

- ▶ **Legislative Update**—Janna Day reported on the upcoming election for state legislators. The budget will take up much of the legislature's efforts during the upcoming session.
- ▶ **Board of Legal Specialization—Juvenile Specialization**—Bill Owsley, chair of the Juvenile Law Section subcommittee on a Specialty in Child Welfare Law, announced that the section has received approval from Board of Legal Specialization and asked the Board of Governors to approve the development of this specialty. The President is in the process of appointing a Child Welfare Specialist commission to bring recommendations about standards and exams to the Board of Legal Specialization.
- ▶ **Chief Bar Counsel's Report**—Maret Vessella, Deputy Chief Bar Counsel, reported that 176 informal charges were closed in August and all charges were completed within 330 days

resulting in a compliance rate of 100 percent for the month and 98 percent year to date. Five formal cases closed in August and three of the five formal cases were completed within 660 days for a compliance rate of 60 percent. The Discipline Oversight Committee discussed ABA Model Rule 2, which recommends, in part, a strict division between the prosecutorial and adjudicative functions. The Oversight Committee is considering how to incorporate or modify the current rules to include the most desirable aspects of ABA Model Rule 2.

► **Rules Update on Petitions**—Robert Van Wyck, Chief Bar Counsel, summarized key rule petitions that were recently been approved by the Supreme Court.

Admission on motion takes effect on Jan. 1, 2010, while petitions affecting in-house counsel registration, changes in membership status for senior members, and random trust account examinations will take effect Jan. 1, 2009. Information about the rules and orders is available on the Arizona Supreme Court's Web site.

► **Other News**

► Michael Mason, President of the Young Lawyers Division, reported that the group's first Touring Arizona event was held in Flagstaff and was very successful.

► **Meeting Schedule**—The full schedule is posted on the Bar's Web site: www.myazbar.org/AZBarInfo/BOG/BoardofGovernors.cfm

NEWS FOR MEMBERS

Mark Your Calendar CLE OPPORTUNITIES ABOUND

Book Club Programs

(1.5 MCLE hours each)

Dec. 2—Tucson: *Out of Mao's Shadow: The Struggle for the Soul of a New China*

Dec. 4—Phoenix: *The Brethren*

Dec. 4—9:00 a.m. to 12:15 p.m.

(2.5 MCLE hours, including specialization)

New Arizona Trust Code

Webcast (State Bar Boardroom or via the Internet)

Dec. 5—9:00 a.m. to 12:15 p.m. (3 MCLE ethics hours)

Ethical Morning at the Movies

Orange Tree Golf Resort, Scottsdale

Dec. 8—9:00 a.m. to 12:15 p.m. (3 MCLE ethics hours)

Oops! Did I Do That? Practical Ethics Guide

Tucson

Dec. 9—2:00 p.m. to 4:45 p.m.

(2.5 MCLE hours, including specialization)

New Probate Rules

Webcast (State Bar Boardroom or via the Internet)

Dec. 10—Noon to 1:00 p.m. (1 MCLE ethics hour)

Ethics Café

Webcast (State Bar Boardroom or via the Internet)

Dec. 11—9:00 a.m. to 3:00 p.m. (4.5 MCLE hours)

Pretrial Motions

Orange Tree Golf Resort, Scottsdale

Visit www.myazbar.org/CLE to view the expanded list of interactive online courses and extensive assortment of video and audio self-study products. Times are subject to change; check online for details.

Contact the State Bar's Ethics Hotline at (602) 340-7284.

**PEOPLE, PLACES,
HONORS, AWARDS**



Gust Rosenfeld announced that three associates have joined the firm. **Matthew A. Goldstein** joins the firm's Tucson office and practices civil litigation law. Joining the Phoenix office are **Jeremy M. Goodman**, creditors' rights, bankruptcy and litigation, and **Eric A. McGlothlin**, public, business, corporate and real estate law.

Kris Gates has joined **Snell & Wilmer LLP** as Of Counsel in the firm's Phoenix office. She practice is concentrated in health care transactional matters, fraud and abuse, physician organizations and nonprofit law.

Finance attorney **William R. Knowlton** has joined the **Rose Law Group** as an associate in the firm's Scottsdale office.



Scott M. Bennett has returned to **Lewis and Roca's** Phoenix office as an associate in the torts and criminal litigation practice groups.



Jennings Strouss & Salmon PLC announced that **Stephanie Hart**, **John Lopez**, **Sunita Krishna** and **Kerry Hodges** have joined the firm as associates. Hart practices in the firm's litigation and real estate groups. Lopez has joined the biotechnology and life sciences group, and Krishna and Hodges have joined the litigation practice group.

Gallagher & Kennedy PA associates **Brad Glass** and **Jason Hughes** were elected shareholders of the firm, effective January 1, 2009. Both Glass and Hughes practice environmental and natural resources law.



Former bankruptcy and creditor's rights law attorney **Benjamin Norris** was sworn in as a **Superior Court Judge** in October. Judge Norris, who was appointed by Governor Janet Napolitano, has been assigned to juvenile court.

Fennemore Craig announced that five attorneys have joined the firm. **Rodney Q. Jarvis** has joined as a shareholder in the land use planning and zoning practice. Joining as associates are: **Jamie Gill** and **Kyle Hallstrom**, business and personal injury torts practice; **Mark Bolton**, government relations, and **Kristin Paiva**, commercial litigation.

In June 2008, **Tom Jacobs** retired as a judge pro tem/commissioner from the Maricopa County Superior Court and has launched a new teen-law Web site, www.askthejudge.info. He is also writing "Teen Cyber Bullying" for Free Spirit Publishing, due out in 2009.

The Buescher Law Offices PC has a new location: 3514 N. Power Road, Suite 136, Mesa, AZ 85215.

HONORS AND AWARDS



LaShawn Jenkins, an associate with **Quarles & Brady LLP's** Corporate Services Group, has been named chair of the **City of Phoenix Human Relations Commission**. As chair, he is responsible for leading the commission in addressing human relations issues affecting Phoenix residents and fostering open communication with all groups.

Paul E. Burns, an intellectual property and litigation attorney and mediator with **Gallagher & Kennedy PA**, was appointed to serve as an adjunct professor of law at **Pepperdine University's Straus Institute for Dispute Resolution**.

People Item Submissions:

Members are invited to send items for the People column to 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 may 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) about paid advertisement at member rates.

NEWMARK



Stephen C. Newmark, a tax attorney with Jennings Strouss & Salmon PLC, has joined the **Heard Museum's Development Committee**, which focuses on formulating policies and strategies for expanding the museum's contributed income through a variety of programs.

Phoenix attorney **Neal S. Sundeen** was recognized and his name entered into the **Congressional Record** on Sept. 16, 2008, by Congressman Harry Mitchell. The Congressional Record recognized Sundeen for his tireless bipartisan efforts and dedication to America's veterans for the new 21st Century G.I. Bill of Rights, signed into law in June 2008.

SUNDEEN



RECENTLY DECEASED

- Thaddeus G. Baker, Jr.**, Flagstaff
- Shelly T. Davis**, Phoenix
- Allen G. Minker**, Los Osos, Calif.
- William E. Strickland, Sr.**, Tucson

IN MEMORIAM

THADDEUS G. BAKER, JR.

The community and family of **Thaddeus G. Baker, Jr.**, suffered his passing on September 2, 2008. Born on February 24, 1952, at the Naval Hospital at Great Lakes, Ill.

He was a consummate waterman, swimmer, scuba diver, surfer, sailor, river runner and overall outdoorsman. Thadd was a successful lawyer in Flagstaff for more than 30 years, practicing in bankruptcy and commercial law. Raised in Yuma, he graduated from Kofa High School, Northern Arizona University and California Western School of Law.

Thadd is survived by his wife, Lynne; sons Matt Grant and Harris; his father Thaddeus G. Baker, Sr., all of Yuma; brothers Bart (Debbie) of Yuma, Scott (Franceska) of Tucson, and Gregg (Georganna) of Temecula, Calif.; grandchildren Blake, Morgan, Payton and Ashlynn, of Phoenix; and 11 nieces and nephews.

His interests turned to motorcycles in

IN MEMORIAM

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recent years. He left us too early in a tragic accident returning home from a road trip throughout the Midwest. His family and many friends will mourn his passing painfully.

Donations may be made in Thadd's honor to Northland Hospice, 452 North Switzer Canyon Drive, Flagstaff (www.northlandhospice.org).

ALLEN MINKER

Allen Minker 63, judge, writer, world traveler, philosopher, died of lung cancer at his home in Los Osos, Calif., on Sept. 25, 2008. He moved to Arizona, where he earned the highest score on the 1974 State Bar exam. As a lawyer he handled both civil and criminal litigation and told wonderful stories about some of his more unusual trials, like his first one, where the burglary victim identified him as the perpetrator. He worked as a public defender in Tucson for several years, arguing in the federal court of appeals in San Francisco on behalf of 32 Arizona death row inmates. In 1985, Allen was appointed superior court judge for Greenlee County by then-Gov. Bruce Babbitt. In addition to his duties as superior court judge, Allen at times was asked to sit on the Arizona Supreme Court and Arizona Courts of Appeal and wrote several published opinions.

Allen married Susan (Bloch) Wishnok in 1988 and became step-stepfather to Susan's two grown stepdaughters. Allen and Susan moved to San Luis Obispo, Calif., in 1998. Allen was diagnosed with lung cancer in 2005 (his younger brother Chuck having died of the same disease in 1992). Despite all the treatments he endured, he was a positive force to the end, writing a blog about his illness that uplifted and inspired his family and friends. His wife Susan guided and diligently cared for him over his three years confronting the disease.

In addition to his wife Susan, Allen is survived by his mother, Dorothy, of Las Vegas, and brother, Jeffrey, of Tucson. He was warmhearted and consistently loyal to those whom he loved; he maintained friendships that endured. Above all, he was a man of abiding compassion with a profound love of life. In lieu of flowers, donations may be made in his honor to Hospice Partners of the Central Coast, Hospice of San Luis Obispo County, the Hearst Cancer Resource Center, or the Lung Cancer Alliance.

Editor's Note: For another note regarding Judge Minker, see page 10.