



BAR COMMUNITY

BOARD OF GOVERNORS

MARCH MEETING REVIEW

Below are highlights from the March 30, 2012, meeting of the State Bar Board of Governors. To see the complete minutes go to www.azbar.org/aboutus/leadership/boardofgovernors/minutes.

- ▶ **Meeting Opens**—The President called the meeting to order at 8:30 a.m. and welcomed everyone.
- ▶ **Merit Selection**—CEO John Phelps gave a PowerPoint presentation covering the history of merit selection in Arizona. Dave Byers, Director of the Administrative Office of the Courts, summarized SCR 1001—Merit Selection Referendum, which will appear on the ballot this fall. The referendum is a compromise worked out between Legislative and State Bar representatives and supported by the Arizona Judges Association. Subject to voter approval, the referendum would constitutionally modify judicial terms of office and judicial nominating commission procedures, establish electronically accessible judicial information requirements and legislative judicial performance review hearings, and increase the judicial retirement age. The State Bar, as an organization, voted to support this compromise and, as per the agreement, will note its support in the voter publicity pamphlet. Before taking a position and during the time of negotiations, the proposal was thoroughly vetted and deemed to be “Keller pure.”

Chief Justice Rebecca White Berch addressed the board and highlighted aspects of the compromise and recognized the integrity of the Bar’s leadership in fulfilling its commitment.
- ▶ **Legislative Update**—Lobbyist Mark Bolton stated that April 17 will be the 100th day of Session. It is hoped that a budget can be passed soon so the Legislature can *sine die* by that date. He further reported:
 - ▶ Small Claims Court: Proposal passed 34-22 along party lines

to increase the jurisdictional limit from \$2,500 to \$5,000.

- ▶ Justice of the Peace bill not yet voted on in the House increases jurisdictional limit from \$10,000 to \$15,000.
- ▶ Mental Health and Elder Law Court-Ordered Treatment bill has met an obstacle, but concerns are being addressed with stakeholders.
- ▶ The strike-everything amendments deadline has passed although vigilance is necessary because a “striker” can be added on the floor or in the Appropriations Committee.
- ▶ **President’s Report**—President Kanefield:
 - ▶ Welcomed and introduced Sally Rider, UA Associate Dean of Administration; Mary Dolores Guerra, Phoenix School of Law; and Isaac Hernandez, Los Abogados Hispanic Bar Association.
 - ▶ Congratulated Doug Sylvester on being selected as Dean of the Sandra Day O’Connor College of Law at ASU.
 - ▶ Reported that he and the other officers had attended the ABA’s Bar Leadership Institute in Chicago, a two-day training for future bar presidents and leaders.
 - ▶ Reported that he and President-Elect Amelia Craig Cramer attended the Western States Bar Conference, a gathering and exchange of ideas among bar leaders from the western United States.
- ▶ **CEO/Executive Director Report**—John Phelps referenced the 2011 Annual Report, noting that a new feature had been added to show how the Bar spends its money. The report has proven to be a helpful marketing piece as he’s traveled the state reaching out to members and the public. He reminded those present that last year’s Annual

Report was given the Excellence in Special Publications Award by the National Associations of Bar Executives.

- ▶ **Finance Committee**—Chair Whitney Cunningham reported that the State Bar has a new tenant, the International Academy of Collaborative Professionals. The organization will occupy one-third of the space available on the second floor beginning June 1.
 - ▶ CFO Kathy Gerhart reviewed the financial statements ending Jan. 31, 2012. The income statement, excluding sections, generated a surplus of \$194,000, which is favorable to budget by \$104,000. This is a result of \$31,000 less in revenues and \$135,000 less in expenses. During January an additional \$300,000 in expense was incurred for the Access to Justice distribution, which is not reflected in the \$94,000 surplus. The balance sheet remains strong, with the Bar having a net worth/net assets of \$8,250,000.
 - ▶ February 29, 2012 Preliminary High Level financial statements reflect a year-to-date surplus of \$439,000, which is favorable to budget by \$185,000. This surplus excludes year-to-date expenses paid for Access to Justice of \$330,000 and the Andrew Thomas case of \$12,000.
- ▶ **Appointments Committee**—Chair Richard Platt reported:
 - ▶ **Conflict Case Committee**—two openings—The board voted to reappointment incumbent Mark I. Harrison (Osborn Maledon PA, Phoenix) to a second three-year term. The board voted to appoint Steven M. Friedman (Begam & Marks, Phoenix) to fill the one-year term of Steven D. Sheldon (Franks Sheldon & Houser PC, Phoenix), who resigned.

- ▶ **City of Glendale Judicial Selection Advisory Board**—The board voted to recommend to the Glendale City Council the reappointment of incumbent Terrance Meade (Mead & Associates PC, Glendale) to a second three-year term.
- ▶ **The Arizona Society of Certified Public Accountants (CPAs)**—Executive Director Cindie Hubiak reported on the makeup of her organization, the services and programs provided, and the similarities and differences between it and the State Bar. The ASCPA constantly strives to show its members the value of their membership:
 - ▶ 6,000 members, which represents approximately 70 percent of the CPAs in Arizona
 - ▶ Voluntary organization founded in 1933
 - ▶ The Governor appoints the independent Board of Accountancy, which is the licensing regulatory authority; seven individuals serve (five CPAs and two public members)
 - ▶ Licenses renewed every two years; require 80 hours of continuing education, of which four are in ethics
 - ▶ Members have less time to volunteer than in the past.
 - ▶ There has been an increase in the merger of firms
 - ▶ Increased advocacy; e.g., opposition to sales tax on services
- ▶ **Rules Committee**—Chair Lisa Loo reported on the following:
 - ▶ Comment to R-11-0017, Petition to Amend Rule 26(b)(4), ARIZ.R.CIV.P. (vote)

The recommendation from the Rules Committee is to oppose the position of the Civil Practice and Procedure Committee (CPPC). Ms. Loo indicated that if the board voted in favor of the Rules Committee’s recommendation, the rules themselves

would not change. The Rules Committee recommended forwarding to the Court both the Rules' and CPPC's comments. The board concurred by a vote of 13-7.

The following are for information only this month and for vote in April:

- ▶ Comment to R-11-0024, Petition to Amend Rule 42, ER 1.15, ARIZ.R.S.Ct. (third party interest in property)
- ▶ Comment to R-11-0031, Petition to Amend Rule 4.1(i), ARIZ.R.Civ.P. (service of notices of claims on governmental agencies)
- ▶ Comment to R-12-0008, Petition to Amend Rule 4.1(d), 5(c), ARIZ.R.Civ.P., Rule 41(C), Ariz. R. Fam. Law P. (substitute service)
- ▶ Comment R-11-0038, Petition to Amend Rule 55, ARIZ.R.Civ.P., Rule 44, Ariz. R. Fam. Law P. (entry of default judgments)
- ▶ Comment to R-11-0046, Petition to Amend Rule 42, ER 7.5(a), ARIZ.R.S.Ct. (trade names)
- ▶ Comment to R-12-0002, Petition to Amend Rule 34, ARIZ.R.S.Ct. (permit third-year law students to take Bar Exam in February)

Chair Loo also gave a short summary of what would be coming before the board next month.

- ▶ **Awards Committee**—Chair Alan P. Bayham, Jr. reported on the recommendations of the Awards Committee. The Board of Governors voted to honor the following individuals at the June Convention:
 - ▶ James A. Walsh Outstanding Jurist Award—Hon. James M. Marlar
 - ▶ Award of Special Merit—Hon. Ann A. Scott Timmer and Stephen L. Weiss
 - ▶ Member of the Year—Todd F. Lang
 - ▶ Sharon A. Fullmer Legal Aid Attorney of the Year Award—Mary V. Day, Southern Arizona Legal Aid
 - ▶ Award of Appreciation (non-attorney)—Karen E. Osborne and Alexander B. Jamison
 - ▶ Tom Karas Criminal Justice Award—Darrow K. Soll, posthumously
 - ▶ Michael C. Cudahy Criminal Justice Award—Sheila Polk

President Kanefield announced the recipients of this year's President's Awards: Senator Jon Kyl and Alan P. Bayham, Jr.

- ▶ **Strategic Planning Committee**—Chair Amelia Craig Cramer reported that:
 - ▶ The committee had completed a detailed five-month review of the current long-range plan, reaffirmed the Bar's Vision, Mission and Strategic Goals, and are proposing changes or updates to the action plan.
 - ▶ Bar committees, sections and other stakeholders will be tasked with advancing specific action items within the plan and

that deadlines have been set to reach said goals.

The board will be asked to adopt the committee's recommendations in April.

- ▶ **Chief Bar Counsel Report**—Maret Vessella reported:
 - ▶ March 9—Judge Lawrence Winthrop chaired his first Probable Cause Committee meeting (following Justice Michael Ryan's passing); 24 matters were handled.
 - ▶ March 19—The Attorney Regulation Committee (ARC) reviewed eight rule petitions that affect exams, admissions or procedural rules.
 - ▶ April 27—Board of Governors Meeting—Proposed enhancements to the Discipline on the Web function will be made.
 - ▶ May 9—Supreme Court Retreat—Judge William O'Neil and Ms. Vessella will report on the state of the new lawyer discipline system.
- ▶ **Human Resources Committee**—Chair John Sullivan had no report.
- ▶ **MCLE Task Force**—Chair Tom Crowe had no report.
- ▶ **CCCF Committee**—Meredith Peabody reported that a subcommittee continues its work on the MOU between State Bar and the Arizona Foundation for Legal Services & Education.

Liaison Reports:

- ▶ **ABA House of Delegates**—State Bar Delegate Jim Smith reported that an Arizona delegation will attend ABA Day in Washington, DC. The ABA is focusing on three issues this year: funding for the Legal Services Corporation; reauthorization of the Violence Against Women Act; and a proposal to collect fees and fines owed state courts by intercepting tax refunds.
- ▶ **Arizona Asian American Bar Association**—Lisa Loo reported that annual installation banquet will be held April 26, with guest speaker Dr. Henry Lee.
- ▶ **Arizona Foundation for Legal Services & Education**—Meredith Peabody reported that:
 - ▶ The board met March 29.
 - ▶ State Bar President-Elect Amelia Craig Cramer will be the keynote speaker on June 21 at the Foundation's annual lunch during the Convention.
 - ▶ Three responses to the RFP had been received to create a Strategic Fundraising Plan.
 - ▶ A Centralized Intake Plan has been developed, and a technical grant had been written to support to it.
- ▶ **Arizona Women Lawyers Association**—President Kimberly

Demarchi reported:

- ▶ April 13—Nominations are due for the Sarah Herring Sorin Award, presented at the annual Friday breakfast at the Convention.
- ▶ April 16—Southern Arizona Chapter Luncheon with Hon. Karen Adam.
- ▶ April 21—Board meeting in Phoenix with reception to follow.
- ▶ April 25—Maricopa Chapter Luncheon with Deborah Johnson of High Stakes Communications.
- ▶ **Los Abogados Hispanic Bar Association**—Isaac Hernandez, a 2009 graduate of the State Bar's Bar Leadership Institute, reported:
 - ▶ Fourth week in April—The first luncheon to be telecast between the State Bar's offices, Yuma and Tucson.
 - ▶ Community outreach efforts include educating the public about the services/programs offered by the State Bar.
 - ▶ New website has been launched: www.losabogados.org
 - ▶ Successful annual Gala had approximately 200 attendees.
- ▶ **Native American Bar Association**—Board liaison Alan Bayham reported:
 - ▶ 14 Native American law school students received a total of \$8,100 in scholarships.
 - ▶ NABA will participate in the Minority Bar Convention on April 12 of the two-day event.
- ▶ **Committee/Section Reports:**
 - ▶ **Technology Committee**—President Joe Kanefield has appointed this new 17-member committee chaired by board member Sam Saks.
 - ▶ **Solo/Small Firms**—Diane Drain reported that on Friday, April 6, Chief Justice Rebecca White Berch will present on "Legal Writing from the Bench" at the State Bar.
- ▶ **Geographical/County Bar Reports:**
 - ▶ **MCBA** President Jennifer Cranston reported that the recent Barristers Ball at the downtown Phoenix Sheraton was a great success and that money raised from the silent auction benefited the Arizona Coalition Against Domestic Violence; focusing on reaching out to the public to pair up with qualified lawyers through its Lawyer Referral Program; April 9 membership luncheon at the downtown Phoenix Hyatt with Mayor Greg Stanton as the keynote speaker.
 - ▶ **East Valley Bar** President Michael Kielsky reported that George Riemer, Executive Director of the Arizona Commission on Judicial Conduct, will be the keynote speaker at the April monthly luncheon on the 20.
- ▶ **Law Schools**—Mary Dolores Guerra,

representing the Phoenix School of Law:

- ▶ invited everyone to stop by their new location at Central Avenue and Washington Street for a tour
- ▶ reported on a joint conference with the MCBA on April 13-15 titled “Lawyers as Peacemakers and Healers”
- ▶ **Executive Session**—CEO/Executive Director’s performance evaluation/compensation was completed.
- ▶ **Meeting Schedule**—The next Board meeting will be held on April 27 at 8:30 a.m. in the Boardroom. The full schedule is posted on the Bar’s website: www.myazbar.org/AZBarInfo/BOG/BoardofGovernors.cfm

PEOPLE, PLACES, HONORS & AWARDS

ERVEN BROWN



Robert Erven Brown recently joined **Ridenour, Hienton and Lewis PLLC** to serve as coordinator of its new Nonprofit Practice Group, which supports the legal needs of nonprofit organizations, including denominations, churches, parachurch ministries, synagogues and numerous secular charities.

Brown developed the *Campus Preservation Planning* process, which has been used among many large charitable organizations over a five-state region to protect their assets against uninsured, uninsurable and underinsured claims. He is a certified specialist in real estate law.

Rebecca In-Young Chung has joined the Phoenix office of **Quarles & Brady LLP** as an associate in the Corporate Services Group. Her practice focuses on general corporate transac-

CHUNG



tions with emphasis on mergers & acquisitions, securities, corporate finance and business transactions.

Steven T. Lawrence joined **Milligan Lawless PC** as a shareholder. He has 18 years of experience representing public and private companies in commercial transactions, mergers and acquisitions, securities matters, intellectual property issues, and serving as general outside counsel. Previously, he was a partner at a large Phoenix-based firm.

WOOD



Matthew C. Wood joined **Gallagher & Kennedy PA** as an associate. He will practice environmental and natural resources law.

BEGLEY



SCF Arizona named associate general counsel **Sara Begley** as its new Director, Insurance Regulatory Compliance. During her 16-year career with the Arizona Department of Insurance, Begley held several management positions, including deputy director. She earned her law degree from the University of Arizona.

Denten D. Robinson has become a partner in **The Rothstein Law Firm**, Tempe. His legal practice focuses on representing tribes and tribal entities. He has experience in a wide variety of practice areas, including real estate, employment, contracts, gaming, ICWA and Tribal utilities. Mr. Robinson is a member of the Navajo Nation.

PEOPLE



L. Edward Humphrey has joined the Scottsdale office of DeConcini McDonald Yetwin & Lacy PC as an associate. He has considerable experience in bankruptcy matters, representing creditors and debtors in Chapter 11 reorganizations and adversary proceedings, as well as advocating for clients on bankruptcy matters at the appellate level. He is also a business and real estate litigator.



Renee Gerstman joined Jaburg & Wilk PC. She has 26 years of experience representing and assisting small and medium-sized businesses meet their goals. Her major practice areas include commercial transactions and litigation involving real estate and leasing, construction issues, contract disputes, partnership, LLC and shareholder issues, the Uniform Commercial Code and general business and commercial matters. She is a certified mediator and is on the

American Arbitration Association's roster of commercial neutrals.

HONORS AND AWARDS



Aaron Harder, Vehicular Crimes Bureau Chief in the Maricopa County Attorney's Office, has been honored with a Special Award from the Department of Public Safety for the successful felony-murder prosecution of a 43-year-old defendant who caused the death of DPS Officer Chris Marano during a high-speed chase in 2009. The defendant was sentenced to a prison term of natural life, marking the first time such a sentence has been imposed for a vehicular homicide under the felony-murder rule.

Nadine Wettstein is now the co-author of the multi-volume immigration law treatise, *Immigration Law Service 2d*, published by Thomson Reuters/West. She practices in the Washington, DC area.