



SOUNDOFF

A GOOD VERDICT

Too often we appreciate a good read but fail to tell the author. To remedy this failing, I pass along compliments to Robert J. McWhirter for "Going Courting" ("Where We Got Courts and the Rule of Law," ARIZ. ATT'Y, Oct. and Nov. 2008).

Having written much myself, I can appreciate the untold hours of labor behind every sentence, footnote, nuance and phrase in a fine piece of writing such as yours. Telling your tale with insight, humor and relevance to contemporary issues adds immensely to your work's value.

I sense your work is a labor of love, offering enjoyment from the mere writing. If it is rewarded with words of praise, so much the better. I offer that reward with my humble thanks for your work.

With best wishes in your writing endeavor.

—Terry Price
Mancos, Colo.

I just finished reading your most enjoyable writing on "Going Courting" in the October 2008 ARIZONA ATTORNEY. Thank you for a wonderful treat.

—Chang-Soon Thomas Song
Attorney at Law
Korea Exchange Bank
Seoul, Korea

UNIMPEACHABLE CHARACTER

I read Frederick Petti's and Danny Adelman's wonderful article in your September issue ("Sitting in Judgment: Reflections on an Impeachment"). I was a Senate Page and an aspiring law student during the impeachment trial. This article brought back memories of that time, and a story about Chief Justice Gordon presiding over Governor Mechem's impeachment trial.

During the trial, I was impressed by Chief Justice Gordon's patience, wisdom, fairness and impartiality. As Fred and Danny mentioned, the Senate sat as the Court of Impeachment. It was clear early on that the Senate respected Gordon's disposition of the trial.

One of the Rules of Procedure for the impeachment trial allowed the Court of Impeachment to overturn the Chief Justice's ruling on any matter. The Senate was generally deferential to Gordon, but they did exercise that discretion one specific time. The prosecution objected to a line of questioning by the defense; Gordon sustained the objection. The Court of Impeachment moved to reconsider and ultimately overturned Gordon's ruling. The reversal allowed a line of questioning that necessarily elicited some extremely personal information about the witness. This information was made public through the highly publicized trial. It made everyone in the courtroom—Senate, staff and even lawyers—uncomfortable and regretful about the required revelation. The testimony was marginally relevant and certainly not worth the painful revelation.

The Senate had the unenviable task of conducting its legislative work as the impeachment trial continued. Soon after the witness's tes-

timony, the Impeachment Court recessed, the television cameras shut down, the reporters left, and the Senate conducted legislative action on the same floor. Toward the end of the day's session, the Senators discussed the unfortunate trial testimony. They unanimously agreed to give greater deference to Chief Justice Gordon's rulings, that it was clear he had legitimate legal bases for his decisions, and that the Court should overrule his rulings in extremely rare circumstances. During the several weeks of trial, I remember the Impeachment Court overturning Gordon's rulings perhaps one other time.

Kudos go to Fred and Danny for providing a tremendous and informative article. Most importantly, special kudos go to Chief Justice Gordon for his tremendous efforts during the impeachment trial and his service to the practice of law.

—Ted Mariscal

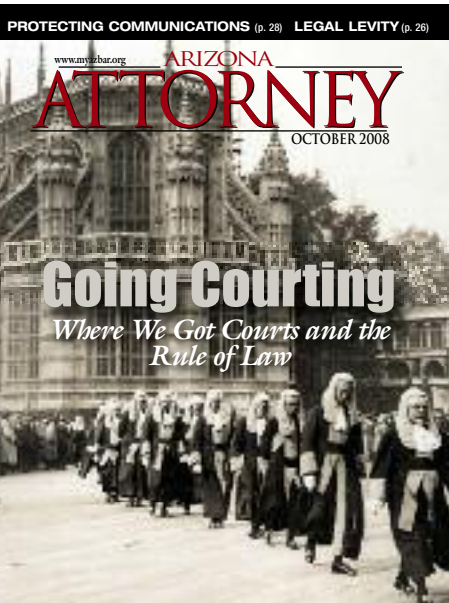
I enjoyed the article by Fred Petti and Danny Adelman regarding their experience as law clerks for the Honorable Frank X. Gordon, Jr. I had the honor and privilege to clerk for Justice Gordon two years before Fred and Danny. My experience with Justice Gordon was without a doubt a highlight of my career. The authors did a fine job of capturing the dignity and professionalism of one of Arizona's finest jurists.

—Paul J. McGoldrick
Shorall McGoldrick Brinkmann
Phoenix

RAISING IRE—AND DUES

I read the October President's Message from my friend Ed Novak, describing a possible State Bar funding deficit on the horizon. Of most significance was not what Ed wrote, but what was missing from his report.

After citing a looming deficit, Ed lays out some possible solutions, but conspicuously absent was any discussion of cutting costs. Ed states that the State Bar is not like the federal government or the state government, but then proceeds to act exactly like the government—advocating a "tax increase" in times of diminishing revenue instead of looking first at every possible way to cut costs. The State



ARIZONA ATTORNEY is proud to provide a forum for members to voice their opinions. Send letters to arizona.attorney@azbar.org.

Bar is not like a government and needs to act like a private citizen. If any of us face a possible personal financial deficit, we look first to cut costs. The State Bar should be no different.

Ed describes the State Bar as if it is a pyramid scheme, in trouble because we cannot line up enough new suckers. How about eliminating some programs? I do not claim to be an expert on State Bar spending, but Ed's message mentions a fund for clients who are ripped off by their lawyer. Despite my sympathy for anyone who has money stolen by their lawyer, why do we have such a fund at all? Last time I checked, there was no fund available to me if a store went out of business but owed me money, or a client protection fund if my pool company ripped me off. Why should I, an honest lawyer, pay for a fund to assist dishonest lawyers? The aggrieved client has a remedy—sue that lawyer, go after their malpractice coverage. Why should I pay dues to help the bad lawyers?

The CPF may very well not be the best example, but the point is look at *every* possible way to cut costs, before you increase dues. From Ed's message, unfortunately, it looks like raising dues is a first choice, not the last one. Sounds like government to me.

—Jim Kloss
Phoenix

I read Mr. Novak's "Fiscal Reckoning" letter, and I have a suggestion.

I recognize that there is a need to cut expenses, and I understand the difficulty in assessing what should be cut and whether or not to raise dues. My query/suggestion pertains to the frequent mailings containing the multiple flyers for CLE events. Most often, I look through these and quickly discard them. Occasionally, I find an event of interest and will save the flyer, but more often than not, this nicely printed flyer and bulky mailing end up in the trash. I am sure there is a nonprofit postage rate or bulk mail rate for these mailings, but I have to think that the cost of these mailings will add up.

My recommendation is to cut down on the mailings by:

1. Doing away with the flyers and mailing instead a once-a-month list of all the CLE seminars with the speakers.
2. Posting the flyers on the Web page with the link included on the mailed list.
3. Including the once-a-month list with other State Bar mailings to avoid sending more than one envelope.
4. Providing an alternative for the non-Internet people to obtain additional information. For example, a number to call to get information on a seminar that they think would be of interest.

This may not totally save the shortfall, but in the past week I received three mailings from the Bar, two of which were the big bundles of flyers. That is a waste that it sounds like we can no longer afford.

—Darrell W. Contreras
Chief Compliance Officer
Lakeland Regional Medical Center
Lakeland, Fla.

HISTORY REPEATED

Re: The October *Change of Venue*, "Justice: Denied and Remembered," regarding the long-belated recognition of the injustice done to the Japanese Americans in World War II:

Why can't we ever learn from our mistakes and understand that our current attacks on immigrants, especially those from south of our bor-

ders, will in the future be proven equally wrong?

—Dianne Post, Phoenix



RIDING THE CIRCUIT

My friend, Judge Allen Minker, died last week. In this too-short life he accomplished many things, not the least of which included teaching dumbbells like me how to practice law.

When Allen was appointed to the Superior Court in Greenlee County, he soon discovered that there was a paucity of judge business in his jurisdiction. Instead of staying home in Clifton and collecting his salary, Allen chose to travel the circuit like the judges of old. As a result, he not only tried cases in every courthouse in the state, he also became the go-to person on cases that were often too politically hot to handle for the local bench.

He handled these difficult assignments like he handled everything else—with skill, humor and common sense. He lived the life of a traveling jurist and delighted in visiting out-of-the-way places in our state. I once watched in horror as he ate pork one sweltering July day at a dive in Florence, and survive to tell the tale.

When he retired, I know he and his wife, Susan, looked forward to many happy and productive years near the beach in Northern California. It was not to be.

Allen was a truly unique person who came from a wonderful family. With his passing, the entire Arizona bar has lost someone very special.

—Lawrence H. Fleischman
The Fleischman Law Firm PC

ARIZONA
ATTORNEY is
proud to
provide a
forum for
members to
voice their
opinions.
Send letters
to arizona.
attorney@
azbar.org.