

from the board

STATE BAR BOARD OF GOVERNORS January Meeting Review

Below are highlights of the January 19, 2001, State Bar Board of Governors meeting. Meetings are held monthly at the Arizona Bar Center in Phoenix.

- ▶ Program Manager Debbie Shayo from the Arizona Center for Law-Related Education Division summarized the We The People and Project Citizen programs that provide middle school and high school teams the opportunity to formulate public policy proposals and debate constitutional issues. The Board discussed ways to expand the program's reach throughout the State.
- ▶ Jeff Schrade, Web site Director for the Arizona Bar Foundation, reported that 30,000 pages are being downloaded each month from the lawforkids.org Web site. Currently, 10 volunteer lawyers provide answers to the law-related questions that youths post on the site.
- ▶ Lisa Deane, the new CLE Director, was introduced to and welcomed by the Board of Governors.
- ▶ Internet Services Coordinator Alvaro Flores, selected as Employee of the Year by the State Bar and Bar Foundation staffs, was introduced and the Board recognized his accomplishments. Genia Wade, Assistant Executive Director—Administration and Finance, reported that to date more than 300 members have chosen the new option of paying their dues online.
- ▶ Carrie Sherman, Assistant to the Executive Director, reported that staff continues to develop the online voting option with regard to the annual Board of Governors elections. Rollout is planned for the 2002 election.
- ▶ Matt Silverman, Communications Director, recapped the results of a membership survey conducted in partnership with the College of Business at ASU. Respondents rated the *Annual Membership Directory* the most valued service the Bar provides.
- ▶ President Kirk Karman reported that he continues his “virtual law office” presentations to the county bar associations, having already visited Yuma, Pinal and Cochise Counties, with Coconino, Yavapai and Gila on the upcoming schedule. He reported that he served as a “judge” in the We The People competition and will present an engraved gavel set on behalf of the Bar to U.S. District Judge Susan Bolton at her investiture ceremony.
- ▶ President Karman reported that he has appointed a Nominating Committee to assist in identifying candidates and soliciting nominations for the annual State Bar awards process.
- ▶ Government Relations Director Ron Johnson reported on the first two weeks of the 2001 legislative session. Individuals from Bar committees or sections presented positions on proposed legislation. The Board voted to take positions on five new pieces of legislation:
 - No bill number—Sales tax on legal services: Opposed
 - HB 2278 and SB 1009—Increasing juror pay: Supported
 - HCR 2007—Superior court appointments by supervisory districts: Opposed
 - HB 2224—Maximum number of superior court judges: Opposed
 - HB 2443—Licensing; attorneys; murder; sexual assault: Opposed
- ▶ Legislative Committee Member Norman Miller reported that more than 30 legislators attended the State Bar's first Law School For Legislators half-day program. The program will be expanded in future years.
- ▶ Allen Shayo, Assistant Executive Director—Legal, reported that 30 discipline cases are scheduled for trial in February, whereas only 23 cases went to trial in the entire 2000 year.
- ▶ Discipline Committee Chairperson Ernest Calderón presented a redraft of proposed Rule 57, ARIZ.R.S.C.T., which would require members who have been convicted of, pled guilty to or entered into a deferred prosecution involving a felony or serious crime to report said occurrence to the Chief Bar Counsel. The Board endorsed the proposal.
- ▶ José Cardenas, one of the Bar's three delegates to the ABA House of Delegates, reported that the House will address 23 recommendations at its February meeting. None contains minority viewpoints and/or affects state bar associations.
- ▶ Board Member Helen Grimwood, liaison to the Federal Bar Association (FBA), reported that the FBA and the Arizona Women Lawyers Association worked jointly to nominate Ninth Circuit Judge Mary Schroeder for the prestigious Margaret Brent Award. The Board voted to support this nomination with the submission of a letter from President Karman.
- ▶ Secretary/Treasurer Charles Wirken reported on two requests for financial support, which were authorized by the Board: a \$1,000 expenditure to the FBA—Tucson Chapter to help underwrite the costs incurred for the grand opening of the new federal courthouse in Tucson; and the purchase of a table for 10 (\$1,000) at the Hayzel B. Daniels Bar Association's Annual MLK Scholarship Dinner. The Board approved the donation of one CLE By The Sea registration and one copy of the Bar's CLE publication *Ethical Trial Lawyer* for the auction to be held during the dinner.
- ▶ At-Large Board Member Dave Byers reported that Chief Justice Thomas Zlaket has been invited to give a “State of the Judiciary” address at the Legislature on January 29.
- ▶ The Board approved the matters listed on the Consent Agenda.
- ▶ Second Vice President Pam Treadwell-Rubin summarized the redrafted Volunteer Participation Guidelines and Disclosure Policy and the Conflicts of Interest Disclosure Statement. The Board voted to approve them.
- ▶ Megan Miller introduced herself as the new President of the Arizona Women Lawyers Association (AWLA) and AWLA liaison to the Board of Governors. She reported that Immediate

Past President Dee-Dee Samet was the recipient of the Alice Truman Award. She reported on the success of AWLA's recent fundraiser benefiting the Southwest Autism Research Center.

- ▶ Arizona Bar Foundation (ABF) President-Elect Doug Dunipace reported that two ABF Board of Directors seats remain to be filled and that the Ninth Circuit released its decision in the Interest on Lawyers Trust Accounts (IOLTA) case.
- ▶ Roger Contreras, President of the Young Lawyers Division, showed a local news station's segment covering the Arizona Kids Holiday program. The Division was grateful to Papa Johns Pizza for donating 40 pizzas for the event.
- ▶ Colleen McManus, Assistant Executive Director—Human Resources, reported that nine candidates for the Executive Director position are being invited to an Assessment Center on February 23 and 24. The Board scheduled a special meeting on March 12 to select the new Executive Director.

Coconino County Bar Awards Bob Warden Highest Honor, Names Officers



FLAGSTAFF—The Coconino County Bar Association awarded former Coconino County Attorney and longtime Arizona attorney Bob Warden with its highest honor during the Bar's annual holiday party.

The award, bestowed on Warden by outgoing Coconino County Bar President David Rozema, recognizes excellence in the practice of law, leadership and mentorship.

"Bob possesses and epitomizes all of the professional and personal characteristics and qualities required to be an excellent attorney, leader and mentor," Rozema said. "He has served as an inspiration and mentor to many members of the local bar, and beyond. His imprint on the justice system in Coconino County is indelible."

Warden is of counsel for the Flagstaff firm Mangum, Wall, Stoops & Warden.

The Bar Association also approved the following local attorneys to serve on its board for 2001: Duane Weston, President; Lisa Stankovich, Vice President; Stephen Stern, Treasurer; and Angela Bradshaw, Secretary.



Legislators Attend Law School

PHOENIX—On January 4, the State Bar of Arizona sponsored its first-ever “Law School for Legislators” program. The goal of this half-day program was to provide legislators with a brief legal education that would be pertinent to the issues they soon would face in the upcoming legislative session. State Bar Government Relations Director Ron Johnson and Phoenix attorney Norman Miller served as co-deans for this special law school.

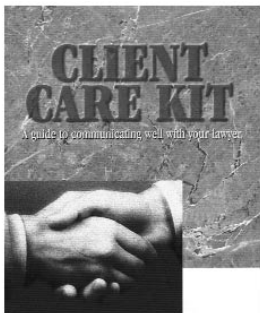
Thirty of the 90 state legislators attended this event, along with several members of the State Bar Board of Governors. During the three-hour program, the legislators heard opening remarks from State Bar President Kirk Karman and learned about various aspects of constitutional and administrative law from distinguished members of the faculties of the Arizona State University and University of Arizona colleges of law. Also presenting on the program were key lawyers on the legislative staffs of the House and Senate.

With the advent of term limits, increasing numbers of new legislators have been elected and appreciate this type of training so that they are better prepared for their new task. In addition, because only six members of the current legislature are licensed Arizona attorneys, the legal education offered in the program is useful both to new and veteran legislators. It is anticipated that this event, which was extremely well-received, will occur every two years.

A special thanks is appropriate for the following members of the Law School for Legislators faculty, who did an outstanding job: Alan Matheson, Jon Rose, Robert Glennon, Don Jansen, Kate Rosier, Jodi Jerich, Jim Drake and Glenn Davis.

Client Care Kit Goes to Second Printing, Available to More Lawyers

A new edition of the *Client Care Kit* is available for attorneys to give to their clients. The first printing was so successful that the State Bar sold out in the first few months. The Bar now has thousands of new brochures in stock.



The eight-page color booklet is designed to help clients better understand the process of working with an attorney.

Topics include:

- Legal fees and costs
- The confidential attorney-client relationship
- Client rights and responsibilities
- Questions you may want to ask your lawyer

You can keep the booklet in an office waiting area or give it to clients before an initial meeting. Lawyers can purchase the *Client Care Kit* from the State Bar for 50 cents each.

To order, Contact Laura Devany at (602) 340-7293 or laura.devany@staff.azbar.org.

Support for Those Who Need It

Lawyers Concerned For Lawyers (LCL) invites all lawyers, judges and law students who are experiencing problems with alcohol, drugs or depression to seek the support of other lawyers at a meeting every Tuesday evening. Separate and independent from the State Bar, LCL is confidential, and there are no dues or fees to participate. A 12-step-oriented meeting is held every Tuesday from 6:30 to 7:30 p.m. at St. Stephen’s Episcopal Church and Renewal Center at 56th Street and Oak in Phoenix/Scottsdale. From the Red Mountain Freeway (202), take 52nd Street north to Oak; turn right and travel four blocks. For more information, call Leslie at (480) 929-7112.

VOLUNTEER OPPORTUNITY

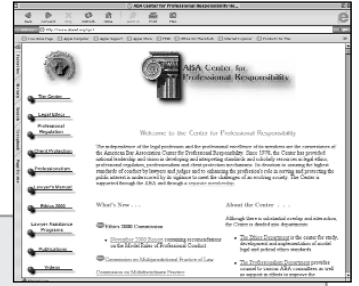
The State Bar Appointments Committee is accepting applications to fill an unexpired term on the **Client Protection Fund Board of Trustees**. Application forms can be obtained by calling Carrie Sherman at (602) 340-7201 or Suzanne Pease at (520) 623-9944 and can be downloaded from the Bar's Web site (www.azbar.org). Applications must be received at the State Bar office by **Friday, March 30, 2001**.

Purpose: The members of the Board of Trustees of the Client Protection Fund act as custodians of monies deposited in the fund, invest those funds and pay claims in appropriate cases.

Openings: One. Fill the unexpired term of nonlawyer Karen Rizk of Yavapai County. The other trustees are Louis M. Diesel (Coconino County), Selmer D. Lutey (Yavapai County), James B. Rolle, III (Maricopa County) and John G. Balentine (Pima County).

Restrictions/Requirements: No geographical restrictions. Any active or honorary member of the State Bar of Arizona in good standing who has actively practiced law or served in a judicial capacity in the State of Arizona for 10 years or more is eligible for appointment as a trustee. Applications from nonlawyers also will be considered and are encouraged.

Term: Fill unexpired term to June 2005.



ETHICS RULES TO GO UNDER MICROSCOPE

The State Bar has created an Ethical Rules Review Group, chaired by Michael Owen Miller of Tucson, that will review all the Rules of Professional Conduct during the next year to determine whether any need to be modified to address our changing profession. The incentive for creating the group was the American Bar Association's Ethics 2000 Report, which recommends modifications to virtually every Ethical Rule, from requiring that new clients have written fee agreements to permitting out-of-state lawyers to practice in other states if "reasonably related" to their practices at home. The ABA Report can be reviewed at www.abanet.org/cpr/e2k.

The group will hold open hearings this summer and fall to elicit Bar member input on the proposed changes. For additional information or to submit your comments, contact Lynda C. Shely, Director of Lawyer Ethics, at (602) 340-7284 or Lynda.Shely@staff.azbar.org.

Arizona Bar Foundation Award Nominations

The Arizona Bar Foundation is soliciting nominations for awards to be given at the Foundation's annual luncheon in June. Nominations should be submitted to Amy Kauff, Arizona Bar Foundation, 111 W. Monroe, Suite 1800, Phoenix, AZ 85003-1742. No form is necessary. A detailed letter with letters of support are encouraged. The deadline for nominations is Friday, April 20.

The Walter E. Craig Distinguished Service Award

Awarded to that attorney who has manifested adherence to the highest principles and tradition of the legal profession and service to the public in the community in which he or she lives. In 2000, the award was given to Grace McIlvain.



Grace McIlvain receives her award from Arizona Supreme Court Justice Stanley Feldman.

"I am grateful to the Arizona Bar Foundation for giving me the Walter E. Craig Distinguished Service Award. Receiving the award meant a lot to me. I felt it was more than an acknowledgment of the work I have done. It was also a recognition of the importance of civil rights litigation to ensure that people's legal rights are real and not just idealistic principles. Being the first woman ever to receive this award made it even more special."

William E. Morris Pro Bono Service Award

Awarded to recognize extraordinary contributions by an Arizona attorney in making legal services available to persons

who otherwise could not afford them, and thereby to focus public awareness on the substantial voluntary services rendered by Arizona attorneys in this area. In 2000, the award was given to Steven M. Cox.

Attorney Law-Related Education Awards

The Attorney Law-Related Education Award recognizes exceptional contributions of Arizona attorneys or law firms in furthering education and understanding of the role of the law in our democratic society. This award focuses public awareness on the contributions that attorneys provide to the community. In 2000, this award was given to Lisa M. Coulter.

John J. Ross Award for Teacher Excellence in Law-Related Education

The John J. Ross Memorial Award was created through the Arizona Bar Foundation to honor the memory of John Ross, who was a senior partner in the law firm Brown and Bain. Each year, the Arizona Bar Foundation awards at least one \$250 cash award for teacher excellence in law-related education. In 2000, this award was given to Tommy L. Waller. (This award is for teachers only.)

GET INVOLVED NOW

JOIN A STATE BAR COMMITTEE

President-Elect Nicholas J. Wallwork must make committee assignments for the year June 2001 through May 2002. You know how time flies! Please become involved and sign up now. Complete the form on the adjoining page and return it, along with your resume, to the State Bar no later than **Friday, March 16, 2001**. A list of the Bar's Committees is printed below. The terms and vacancies of these committees vary.

STATE BAR OF ARIZONA COMMITTEE LISTING

Appointments

Recommend to the Board of Governors the appointment of members to fill openings on statewide Boards, Committees and Commissions. Achieve a "balance" in all appointments as they relate to each voluntary Professional Activity, i.e., age, gender, geography, ethnicity, area of practice. The Boards, Committees and Commissions are listed at the bottom of the following standing committees. Notice of openings for these special appointments will be featured in *Arizona Attorney* and on the Bar's Web site as they become available. Additional notice is mailed directly to the local, county and specialty bars. For more information on these appointments only, contact Carrie Sherman at (602) 340-7201.

Arizona Attorney Editorial Board

The Board approves and edits the substantive articles for *Arizona Attorney*. Members are also responsible for the content direction of the magazine.

Arizona Bar Online (ABO)

Oversees and improves group-computing efforts to provide information and services through the State Bar's virtual legal community on the World Wide Web located at www.azbar.org.

Board of Legal Specialization and Advisory Commissions

The Arizona Board of Legal Specialization recognizes attorneys in various areas of law who, because of experience, training and examination, are awarded certificates of special competence. Each area of certification has an advisory commission, which oversees the administration of its program and members. In 2001, there are vacancies on the Board of Legal Specialization and on the Commissions. Advisory Commissions are as follows: Bankruptcy, Criminal Law, Estate and Trust, Family Law, Injury and Wrongful Death, Real Estate Law, Tax Law and Workers' Compensation.

Civil Jury Instructions

Updates the Revised Arizona Jury Instructions (civil). Keeps the Civil RAJIs current, correct and concise.

Civil Practice and Procedure

Studies and makes recommendations on proposals and/or issues involving Rules of the Supreme Court, Court of Appeals, Superior Court and local court Rules as submitted by the Bar or Bench. Initiates Rules or amendments as deemed necessary.

Committee on Minorities and Women in the Law

Studies issues of concern to minority and women lawyers and develops programs to encourage the advancement of minorities and women in the law.

Communications

Works toward improving the image of attorneys and coordinating Bar-wide organizational communication efforts. Sponsors projects to improve lawyer/client relations, lawyer/media relations and public understanding of the law.

Consumer Protection

Reviews unauthorized practice of law complaints, provides consumer education programs and reviews other consumer protection options in the legal services area.

Continuing Legal Education

Provides advice and recommendations regarding seminar developments, the annual program curriculum, publications and alternative methods of delivering affordable, statewide CLE.

Creditor/Debtors' Rights

Studies and makes recommendations on proposals and/or issues involving creditor/debtors' rights, including legislation and court reform.

Criminal Jury Instructions

Updates the Revised Arizona Jury Instructions (criminal). Keeps the Criminal RAJIs current, correct and concise.

Criminal Practice and Procedure

Studies and makes recommendations on rule change proposals and/or issues involving the criminal rules.

Fee Arbitration

Responsible for reviewing fee arbitration petitions and appoints fee arbitrators to hear cases and/or serve as arbitrators. (Volunteers urgently needed.)

Insurance

Studies and recommends to the Board of Governors group insurance plans for members of the Bar, their families and employees.

Lawyers Professional Liability

Studies and recommends Professional Liability Insurance programs to the Board of Governors for State Bar of Arizona sole practitioners and law firms.

Legal Services

Studies and recommends ways to meet the legal needs of the poor and near-poor in Arizona.

Mandatory Continuing Legal Education

Provides advice and recommendations regarding the interpretation of the MCLE Rules and Regulations. Oversees the annual reporting, annual audit, suspension and reinstatement process regarding the MCLE requirements.

Member Assistance

A confidential program providing assistance to members and law students who have problems with alcoholism, drug addiction, mental health and other stress-related problems.

Mentor

Oversight committee for two Mentor Programs. The “telephone” program provides experienced attorneys as mentors to answer substantive and procedural questions and offers management ideas for less-experienced attorneys. The “one-to-one” program matches a mentor and an attorney in a similar geographic location and/or area of practice for a length of time not to exceed one year.

Peer Review

Committee members resolve professionalism complaints received by the Bar that do not evidence a violation of the Rules of Professional Conduct. Members should be able to devote approximately five hours per month to the Committee. Applicants are needed throughout the state in all areas of practice. Applicants must be active members in good standing with the Bar who have practiced law or served in a judicial capacity for at least 10 years, demonstrate some experience in resolving ethical issues and have held Bar and/or community leadership positions. (Qualified volunteers urgently needed.)

Professionalism Course

Provides advice and recommendations regarding the Professionalism Course curriculum, materials, faculty and

policies for the Bar’s course on professionalism, which is mandatory for all new admittees and all members of the State Bar of Arizona.

Rules of Professional Conduct

Provides both formal and informal written ethics opinions to assist members of the State Bar as well as telephone advice. Members should be able to attend approximately six meetings a year and research and draft three to four written ethics opinions a year.

Sexual Orientation and Gender Identity

Addresses situations and problems regarding discrimination against gays and lesbians within the legal profession and the justice system.

Technology and Legal System Task Force

Provides proactive leadership in the use of telecommunications, information services and electronic commerce for the legal profession and the judiciary.

Appointments Committee—List of Boards, Committees and Commissions: ABA House of Delegates; Arizona Bar Foundation Board of Directors (lawyer members); Arizona Commission on Judicial Conduct; Arizona Commission on Judicial Performance Review; Arizona Supreme Court Committee on Character and Fitness; Arizona Supreme Court Disciplinary Commission (attorney members; also screens/conducts preliminary interviews of public members for recommendation to the Court); Arizona Supreme Court Committee on Examinations; City of Mesa Judicial Advisory Board; City of Phoenix Municipal Court Judicial Selection Advisory Board; Client Security Fund Board of Trustees; Community Legal Services Board of Directors; Discipline Hearing Officers; DNA-People’s Legal Services, Inc. Board of Directors; Judicial Nominating Commissions (Commission on Appellate Court Appointments, Maricopa County Commission on Trial Court Appointments, Pima County Commission on Trial Court Appointments); Lawyer Delegates to the Ninth Circuit Judicial Conference; State Bar of Arizona Board of Governors (nonlawyer, public members).

**Fill out the application on
the following page.
Deadline: March 16, 2001**

STATE BAR OF ARIZONA APPLICATION FOR COMMITTEE APPOINTMENT

PLEASE RETURN THE COMPLETED FORM ALONG WITH A COPY OF YOUR RESUME TO Irene Winterburn, Committees, Sections and YLD Administrator, State Bar of Arizona, 111 W. Monroe, Suite 1800, Phoenix, AZ 85003-1742. **Deadline: Friday, March 16, 2001.** Please Note: This form is to be completed by persons wishing to be considered for appointment to a State Bar of Arizona Committee for the year June 2001 through May 2002.

PLEASE TYPE OR PRINT CLEARLY, USING BLACK INK.

Name _____ Attorney Number _____
Firm/Agency/Employer _____
Address _____ City _____ Zip _____
County _____ Office Telephone (____) _____

In order to keep State Bar committees balanced,
it is vitally important that you complete this portion of the application thoroughly.

Which of the following best describes your current occupation?

- | | | |
|-----------------------------------------------------------------------|------------------------------------|--------------------------------------|
| <input type="checkbox"/> Private practice | <input type="checkbox"/> Civil: | <input type="checkbox"/> Plaintiff |
| <input type="checkbox"/> Publicly employed | | <input type="checkbox"/> Defense |
| <input type="checkbox"/> Corporate law department | <input type="checkbox"/> Criminal: | <input type="checkbox"/> Prosecution |
| <input type="checkbox"/> Non-governmental legal services organization | | <input type="checkbox"/> Defense |

What is the size of your office?

- Solo practitioner 2-10 lawyer office 11-35 lawyer office 35+ lawyer office

Fields in which you practice: _____

Date admitted to the State Bar of Arizona: _____ Length of time in practice: _____

I request appointment to the following Committees (in order of preference):

1. _____ 3. _____
2. _____ 4. _____

I am currently serving on the following SBA Committee(s) _____, and have been on this Committee(s) for _____ years.

I have previously served on the following SBA Committees:

Name of Committee(s): _____
Dates Served: _____

CONFIDENTIAL

In order to make appointments that will achieve diversity and broad representation on State Bar committees, we are giving you the opportunity to complete this portion of the Appointment Application. The following information is not required and any decision not to complete this portion of the application will not adversely affect your chances for appointment.

Please indicate which of the following categories used by the EEOC best describes you.

- Your Age _____ Male Female
- | | | | |
|-----------------------------------|------------------------------------------------------------|-------------------------------------------|-----------------------------------|
| <input type="checkbox"/> Asian | <input type="checkbox"/> Native American or Alaskan Native | <input type="checkbox"/> African American | <input type="checkbox"/> Filipino |
| <input type="checkbox"/> Hispanic | <input type="checkbox"/> Origins in India subcontinent | <input type="checkbox"/> Caucasian | |

If the above designations do not best describe you, please set forth the description you prefer: _____

Even if you choose not to complete this portion of the application, please date and sign below.

Date _____ Signature _____

SANCTIONED ATTORNEYS

JAMES E. BERTZ

Bar No. 015631

By Supreme Court Judgment and Order dated November 8, 2000, James E. Bertz, 1774 Highway 95, Suite 2, Bullhead City, AZ, was placed on interim suspension pursuant to Rule 57(b), ARIZ.R.S.Ct., until the final disposition of all pending proceedings.

ALLEN B. BICKART

Bar No. 001033

By Supreme Court Judgment and Order dated November 22, 2000, Allen B. Bickart, 111 W. Monroe, Suite 1212, Phoenix, was censured for conduct in violation of his duties and obligations as a lawyer, by consent agreement. Mr. Bickart was ordered to pay costs and expenses incurred by the State Bar of \$657.90 with interest at the legal rate from the date of the judgment.

Mr. Bickart represented a defendant on criminal charges at a change of plea proceeding. His client pled guilty in exchange for a plea agreement. Mr. Bickart provided a factual basis for his client upon the Court's request, which his client affirmed. Afterward, during a meeting with a probation officer, the client stated that he was innocent and he intended to take the case to trial and reject the plea agreement, all of which was memorialized in the presentence report. Mr. Bickart then filed a Motion to Withdraw Plea on behalf of his client. In the motion, Mr. Bickart stated that his client's plea had not been voluntary because Mr. Bickart did not adequately consult with his client; Mr. Bickart "very strenuously" suggested that the client should execute and go forward with the plea agreement; during the entire period of time the client insisted that he was not guilty, Mr. Bickart entered in the factual basis to which and with which the client did not agree. Mr. Bickart also stated in his motion that he had determined that he overlooked his obligation to interview the confidential informant, who was the only witness to the alleged crime, to determine whether his client was informing him accurately.

There were two aggravating factors found pursuant to the ABA Standards for

Imposing Lawyer Sanctions, Section 9.22: vulnerability and substantial experience in the practice of law. There were six mitigating factors found pursuant to Section 9.32 of the ABA Standards: absence of a prior disciplinary record, absence of selfish or dishonest motive, timely good faith effort to make restitution or to rectify consequences of mistake, full and free disclosure to disciplinary board or cooperative attitude toward proceeding, character or reputation, and remorse.

Mr. Bickart's conduct violated Rule 42, ARIZ.R.S.Ct., particularly ER 1.2, ER 1.3, ER 1.4 and ER 8.4(d).

WILLIAM R. METTLER, JR.

Bar No. 003438

By Supreme Court Judgment and Order dated October 4, 2000, William R. Mettler, Jr., 4730 E. Indian School Rd., #120-230, Phoenix, was suspended for 30 days for conduct in violation of his duties and obligations as a lawyer and, upon reinstatement, will be placed on two years' probation. Mr. Mettler also was ordered to pay costs and expenses incurred by the State Bar.

Mr. Mettler's misconduct arose from his conversion of client funds from his trust account. The conversion took place over a period of one year totaling approximately \$18,000. On July 11, 1997, Mr. Mettler reported his misconduct to the State Bar and made voluntary and prompt restitution to both his clients.

There were three aggravating factors found pursuant to the ABA Standards for Imposing Lawyer Sanctions, Section 9.22: dishonest or selfish motive, pattern of misconduct, and substantial experience in the practice of law. There were eight mitigating factors found pursuant to Section 9.32 of the ABA Standards: personal or emotion problems; timely good faith effort to make restitution or to rectify consequences of misconduct; full and free disclosure to disciplinary board or cooperative attitude toward proceedings; character or reputation; physical disability; mental disability, which was found to be significant; remorse; and remoteness of prior offenses.

Mr. Mettler's conduct violated Rule 42, ARIZ.R.S.Ct., particularly, ER 1.15 and Rules 43 and 44, ARIZ.R.S.Ct.

WILLIAM E. MOORE

Bar No. 011270

By Supreme Court Judgment and Order dated November 3, 2000, William E. Moore, 3320 N. 63rd St., Scottsdale, was suspended for two years for conduct in violation of his duties and obligations as a lawyer, retroactive to May 15, 1997, and then placed on probation for one year with LOMAP, by consent agreement. Mr. Moore was ordered to pay restitution to three clients in the amount of \$6,050 plus interest. Mr. Moore also was ordered to pay costs and expenses incurred by the State Bar of \$819.50 with interest at the legal rate from the date of the judgment.

In the first matter, Mr. Moore was appointed to act as an arbitrator and after six months had failed to set a hearing. The plaintiffs filed a motion for summary judgment. Mr. Moore again failed to take any action. The court intervened, removed Mr. Moore from the case, and granted the motion.

In a second matter, Mr. Moore was retained to represent a client in a DUI matter. Mr. Moore thereafter failed to communicate with the client and failed to appear at hearings. His inaction caused two bench warrants to be issued for the client's arrest. Mr. Moore also moved his office and failed to notify the clients and failed to return any unearned retainers.

In a third matter, Mr. Moore was retained in another DUI matter. Mr. Moore failed to appear for scheduled hearings and court appearances, failed to act with reasonable diligence and promptness and failed to communicate with his client or to advise as to the status of the case. Mr. Moore also failed to advise the client of the Motor Vehicle Department license suspension and failed to abide by the client's decisions concerning representation. As a result, an arrest warrant was issued for the client. Mr. Moore further failed to execute a "plea by mail" and failed to return any unearned retainer.

In the fourth matter, Mr. Moore failed to appear for an arbitration hearing or advise the clients of a scheduled hearing. Mr. Moore then failed to advise the clients of the adverse award entered against them and forced them to seek additional counsel to set aside the award.

Mr. Moore agreed to pay the subsequent attorney's fees and then failed to do so.

There were three aggravating factors found pursuant to the ABA Standards for Imposing Lawyer Sanctions, Section 9.22: pattern of misconduct, multiple offenses and substantial experience in the practice of law. There were five mitigating factors found pursuant to Section 9.32 of the ABA Standards: absence of a prior disciplinary record, personal or emotional problems, full and free disclosure and cooperative attitude toward this proceeding, character or reputation, and physical disability.

Mr. Moore's conduct violated Rule 42, ARIZ.R.S.Ct., particularly ER 1.2, ER 1.3, ER 1.4, ER 1.16, ER 3.2, ER 3.4(c), ER 8.1(b), ER 8.4, ER 8.4(d) and Rule 51(c), (h), (i) and (k), ARIZ.R.S.Ct.

RUSSELL S. OLDS

Bar No. 002669

By Supreme Court Judgment and Order dated November 22, 2000, Russell S. Olds, 5125 N. 16th St., #A-206, Phoenix, was censured for conduct in violation of his duties and obligations as a lawyer, by consent agreement. Mr. Olds was ordered to one year's probation with LOMAP, to participate in fee arbitration and to pay costs and expenses incurred by the State Bar of \$682.70 with interest at the legal rate from the date of the judgment.

In the first matter, Mr. Olds hired Mark Steinberg as a paralegal to assist in bankruptcy cases. During the late summer of 1998, Client A responded to an advertisement for Mr. Olds' law firm as she was seeking representation in a bankruptcy matter. When Client A first phoned the law firm, she spoke with Mr. Steinberg, who represented himself as an attorney. In addition, Mr. Steinberg signed a retainer agreement with Client A and used business cards that represented himself as an attorney. At all times during the firm's representation of Client A, Mr. Steinberg was an employee of Mr. Olds. At no time during this period did Mr. Olds have any communication with Client A, nor was he aware of Mr. Steinberg's actions. Mr. Olds was negligent in his supervision over Mr. Steinberg, which resulted in poor services to the client and advertisements that

discipline update |

violated the Supreme Court Rules.

In the second matter, Mr. Olds and Mr. Steinberg had an employment agreement that allowed Mr. Steinberg to provide paralegal services for bankruptcy cases only. Client B, in need of both a bankruptcy and divorce attorney, answered an ad for these legal services under the name of Mark Steinberg. Mr. Steinberg was authorized to place ads for Mr. Olds for bankruptcy services only; however, Mr. Steinberg placed ads for divorce cases as well and attempted to handle at least one of these matters himself. Mr. Olds was negligent in his supervision over Mr. Steinberg, which resulted in his unawareness that Client B's divorce matter was not being handled timely or properly.

In the third matter, Mr. Olds, via his paralegal Mr. Steinberg, placed an advertisement in the National Directory Company telephone book that failed to state the locality in which the lawyer performing the services maintained his practice or office.

There were two aggravating factors found pursuant to the ABA Standards for Imposing Lawyer Sanctions, Section 9.22: (a) prior disciplinary offenses and (d) multiple offenses. There were three mitigating factors found pursuant to Section 9.32 of the ABA Standards: (b) absence of selfish or dishonest motive, (c) personal or emotional problems and (e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings.

Mr. Olds' conduct violated Rule 42, ARIZ.R.S.C.T., particularly ER 1.3, ER 5.3(b), ER 5.5(b) and ER 7.1(a) and (g).

JOHN P. SILKEY, SR.

Bar No. 005505

By Supreme Court Judgment and Order dated December 8, 2000, John P. Silkey, Sr., 2409 S. Rural Rd., Suite B-2, Tempe, was placed on interim suspension pursuant to Rule 57(b), ARIZ.R.S.C.T., until the final disposition of all pending proceedings.

CAUTION!

Nearly 16,000 attorneys are eligible to practice law in Arizona. Many attorneys share the same names. All discipline reports should be read carefully for names, ages, addresses and bar numbers.

NEW PEOPLE, NEW PLACES

Quarles & Brady Streich Lang, LLP has named two partners and 17 new associates to its Phoenix office.

Michael G. Galloway and **Julie A. Pace** were promoted to partner.

Attorneys named as associates were:

Paul D. Amrozowicz, C. Dunham Biles, Lisa Emily Davis, Stefanie J. Evans, Deanna Rae Fleming, Eric B. Johnson, Donald J. Karl, Stacy Y. Krupa, Stephen D. Li, Jeremy A. Lite, Denise M. Quinterri, Caryn Castro Rabe, Edward A. Salanga, Peter A. Silverman, Le Grande Whiting Smith, Seth Larry Smythe and **M. April Wynne**.

Jennings, Strauss & Salmon, PLC has named two new members of the Phoenix firm.

Scott Rhodes practices in the areas of corporate law, utilities law, municipal and land use law, government relations and professional licensure matters.

Cynthia A. Coates practices in the areas of products liability defense, general tort litigation and commercial litigation.



Cynthia A. Coates

Gallagher & Kennedy announced that two new lawyers have joined the Phoenix firm.

Steven T. Lawrence, former counsel to SkyMall, Inc., has joined the firm as an associate in the Corporate Group.

Lawrence practices corporate law, mergers and acquisitions and intellectual property. **Richard A. Bark** has



Steven T. Lawrence

people |

joined as an associate in the Environmental Group. Bark came from the Arizona House of Representatives, where he served as Director of Policy for the majority.

Jenny J. Clevenger has joined the Scottsdale firm **Jorden & Bischoff, PLC**. Her practice will emphasize environmental regulation and litigation.

Christopher A. Womack has been admitted as a partner to **Gammage & Burnham, PLC** in Phoenix. He will practice in the areas of corporate law, intellectual property, commercial transactions and international law with an emphasis on representing technology, software, Internet and professional service companies.

Margaret E. Koppen, formerly with Bryan Cave, LLP in Phoenix, has joined **Gain Technology Corporation** as General Counsel. The semiconductor design and manufacturing company has offices in Tucson and Phoenix.



Margaret E. Koppen

Steptoe & Johnson, LLP has elected two new partners to its Phoenix office. **Mark G. Kisicki** is a specialist in labor and employment law and litigation. **Peter Burgess Swann** practices media, communications and constitutional law, as well as commercial litigation.

AWARDS, KUDOS AND HONORS

Gallagher & Kennedy announced that seven of its lawyers were voted to the 2000-2001 edition of Woodward/White's *Best Lawyers in America*:

people

John E. Lundin, Gregory L. Mast, Michael L. Gallagher, J. Stanton Curry, David P. Kimball III, Dalva L. Moellenberg and David L. Haga, Jr. Also named from Fennemore Craig were 16 attorneys: **Louis F. Comus, Jr., Jordan Green, Kenneth J. Sherk, Ronald J. Stolkin, David T. Cox, Steven M. Savage, C. Webb Crockett, Richard T. Coolidge, Anne L. Kleindienst, David Heap, Rita Eisenfeld, Cynthia L. Shupe, Lauren J. Caster, James W. Johnson, Neal Kurn and Jay S. Ruffner.** Three attorneys were named from the Phoenix office of Squire, Sanders & Dempsey, LLP: **Gerald L. Jacobs, Christopher D. Johnson and Thomas J. Salerno.**

Robert C. Bates, a partner in Snell & Wilmer's Phoenix office, spoke at the **Law Education Institute's** National CLE Conference in Vail, Colorado. Bates practices in the firm's commercial finance and real estate group and is a certified real estate law specialist.

The **American College of Trust and Estate Counsel** elected **John R. Becker** as a Fellow of the College. The Counsel is a national association of lawyers who have made outstanding contributions to the field of trust and estate law in their communities. Becker is a partner in the Scottsdale firm Braun Becker Kruzel.

Quarles & Brady Streich Lang announced that **Gerald L. Shelly** received national certification in business bankruptcy law from the **American Board of Certification.** Shelly is the fourth attorney in the Phoenix firm with either state or national certification designation.

RECENTLY DECEASED

James M. Ackerman, Phoenix
Henry Z. Brown, Tucson
Melody K. McMillin, Marana