



BAR COMMUNITY

BOARD OF GOVERNORS JULY MEETING REVIEW

Below are highlights from the July 14, 2011, meeting of the State Bar Board of Governors, held at its annual retreat in Flagstaff. To see the complete minutes, go to www.azbar.org/aboutus/leadership/boardofgovernors/minutes.

► **President's Report**—President Joseph A. Kanefield welcomed everyone to the Board of Governors Retreat. He reviewed the schedule for the two-day retreat and in the overview reported that February 14 would be the 100-year celebration of Arizona's statehood. Celebrating Arizona's rich legal 100-year history will be tied into the 2012 Convention. President Kanefield also reviewed the Board's Code of Conduct (not yet adopted) for discussion later in the retreat.

President Kanefield stated that the Petition to Amend Rule 8.4 was pending before the Supreme Court and out for comment. The comment period closed, but after the deadline a comment was filed by lawyers concerned about the proposed changes. Further discussion was held later in the meeting.

President Kanefield also asked board members to review the standing board committee and liaison assignments provided in the materials. He further reminded liaisons of the importance of attending their assigned groups' meetings, and reporting to the board.

► **CEO/Executive Director Report**—CEO/Executive Director John Phelps congratulated Joe Kanefield on his new role as President. Mr. Phelps gave an overview of his CEO Report including annual convention attendance, which was 1,279, compared to 1,325 in 2008; CLE by the Sea attendance was up from last year (300 vs. 287 in 2010); and announced that Sallie Scott was selected as Employee of the Quarter for her extraordi-

nary work in supporting conservatorships.

► **Strategic Agenda/MCLE Review**—Tom Crowe reported the Task Force is reviewing the member MCLE survey results and that Lisa Deane will circulate a report of the results. Pre-certification of CLE garnered small support but will be explored.

Mr. Phelps stated that diversity within the organizational structure will be reviewed. I. Godwin Otu, Diversity Director, retired last week. A new hire is on hold until the review is completed.

► **Finance Committee/CFO Report**—John Phelps reported on behalf of CFO Thomas Johnson. The next Finance Committee meeting is scheduled for August. May and June financials had surpluses, as expenses were below budget. Convention revenue is less than expected. Mr. Phelps stated that it was time to review convention and work harder to increase the participation.

Mr. Phelps further reported that CFO Thomas Johnson had tendered his resignation effective September 8. An Interim CFO, Kathy Gerhart, a CPA and experienced financial officer, has been selected to handle the transition beginning August 1.

► **Chief Bar Counsel Report**—Chief Bar Counsel Maret Vessella reported that the Attorney Regulation Committee held its first meeting and they established three subcommittees to study: costs, rules that may need changing, and character and fitness.

In August, Ms. Vessella will attend the National Organization of Bar Counsel meeting, where she is a panel presenter.

► **Liaison Reports**—

► **Arizona Foundation for Legal Services & Education**—Meredith

Peabody stated the Lease Agreement between the State Bar and the Foundation was signed, and thanked Whitney Cunningham for his effort on behalf of the State Bar. Fox Restaurants hosted a second fundraiser for the Foundation on June 28 at Stingray Sushi and raised \$1,265. The Convention's Thursday luncheon was a success, with 150 people in attendance. Ms. Peabody further reported that 100 percent of the banks have signed the new IOLTA Agreement.

► **Young Lawyers Division**—Sharon Ng reported the YLD had their Annual Meeting at the Convention. Ms. Ng stated that the division collaborates with other Bar groups to provide monthly CLEs.

Requirements for being a YLD member is age 36 or younger or fewer than five years of practice.

► **Arizona Asian American Bar Association**—Lisa Loo reported that their board retreat is July 30 and that a CLE is planned for September 28, as well as a mixer in the Fall.

► **Pima County Bar Association**—Amelia Craig Cramer reported that Terri Roberts is this year's president. Ms. Cramer thanked those board members who attended the Skyline Affair for dinner and dancing in Tucson, which is their annual fundraiser for SALA.

► **Law Schools**—Interim Dean Doug Sylvester of Arizona State University stated that a national search is under way for a replacement for former Dean Paul Berman.

► **Rule 42, ER 8.4**—State Bar Ethics Counsel Pat Sallen gave an overview of the petition filed

May 20. The proposal made the recommendation to move the comment language regarding anti-discrimination up into the Rule and add to the comment "gender expression."

The following motions were made:

Amelia Craig Cramer moved and Diane Drain seconded the motion to send a letter to the Arizona Supreme Court urging the Court to accept the belated Comment, which was signed by more than 70 lawyers, regarding the Petition pending before the Court to amend E.R. 8.4; to reopen the public comment period for 90 days; and to advise the Court that all issues raised in the Comment had already been thoroughly vetted by the Rules of Professional Conduct Committee, the Board of Governors Standing Rules Committee, and the Board itself.

Dec-Dec Samet moved to amend the motion, which was accepted, to include in the correspondence to the Court the names of all entities that were asked to vet the proposed amendment to E.R. 8.4.

Dave Byers moved to amend the motion, which was accepted, to address a misperception in the Comment by referring to the Bar's original Comment that clarifies that lawyers are not required to accept any client. However, after they've been retained, lawyers may not "(e) knowingly manifest bias or prejudice based upon race, gender, religion, national origin, disability, age, sexual orientation, gender identity or expression or socioeconomic status in the course of representing a client when such actions are prejudicial to the administration of justice; provided, however, this does not preclude legitimate advocacy when such classification is an issue in the proceeding."

After discussion, the motion

as amended twice passed unanimously. The board subsequently sent out a news release describing the action taken by the board.

- ▶ **Administrative Office of the Courts—** Dave Byers reported that on September 12, the Andrew Thomas/Lisa Aubuchon/Rachel Alexander disciplinary hearing will be held at the Supreme Court courtroom, with a live video stream during the whole proceedings. The hearing is anticipated to last 25 to 45 days.

Mr. Byers reported that this week proposed Rule changes were filed with the Supreme Court regarding the probate court system. Judge Ann Timmer did a great deal of the work. The proposal is on a special fast-track calendar.

Mr. Byers further reported on e-filing of civil cases at the rate of 17,000 a month, well below the total filings of nearly 48,000 per month. It is anticipated around September 1 paper filings will no longer be accepted in Maricopa County; every minute entry has this reminder on it. Mr. Byers stated that no taxpayer funds are being used for this project and in the future it should be self-sustaining. Currently PayPal is the method being used, and another type of payment method will be available soon. Pima County will start an e-filing soft rollout with law firms during September.

- ▶ **Meeting Schedule—**The full schedule is posted on the Bar's website: <http://www.azbar.org/aboutus/leadership/boardofgovernors>

PEOPLE, PLACES, HONORS & AWARDS

In July, **Robert J. McWhirter** joined the **Pima County Public Defender's Office** as the Training Director. He formerly was Chief-of-Staff at the U.S. Agency for International Development (USAID) in El Salvador.



Polsinelli Shughart announced that real estate attorney and Honorary French Consul of Arizona **Gerrit M. Steenblik** joined the firm as a shareholder in the Real Estate department. He focuses his practice in real estate finance and

transactions.

The firm also hired shareholder **Jonathan T. Brohard** in the firm's Real Estate department, and associate **Craig S. Riebe** in the Trial department, who will practice in the firm's Business Litigation group.



Thom K. Cope has been named a partner at the **Udall Law Firm, LLP**. He is a Fellow of the College of Labor and Employment Lawyers and practices mainly on employment and labor law issues, as well as general litigation and mediation. He is a member of the California, Nebraska and Arizona State Bar Associations.

Cheryl K. Walsh was appointed a Shareholder at **Burch & Cracchiolo, PA**. She joined the firm in January 2011 and was the founder and owner of PR and communications company WalshCOMM LLC, for nearly 20 years.

Her law practice focuses on corporate law,

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family law, estate planning and business litigation. She is a trained mediator with an emphasis on divorce and business mediation.



Rader Lucero PLLC, a firm dedicated to family law, opens at its new location near Tatum and Shea. **Diana I. Rader** and **Tiffani E. Lucero** formed the firm in January 2011. Their practice will continue to focus on family law matters, including divorce, separation, complex asset division, post-decree enforcements, decree modifications, pre-and post-marital agreements, paternity, grandparents' rights, and child custody matters. The firm is located at 11010 N. Tatum Blvd., Suite D-102, Phoenix 85028. Phone: 480.636.1888. Contacts: Lucero@RaderLucero.com and Rader@RaderLucero.com, www.RaderLucero.com.

Wilenchik & Bartness has hired two new attorneys: **Randal Studer, Jr.** focuses his practice in commercial and real estate litigation. **Samuel Doncaster** is a former clerk from the Arizona Court of Appeals. Both will be working in civil litigation.

The firm also announced that attorney and firm founder **Dennis Wilenchik** has been admitted to the State Bar of Texas.

HONORS AND AWARDS



Shawn Fuller, a Deputy County Attorney with the Maricopa County Attorney's Office, was named Attorney of The Year by the Arizona Chapter of the **International Association of Arson Investigators**. The honor is bestowed

on a prosecutor who shows professional expertise in the area of arson or related crime and who goes above and beyond their original duties. In April 2011, Fuller successfully prosecuted Christopher Benitez for negligent homicide and arson in connection with a 2001 structural fire that resulted in the death of Phoenix Firefighter Brett Tarver.

Gregg Maxon, chair of the State Bar Military Legal Assistance Committee, will be inducted into the **Arizona Veterans Hall of Fame**. He is a former director of the Arizona Department of Veterans Services and a retired brigadier general in the Arizona National Guard.

He recently joined with lawyer **Shelley Cutts** to form the law firm **Maxon Cutts**, 1050 E. Southern Ave., Ste. G-3, Tempe, 480.838.6566.



Aubrey Srednicki, of the Law Office of Aubrey Srednicki, PLLC, was recently honored by the **Volunteer Lawyers Program** as the Family Law Assistance Project Attorney of the Year (Phoenix).

Recognizing his outstanding support for students and his alma mater, lawyer **Richard D. Grand** was selected as the 2011 Alumnus of the Year for the **University of Arizona James E. Rogers College of Law**. Grand, a 1958 graduate of the College, received the award jointly with his wife, Marcia Grand.



Sacks Tierney PA attorney **David C. Tierney** was elected Vice Chair and Chair-Elect of the **St. Joseph's Hospital and Medical Center** Community Board.

Leonard Ruiz, Trial Division Chief of the Maricopa County Attorney's Office, received a Lifetime Achievement Award from the **Arizona Prosecuting Attorneys' Advisory Council**. During his 24 years with the office, he also has served as a line prosecutor in the Gang and



Homicide Bureaus and as a Trial Bureau Chief. Among his many contributions, Leonard is proudest of the role he has played mentoring numerous attorneys, many of whom are still with the County Attorney's Office.



Kyle Hallstrom, a litigation associate at Fennemore Craig in Phoenix, was elected to the **Arizona Broadway Theatre** board.

Valerie J. Walker, lawyer with Jennings, Strouss & Salmon, PLC, in Phoenix, was selected to participate in **Valley Leadership's** Class 33 of Leadership Institute. She is a litigator and focuses her practice on labor and employment law.

James M. Susa, of the Tucson law firm Bancroft Susa & Galloway, was elected Chairman of the **Arizona State Board of Tax Appeals** in May.

Isaac P. Hernandez, an associate in Ballard Spahr's Phoenix office, was named Deputy Regional President of the **Hispanic National Bar Association**. He represents Region XIV, which includes Arizona and Nevada. He also was appointed recently to the City of Phoenix **Human Relations Commission**. He is in the firm's Litigation Department and a member of the Labor and Employment Group.

David Allen, Deputy County Attorney with the Fraud and Identity Theft Enforcement Bureau of the Maricopa County Attorney's Office, was recognized by the **National Black Prosecutors Association** at the group's recent annual conference in Minneapolis for his outstanding contributions to the organization. He also was appointed by the Regional Director to serve as NBPA's State Representative for Arizona.

Arbitrator and mediator **Merton Marks** was elected to membership in the **National Academy of Distinguished Neutrals**, a nationwide association of experienced neutrals in commercial cases. He

specializes in insurance, reinsurance and securities cases and is an arbitrator for the American Arbitration Association, the Reinsurance & Insurance Arbitration Society and the Financial Industry Regulatory Authority. He is a former partner in Lewis and Roca LLP.



A number of law offices announced that firm attorneys had been selected to participate in the 2011-2012 Class of the **Bar Leadership Institute** of Arizona: **Laura Lawless Robertson**, an attorney with Greenberg Traurig, LLP; and **John Lopez**, an attorney in the Phoenix office of Jennings, Strouss & Salmon PLC.

BLI is a State Bar of Arizona program designed to foster the professional growth and enhance the leadership skills of a diverse group of Arizona attorneys.

Two attorneys with the Phoenix office of Quarles & Brady LLP were recognized with awards by



the **Arizona Pharmacy Alliance**: **Roger N. Morris**, Chair of the Firm's national Health & Life Sciences Industry Group and a registered pharmacist, received the 2011 Bowl of Hygeia Award, the highest level of recognition provided to an Arizona pharmacist for outstanding community service. **Christine Cassetta**, a member of the Firm's Health Law Group, received the Pharmacy Appreciation Award for her work on behalf of the alliance and the pharmacy profession.

RECENTLY DECEASED
Edgar M. Delaney, Phoenix



PEOPLE ITEM SUBMISSIONS

Send items for the People column to arizona.attorney@azbar.org.

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 with the item, we try to use it, depending on that month's space and the photo quality (high-resolution required).