



BAR COMMUNITY

NEWS FOR MEMBERS

AWARD NOMINATIONS

The State Bar of Arizona is soliciting nominations for awards to be given at the annual convention. Nominations for all categories should be submitted to: State Bar Awards, 4201 N. 24th St., Suite 200, Phoenix, AZ 85016-6288. The deadline for nominations (with one exception) is **March 16, 2012**.

MEMBER OF THE YEAR AWARD

Awarded to that attorney or those attorneys who have rendered extraordinary contributions to the programs and activities of the State Bar in the prior year. Hundreds, even thousands, of the Bar's members contribute their time and talent to the work of the Bar, but this award is limited to those whose contributions are exceptional. In 2011, the award was given to James E. McDougall.



James E. McDougall

“My work with the State Bar to improve the law and the administration of justice has been a very gratifying experience. Being selected to receive the Member of the Year Award for my efforts in 2011 was both an honor and a pleasant surprise. At the same time, receiving this award was very humbling because I personally know many attorneys who work tirelessly and thanklessly for the programs and activities of the State Bar who deserve this award as much or more than I.”

—James E. McDougall

JAMES A. WALSH OUTSTANDING JURIST AWARD

Awarded to that judge whose career exemplifies the highest standards of judicial conduct for integrity and independence; who is knowledgeable of the law and faithful to it; who is unswayed by partisan interests, public clamor or fear of criticism; who is patient, dignified and courteous to all who appear before him or her; and who endeavors to improve the administration of justice and public understanding of, and respect for, the role of law in our society. Last year's recipient was Hon. John M. Roll (posthumous).

AWARD OF SPECIAL MERIT

Awarded to that member or member of the State Bar who has made significant contributions to the furtherance of public understanding of the legal system, the administration of justice and confidence in the legal profession. In 2011, the recipients were Hon. Daniel A. Barker and James W. Richardson.

SHARON A. FULLMER LEGAL AID ATTORNEY OF THE YEAR AWARD

Awarded to that legal services lawyer or lawyers in Arizona whose service to low-income people encompasses aggressive advocacy on behalf of individuals in extreme need and addresses systemic issues affecting significant numbers of low-income people. Last year's recipient was Pamela M. Bridge.

AWARD OF APPRECIATION

Awarded to that individual or those individuals who are not members of the Bar in recognition of outstanding service toward the creation of a better public understanding of the legal profession and the administration of justice, the judiciary or the legislative process. David K. Byers was honored last year.

TOM KARAS CRIMINAL JUSTICE AWARD

Awarded to that criminal defense practitioner who during his or her career has worked tirelessly to advance the principles of criminal justice by representing clients with integrity, fairness, tenacity, creativity, brilliance and, above all, professionalism. The recipient in 2011 was Michael J. Piccarreta.

MICHAEL C. CUDAHY CRIMINAL JUSTICE AWARD

Awarded to that criminal law prosecutor who during his or her career has worked tirelessly to advance the principles of criminal justice by representing the public's interest with integrity, fairness, tenacity, creativity, brilliance and, above all, professionalism. The recipient in 2011 was Beth A. Anderson.

HON. JOHN R. STICHT EXCELLENCE IN DISABILITIES ACCESSIBILITY AWARD

(This award has a nomination deadline of March 30)

Awarded to private and/or public legal employers for their efforts to improve access to the Arizona judicial system for persons with disabilities in the legal profession, including lawyers, paralegals and court and law firm staff. The awards are presented at the State Bar Convention, and at a ceremony at the State Capitol in July, the annual anniversary of the passage of the Americans With Disabilities Act (ADA). The Industrial Commission of Arizona was honored in 2011.

The State Bar of Arizona Board of Governors held its meeting on November 18, 2011 in Phoenix. To see the complete minutes go to www.azbar.org/aboutus/leadership/boardofgovernors/minutes.

- ▶ **President's Report**—President Joseph A. Kanefield called the meeting to order at 9 a.m. and welcomed everyone. President Kanefield stated that the Rules Committee's reports will be handled differently going forward. The items will be presented one month and non-controversial items will go on the consent agenda the following month. If any Governor wants to discuss a Rules Committee proposal, he or she may take it off the consent agenda for further vetting.
- ▶ **CEO/Executive Director Report**—CEO/Executive Director John Phelps introduced Mohit Mehta, a student at the Thunderbird School of Global Management. He attended Arizona State University and has an economics degree. He is in a

special program in which students volunteer to assist non-profit organizations' boards with specific initiatives. Mr. Mehta is working the board's Strategic Planning Committee to establish metrics for the goals captured in the long-range plan.

Mr. Phelps stated:

- ▶ **Finalization of the 2012 Budget:** Information this month; December vote.
- ▶ **First floor renovation** is progressing with no apparent disruption to service at the Bar.
- ▶ **The CEO's Report** has a different format to align with the Strategic Plan.
- ▶ **Communications and Government Affairs Division** received two 2011 NABE Luminary Awards for Best Website Design and Best Special Publication (2010 State Bar Annual Report).
- ▶ **Strategic Planning:**
 - ▶ **MCLE Review**—Tom Crowe reported on the final

report. Based on the survey results the MCLE Task Force recommends the following: (1) regulations for certified legal specialists be changed to allow specialists to carry forward CLE hours. Furthermore, the task force recommends that specialists be permitted to carry forward five hours of CLE in the member's area of specialty. Of those five hours, a maximum of three hours may be in the area of professional responsibility; (2) The State Bar Board of Governors considers the administrative implications of changing the annual membership fee deadline and the MCLE affidavit of Compliance deadline to coincide. Once this information is compiled, the Board of Governors may wish to entertain the option of petitioning the Supreme Court for the appropriate rule change. Dee-Dee Samet

requested that these recommendations be circulated among the membership for comment.

- ▶ **Consent Agenda**—President Kanefield asked if anything should be taken off the Consent Agenda. Hearing nothing, the board voted to approve the following: a) Approval of October 21, 2011 Board of Governors Meeting Minutes; b) Approval of Juvenile Law Section Bylaws Revisions; c) Approval of Resignations in Good Standing; d) Approval of Reinstatement to Practice of Member(s) Suspended for Non-compliance with Annual Membership Dues and/or Trust Account Compliance (Rule 32 (c)(10); and/or Rule 43, ARIZ.R.S.CT.; e) Proposed Petition to Amend Rule 56, ARIZ.R.S.CT.; f) Proposed Petition to Amend Rule 42, ER 5.5(d), ARIZ.R.S.CT., in Good Standing; g) Proposed Petition to Amend Rule 8 (c), ARIZ.R.S.CT.; h)

Technology Committee Charter.

► **Appointments Committee**—Chair Richard Platt presented the committee’s recommendations:

► **Arizona Foundation for Legal Services & Education Board of Directors:** The Board of Governors voted to reappoint the two incumbents—Rodney Glassman (Waste Management, Tucson) and Faith Klepper (Solo Practitioner, Phoenix)—to a second but final three-year term. The motion also included the following language, which was added to the incumbents’ reappointment letters: “We [Governors] urge you to devote particular attention during your service on the Board of the Foundation to its fundraising, development, and revenue generation operations.”

► **Uniform Bar Exam**—Chief Justice Rebecca White Berch phoned into the board meeting. She reported that the UBE is prepared and coordinated by the National Conference of Bar Examiners. Each state sets its own passing score, but once a passing score is achieved, successful exam completion is portable to other UBE states. Not all states are the same. Arizona would continue to run its own Character and Fitness process as well as determine the passing score. The Court could also assess candidates’ knowledge of jurisdiction-specific content through a separate requirement (e.g. six-hour course currently required of admission on motion candidates). Justice Berch stated that the legal profession is one of the last that does not have a national exam. The Chief Justice answered board questions regarding the UBE and its impact if passed. This item is set for vote at the December bBoard meeting. Members’ comments continue to be collected.

► **Legislative Update**—Lobbyist Janna Day reported that in the recent election, Sen. Russell Pearce was recalled. This was an historical event as it is the first recall ever for an Arizona legislator. Sen. Steve Pierce is the new Senate President. Andy Biggs retained his position as Majority Leader. The Majority Whip position was filled by Rep. Frank Antenori from Tucson. Ms. Day reported that she, Mr. Phelps, and CCO Rick DeBruhl have met with Senators Adam Driggs and Andy Biggs. In addition, Ms. Day reported that she met with Rep. Cecil Ash and asked him to sponsor the Bar’s Elder Law and Mental Health measure to include terminology from the Department of Veteran Affairs adding a fourth class of acutely disabled as to veteran issues. A prior amendment recommendation from the section had been approved by the board and would be consolidated with the new language.

► **Access to Justice Task Force**—Chair Todd Lang reported on the work of the Task Force and its final report to the board. Mr. Lang stated that Congress has made substantial

budget cuts to the Legal Services Corporation’s funding: a total of \$56 million and \$1.6 million in Arizona.

The report includes recommendations to revise rules to allow:

- mandatory pro bono work within the civil appointment system that includes a buy-out provision
- more limited representation
- retired attorneys to provide volunteer legal services to approved legal services organizations
- a proposal to capture a percentage of civil filing fees
- modification to the dues check-off program
- recommended distribution of the \$400,000 earmarked by the bBoard for access to justice initiatives

This committee’s recommendations will be voted on at the December meeting of the board.

► **Rules Committee**—Chair Lisa Loo reported on the following:

- a) Proposed Petition to Amend Rule 16 (g)(2), ARIZ.R.S.CT. (information)
- b) Proposed Petition to Amend Rule 41, ARIZ.R.S.CT. (information): The board requested this be vetted at the next meeting and not put on the Consent Agenda.
- c) Proposed Petition to Amend Rule 1 (M), ARIZ.R.PROT.ORDER.PRAC. (information)
- d) Proposed Petition to Amend Rule 31(d), ARIZ.R.S.CT. (information)
- e) Proposed Comment to ABA Rule 1.10 re Ethics 20/20 (information/vote): The board voted unanimously to oppose the Proposed Amendment to ABA Model Rule 1.10, which would allow lawyers to undertake representations adverse to a current firm client so long as the matters are not “substantially related”. President Kanefield will relay the board’s action in a letter to the ABA Commission on Ethics 20/20.
- f) Rule 11-0030 Proposed Comment to Uniform Bar Exam (UBE): The board voted unanimously to delay filing the Proposed Comment until the December 16 board meeting, at which time they will consider the responses of the membership and the appropriate action regarding the UBE.
- g) R-10-0031 Petition to Amend ER 8.4, Rule 42, ARIZ.R.S.CT.: The board heard presentations by Jane Ross, representing the Sexual Orientation & Gender Identity Committee, and Gary McCaleb, representing attorneys who filed an objection to the petition. The board voted to return this matter to the Rules Committee to examine the language to try to work with representatives who support and oppose the amendment and to try to come to a consensus regarding the language. Geoff Trachtenberg moved to withdraw the proposed petition. The motion failed for lack of a second. This matter returns to the board in December.

► **Finance Committee**—Chair Whitney Cunningham reported:

- The Finance Committee is evaluating the employees’ 401(k) plan.
- During the lease review it was discovered that the Foundation had less indemnity insurance than the lease requires (\$2 million carried; \$5 million required).
- Annual dues statements will not be mailed and must be completed online.
- Interim CFO Kathy Gerhart reported:
- The first draft of the 2012 budget was presented in a PowerPoint presentation showing trends and will be voted on in December.
- October Financials: For the 10 months ending Oct. 31, 2011, the Bar’s income statement, excluding Sections, showed a surplus of \$514,000, which is favorable to budget by \$35,000, achieved as a result of \$292,000 less in revenues and \$257,000 less in expenses. The balance sheet continues to remain strong, with the Bar having a net worth/net assets of \$8,301,000.

► **Chief Bar Counsel Report**—Ms. Vessella reported:

- Lucinda Crowley, who has been with the Bar for 7½ years, successfully completed the certified paralegal examination; she is one of 1,155 paralegals in the state to achieve this level of certification.
- The Attorney Discipline Probable Cause Committee will meet December 8.
- Maret has been invited to speak to the judges of the Maricopa Superior Court on December 2 regarding the new discipline process.

► **Liaison Reports:**

► **Arizona Asian American Bar Association**—Lisa Loo reported:

- Two members were elected to partnership in their respective firms: Melissa Ho and Bryce Suzuki.
- Bryce Suzuki, Bryan Cave, was also named a recipient of the National Asian Pacific American Bar Association (“NAPABA”) “Best Lawyers Under 40” award.

► **Arizona Women Lawyers Association**—Rhonda Barnes reported:

- Kimberly Demarchi is the newly elected state President.
- The Southern Arizona Chapter will be electing officers on December 15; donations for Wings of Hope are gladly accepted.
- The Maricopa County Chapter is looking for lawyer mentors; the monthly luncheon will be held on December 7.
- The Northern Arizona Chapter is being rebuilt.

► **Los Abogados Hispanic Bar Association**—Virginia Herrera-Gonzales reported:

- Attorneys are being recruited for the

December 1 Spanish-speaking “Lawyers on Call” to be televised on Univision 33. Callers’ questions about family law issues will be answered.

- ▶ **Young Lawyers Division**—Nicole Severson and Erik Stone reported:
 - ▶ December 3: Annual holiday party for children residing at Sunshine Residential & Group Homes.
 - ▶ December 9 breakfast: One-hour CLE with speaker Andrew Dudley, Chapter 13 Trustee.
 - ▶ Pro Bono Project: Serving our Seniors provides estate planning for the elderly.
- ▶ **Committee/Section Reports:**
 - ▶ Animal Law Section—Dee-Dee Samet reported on the four-week series of free public seminars held at the Sandra Day O’Connor College of Law at Arizona State University.
 - ▶ **Geographical/County Bar Reports:**
 - ▶ MCBA—Jack Levine reported that the improved *Maricopa Lawyer* was mailed out to 7,000 recipients.
- ▶ **Obituaries**—To honor our members who have passed, a Web page has been created and posted at <http://www.azbar.org/NewsEvents/InMemoriam>
- ▶ **Strategic Planning Committee**—Chair Amelia Craig Cramer reported that the committee continues its review of each action item under each goal in the long-range plan. The appropriate committee/section/staff to address the items are being identified. Recommendations will be given to the board in April 2012, with a vote in May.
- ▶ **Meeting Schedule**—The full schedule is posted on the Bar’s website: www.azbar.org/aboutus/leadership/boardofgovernors/meetingschedule