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# The Writ

Volume 39 No. 2 February 2020



## Lunch with the State Bar

The Official Publication of The Pima County Bar Association



# THE WRIT

Official Publication of the  
**PIMA COUNTY BAR ASSOCIATION**  
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*The Writ* welcomes original letters expressing all points of view. Letters must be signed with the writer's true name, address and a daytime phone. Only the name will be published. Please limit letters to 200 words.

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**ON THE COVER:** State Bar of Arizona CEO Joel England, PCBA President Anne Elsberry, and State Bar President Brian Furuya at the January 28, 2020 PCBA General Membership Luncheon.

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The Writ is published around the 15th of each month. The deadline for all ad space reservations, information and ad materials is the 20th of the preceding month. For more information please contact Jane at 623-8258; email: souders@pimacountybar.org.



# From the President's Desk

## Anne Elsberry

The Pima County Bar Association Member Lunch in January featured as its presenters the President of the Arizona Bar, Brian Furuya, and the Bar's CEO, Joel England. They asked to come to speak to the membership in preparation for a new round of strategic planning for the next five years.

As you may know, the State Bar is at something of a crossroads right now. The Supreme Court's decision in *U.S. v. Keller*, 468 U.S. 1 (1990) upheld mandatory bar dues, so long as members are not compelled to fund activities not germane to regulating the profession or improving the quality of legal services. Although the Seventh Circuit recently did not disturb *Keller*, it is expected that two Wisconsin lawyers will be filing a petition for cert in *Jarchow v. State Bar of Wisconsin*, raising First Amendment claims similar to those addressed by the Supreme Court in *Janus v. Am.Fed'n of State, Cty., & Mun Employees, Council 31*, 138 S.Ct. 2448 (2018). Given the changes in the Court, it is not far-fetched to imagine a decision that would only allow mandatory dues to pay for lawyer discipline. All other functions of the State Bar would be paid for on a strictly voluntary basis.

So at the moment there is a real tension between the Bar's duty to protect the public through lawyer regulation and the types and kinds of services that the Bar can offer for the benefit of attorney members. Certainly, the Bar's ability to act as a union or advocate for lawyers is becoming more and more curtailed.

Toss into this mix the Report and Recommendations published by the Task Force on the Delivery of Legal Services in October of last year, and for which proposed rules changes are expected any day now. The Task Force was made up of judges and administrators from throughout the state, professors from both law schools, but surprisingly few practicing attorneys. Finding that most people cannot afford civil legal help, and that most lawyers cannot afford to provide low-cost civil legal assistance, the Task Force has made the following recommendations:

- Eliminate Arizona's Rules of Professional Conduct (ER) 5.4 and 5.7 and amend ERS 1.0 through 5.3 to allow lawyers and non-lawyers to co-own businesses that engage in the practice of law.
- Modify the ERs related to advertising to incorporate the 2018 ABA advertising rule amendments and address the co-ownership of legal services companies with non-lawyers.

- "Promote education and information on what unbundled legal services are to the bench, bar, and public to encourage expanded understanding and utilization of unbundled legal services."
- Revise Rule 38(d) to allow law students who have graduated but not yet passed the Bar Exam to practice under the supervision of a barred attorney.
- Revise Rule 31(d), Arizona Rules of Supreme Court, to make it easier to understand.
- Develop a tier of nonlawyer legal service providers who can represent clients in court and at administrative proceedings.
- Initiate the Licensed Legal Advocate Pilot program to expand delivery of legal services to domestic violence survivors through the creation of a new tier of legal service provider.
- Create exceptions to the requirements of the Legal Document Preparer program to allow domestic violence lay advocates to prepare legal documents for victims of domestic violence.
- Amend ACJA § 7-208 to allow document preparers to speak in court and further define their roles, as well as pursue a campaign of educating the bench, bar and public about what document preparers are permitted to do for clients.
- Encourage local courts to create programs for nonlawyer navigators to assist self-represented litigants.

I have to admit that I have extremely mixed feelings about these recommendations. I worry about young lawyers coming up and not being able to establish practices because they are priced out of the market by non-lawyer document preparers and advocates. I worry about clients, especially in the Family Law context, having seen in the past the mess that can be made by document preparers who don't know or understand the law, and don't have as their overriding concern the protection of the children in the middle. And I worry about sole and small firm practitioners being pushed out of the market when Wal-Mart can just have a legal services kiosk in the store or on their website.

I work with indigent folks every day and I understand how hard it is for them to find help. And I know how thinly stretched volunteers for clinics and low/no cost legal services are. But I worry by going in this direction, the unintended consequences may be that there are even fewer trained, ethical lawyers available to serve the public.

# Mark Your Calendar

## GENERAL MEMBERSHIP LUNCHEON MEETING

TUESDAY,  
March 31, 2020  
12:00 Noon



Nate Wade, Pima County  
Public Defender  
"Criminal Justice Issues"

ARIZONA INN  
2200 E. Elm Street

RSVP Required By  
TUESDAY,  
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(Members with Paid Year-Long Lunch Packages are on the RSVP list)

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So I hope that you will read the recommendations at <https://www.azcourts.gov/cscommittees/Legal-Services-Task-Force>, and either bring your comments or concerns directly to the Supreme Court when the comment period opens, bring them to me so PCBA can develop its comments, or contact Brian Furuya at the State Bar so that the Arizona Bar can take your concerns into considerations as it grapples with strategic planning. And if you have ideas for how either PCBA or the State Bar can assist lawyers in being more able to fill the breach, I would especially like to hear them.

# ★ Become a PCBA Board Member! ★

Each year in May, four of the twelve elected positions on Pima County Bar Association Board of Directors expire, giving other PCBA members the opportunity to get involved and play an important role in PCBA's activities and development.

A Nominating Committee is charged with the responsibility of preparing an annual slate of candidates for recommendation to the Board. They will nominate a slate of candidates that recognizes among other things, the diverse nature of our legal community.

This year's Nominating Committee is chaired by PCBA Past-President Michael Aaron. The Committee includes two members from the Board of Directors and three PCBA members at large.

A qualified board candidate must be a regular member, in good standing of the Pima County Bar Association. Each board member serves a term of three years, with a two-term (or six years) maximum limit. The chosen 2020 candidates will begin their term June 1st of this year.

There are two ways to express your interest in running for a vacant board seat. First, you may request that the Nominating Committee consider you for this year's slate by submitting a letter of interest and resume to the Nominating Committee and sending it to the PCBA office by mail at 177 N. Church Avenue, #101, Tucson, AZ 85701, or by fax at (520) 623-9772. Second, you may self-nominate by petition which can be obtained at the PCBA office or at the PCBA website at [www.pimacountybar.org](http://www.pimacountybar.org). Petitions must be supported by five (5) colleagues who are current members of the Pima County Bar Association.

All letters of interest, resumes, and self-nominating petitions must be received at the PCBA office no later than **5PM on Monday, March 2, 2020**. If you have any questions or would like more information, please contact Susan Trentham, Executive Director, at [trentham@pimacountybar.org](mailto:trentham@pimacountybar.org) or (520) 623-8258. We hope you will consider this opportunity to become more involved with PCBA!



Attorneys Jacquelyne J. Mingle, Robert B. Fleming, Elizabeth Rollings Friman, Amy Farrell Matheson

We are delighted to announce that as of February 24, Fleming & Curti, PLC, will be located at Joesler Village at River and Campbell. Our elder law practice flourished in downtown Tucson for a quarter century, and while we will miss being downtown, we're thrilled to be moving to another iconic location. We love the space and hope you will, too.

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# Pima County Bar Foundation News



## PCBF: Supporting Professionalism & Public Service

By Dan Jurkowitz, PCBF Treasurer

One of the missions of the Pima County Bar Foundation (PCBF) is to promote the highest ideals of professionalism and public service for the attorneys in our community. In fact, supporting professionalism among lawyers is one of the duties of membership in the State Bar. Ariz. R. Sup. Ct. 41(h).

Promoting professionalism has become a cause célèbre for bar associations across the country. As many commentators have noted, civility in our society in general has seen sharp declines and there are various reasons stated for why this is so. The legal community though has been no different and, especially since we are a noble profession, it is imperative that we strive to be the best professionals that we can. Unprofessionalism causes unnecessary stress which contributes to dissatisfaction with the practice of law, and very high rates of substance abuse and suicide for our profession.

Further, the public's perception of lawyers is low. When was the last time you saw a positive portrayal of a lawyer in a movie or television show? As a profession, we must take action to improve the situation. Specifically in Arizona, the State Bar of Arizona and the Arizona Supreme Court have taken several concrete steps to promote professionalism. All newly admitted attorneys must now subscribe to the Oath of Admission (to include avoiding unprofessional conduct) and A Lawyer's Creed of Professionalism. Substantial or repeated violations of the Oath or Creed can and do result in disciplinary action from the State Bar. See Ariz. R. Sup. Ct. 31(a)(2)(E), 41(g), 54(i). Arizona also mandates that all lawyers attend the State Bar of Arizona's Professionalism Course to get attorneys thinking about professionalism issues. Finally, in 2003, Arizona became the first state to remove zealous advocacy as an

*ethical duty and replaced it with a duty to act honorably.*

PCBF's efforts in regards to professionalism and public service include providing opportunities to volunteer, whether that be through a legal clinic or Lawyers for Literacy. In addition to appreciating and recognizing all of our volunteer attorneys, the Foundation presents awards to publicly recognize those of our members who not only talk the talk, but walk the walk. **Currently, we are seeking nominations for the Robert J. Hooker and Hon. John Roll awards (see details below).**

At other points in the year, the Foundation also presents the John Hawkins Professionalism Award to law students and the Juan Perez-Medrano Excellence in Public Service Award to an outstanding legal professional. In the future, the Foundation plans to expand our publicity of all of the good works that lawyers do and present a different narrative to the public about the professionalism and public service that lawyers provide to their community.

## ROBERT J. HOOKER CRIMINAL JUSTICE AWARD

Nominations are now being accepted for the annual award in honor of Robert J. Hooker who served on the Superior Court of Pima County and then as the Pima County Public Defender until his untimely death in 2008. Now a Pima County Bar Foundation endeavor, the PCBA Board of Directors originally created this award to honor Robert Hooker for his dedication to the justice system and the protection of the rights of individuals under the law throughout his career. The award will be given to a PCBA member who has, during his or her career, demonstrated strong commitment to community service, the highest standards of professionalism, innovation and selfless dedication to the improvement of the criminal justice system as a defense attorney.

## HON. JOHN ROLL CRIMINAL JUSTICE AWARD

Nominations are now being accepted for the annual award in honor of the Hon. John Roll who served as an assistant attorney for the City of Tucson, a deputy county attorney for Pima County, and as an assistant U.S. Attorney before serving on the Arizona Superior Court, the Arizona Court of Appeals, and ultimately as Chief Judge of the United States District Court of Arizona. Judge Roll was slain on January 8, 2011, while attending a community outreach event held by Rep. Gabrielle Giffords. The Pima County Bar Foundation Board of Trustees created this award to honor Judge Roll for his dedication to the criminal justice system and to recognize deserving prosecutors who follow his example. The award will be given to a PCBA member who has, during his or her career, demonstrated a strong commitment to community service, the highest standards of professionalism, innovation, and selfless dedication to the improvement of the criminal justice system as a prosecutor.

**BOTH AWARDS** will be presented at the PCBA's annual awards luncheon to be held on Tuesday, May 19, 2020. The recipients of each award will be recognized in *The Writ* and at the luncheon. If interested in nominating yourself or another PCBA member, send a letter of nomination explaining why the individual should receive the award, giving specific examples of ways in which the individual exemplified the above attributes set forth by the PCBA to qualify for the award. The nomination packet should include the nominee's resume. Applications are due no later than **SATURDAY, MARCH 7, 2020** and should be addressed to either: **PCBF, Robert J. Hooker Award or Hon. John Roll Award, 177 N. Church Avenue, Suite #101, Tucson, Arizona 85701**. Applications may also be emailed to Susan Trentham, Executive Director, at [trentham@pimacountybar.org](mailto:trentham@pimacountybar.org).



# The Role of African-Americans in the Revolutionary War

By Dave Hardy

Most of us are familiar with the role African-American soldiers played in the Civil War, where 180,000 served as soldiers and sailors, making up about 10% of Union forces. (If you haven't seen the movie *Glory*, do so!). But few are familiar with the significant role African-Americans played in the Revolutionary War, particularly in the last years of that conflict.

African-Americans served in the American ranks from the outset – one of them, Salem Poor, was commended for his courage at the Battle of Bunker Hill. Shortly thereafter, however, George Washington forbade the recruitment of any but whites. He was aware of concerns in his native Virginia: there was an inherent contradiction between saying men could defend their country, yet could be held as slaves. The British did not have to deal with that contradiction, and Virginia's last colonial governor, Governor Dunmore, began to recruit by offering slaves their freedom if they enlisted. (His offer embodied a different contradiction: the offer was not open to slaves held by pro-British masters). He soon had a thousand volunteers, and he used 300 to form Dunmore's Ethiopian Regiment. The experiment was short-lived. A new British overall commander, Sir William Howe, ordered the regiment disbanded.

The experiment, however, altered Washington's viewpoint, and in December 1775, he completely changed his position, writing Col. Henry Lee III that "We must use the Negroes or run the risk of losing the war... success will depend upon which side can arm the Negroes faster." Ten days later, he announced a new recruitment policy. "As the General is informed, that numbers of free Negroes are desirous of inlisting [sic], he gives leave to the recruiting officers, to entertain them [grant their wish], and promises to lay the matter before the congress, who he doubts will not approve of it." But the Continental Congress only approved the re-enlistment of African Americans who had already enlisted.

In 1777, however, the American army faced a manpower crisis (think Valley Forge, when starvation, freezing, and disease reduced Washington's army to barely 10,000), and the Continental Congress relented. In January 1788, with customary subtlety, Washington ordered recruiting officers to "enlist none but Freeman," implicitly suggesting that they enlist all free African-Americans. In that year, the Virginia Line (total strength varying, but about 700) had 138 African American soldiers.

In late 1778, the British command decided to change its strategy. Up to that point, halfway through the war, the fighting had almost entirely been in the north. The new British approach involved

defending New York City, but shifting British offensive weight to the south, where the great majority of African Americans resided. During the following three years of fighting African-American enlistments rapidly rose.

Of the American army, a Hessian officer wrote "no regiment is to be seen in which there are not Negroes in abundance." Baron Clozen, a French officer, estimated toward the end of the war that Washington's Continental Line had 6,000 men, of whom 1,200 to 1,500 were African-Americans. Even the Hessians recruited locally, signing up 115 African Americans for the Regiments of Hessian-Cassel and Hessian-Hanau. African Americans were fighting as Americans, as British, and as Hessians!

The final battle of the Revolution came at the siege of Yorktown, and the climax of that battle was the American nighttime storming of Redoubts (small outlying forts) 9 and 10. A French soldier (George Flohr, serving in a German unit of the French army -- European warfare can be confusing) wrote of the sight the next morning: "'corpses... lying about that had not been buried; the larger part of these were Mohren [moors, dark-skinned]."

For those interested in further reading, I recommend Joyce Malcolm, *Peter's War: A New England Slave Boy and the American Revolution*, and Alan Gilbert, *Black Patriots and Loyalists*.

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# January PCBA Luncheon with Brian Furuya & Joel England of the State Bar

By Joseph Ezzo



Joel England, CEO & Brian Furuya, President, State Bar of Arizona, speak to PCBA Members at the Jan. 28th Luncheon.

The January PCBA luncheon was held at the Arizona Inn, and the first luncheon of the year was well attended, with few empty seats.

As the audience dug into its tasty lunch, PCBA President Anne Elsberry opened the meeting with announcements that included a vote (which passed unanimously) on admitting 45 new members to PCBA; a welcome to Board members, patrons, and sustaining members; and recognition of our luncheon sponsors: NEXTRIO, Faye Gandolfi and Sara Hoover of Long Realty, and Lisa Larkin, Esq., of RE/MAX Select. Anne then presented a check from PCBA to Kristin Fitzharris of Southern Arizona Legal Aid (SALA) for \$8,350.00, bringing PCBA's total contribution to \$79,030.00. Anne introduced the guest speakers: Brian Furuya and Joel England, President and CEO of the State Bar of Arizona, respectively.

Brian and Joel took turns discussing the mission of the State Bar with emphasis on the recent findings of the Supreme Court's Task Force on Delivery of Legal Services. Joel stated that the Bar was conducting strategic planning to cover the next three years and strongly wanted attorney feedback. Brian noted that the task force convened in November 2018 and had its 10 recommendations approved on October 4, 2019. He stressed the importance of lawyers being aware of these recommendations and their meaning for the legal community. Eight of the 10 recommendations were unanimous, while the other two are considered somewhat controversial.

Among the unanimously approved recommendations was the establishment of a Licensed Legal Advocate pilot program, which was initiated by the UA Law School and designed to assist victims of domestic violence. Another recommendation seeks to sharpen the rules and limits of legal document preparers. Still another dealt with amending Rule 38(d) to allow law school graduates waiting on bar results to be able to practice law under the supervi-

sion of a barred attorney. Brian pointed out that such investment might be particularly valuable in more rural areas, where fewer lawyers seem to be practicing, and where law offices are closing due to the lack of a successor.

Two somewhat "controversial" recommendations involved: 1) the elimination of ER 5.4 and 5.7, which would allow attorneys to partner with non-lawyers to develop and run businesses and firms that would offer legal services; and 2) the establishment of a new tier of legal service provider – a non-lawyer with the ability to practice in a limited number of areas. The details of how this would work have yet to be fleshed out; a steering committee will likely be developed and charged with the task of making the program operational.

Brian and Joel then opened the floor to questions, which were rather far-ranging and frequently quite pointed. A good degree of the discussion that resulted dealt with concerns about new lawyers needing more support for the Bar in the areas of health and malpractice insurance, but also how the non-lawyer legal service provider program might impact young lawyers starting out in practice. Other concerns that were raised focused on the relationship between the State Bar and county bar associations.

After the lively discussion ran its course, Anne adjourned the luncheon.

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# Tips for the Young Lawyer (and the Rest of Us) – STEP FOUR: Marketing

By Gary Cohen & Guadalupe Garcia



The final prerequisite for a young lawyer, dependent on other attorneys for work, to transform into a fully independent lawyer is to market yourself. Young lawyers must make themselves known in the community. The more people know about you, the more likely they are to refer a case to you or hire you as their attorney. Marketing for the young lawyer usual evokes a feeling of fear, dread, and intimidation at first—especially for those who are more introverted. However, marketing is essential to building a successful practice. Below are a few tips on how the young lawyer can market themselves.

**1. Start With The Contacts List.** A good contacts list is the foundation upon which successful marketing is built. That list should include all past clients, friends that are "target" clients or referral sources, and "target" attorneys that can be referral sources. That contact list needs to include complete contact information for each contact. The young lawyer needs a system that allows for each contact to be regularly "touched" by some contact such as birthday cards, anniversary cards, lunches, emails just to touch base, submission of articles of interest, etc. Over time that contacts list will grow. The more "fishhooks in the water" the more "fish that will be caught."

**2. Develop a Professional Online Presence.** One of the simplest ways to build a professional network is to create a LinkedIn page. Your LinkedIn should sufficiently describe your work history, education, and accomplishments so that people who come across your page immediately know who you are and what you can do. Start by connecting with the people you already know from school and work. From there, take a look at who they know and see if you can get an introduction. When you meet new people, connect with them as well and reach out to them to discuss their work and expertise. As a side note, your profile picture should be professional, not a selfie.

Building a professional presence also involves taking certain things down. Review your personal social media accounts to ensure that nothing reflects negatively on you as a professional. While it is entirely appropriate to share your life on social media, there may be some aspects (perhaps from college) that should probably be taken down.

**3. Write Marketing Articles.** Once you have been practicing for a while you will become familiar with different legal topics. Take advantage of your newfound knowledge and write an article on an area of law that interests you. Legal memoranda drafted by the young lawyer can easily be transformed into an easy to read article. Once one has written the article, try submitting it for publication in a legal magazine or newsletter. This is a great way to demonstrate to others that you are knowledgeable on certain legal topics. If publication is not an option, upload it to your LinkedIn account.

**4. Attend Networking Events.** As a young lawyer, there are two main types of networking events you should be attending. First, you should attend networking events specifically geared toward lawyers. The Young Lawyers Division is an excellent and comfortable place to start. Bar association happy hours or state bar seminars allow one to meet other lawyers in their respective areas. This type of networking is exceedingly important because other lawyers are often one of the best referral sources. It also helps to get involved with the business community, such as by joining a chamber of commerce. That way, you get to meet the people who are contributing to the economic development of the community. If they get to know you, they are more likely to come to you if a legal issue comes up.


**5. Go on Business Lunches.** When connecting with different people, it is important to follow up with that person and get to know them. Exchanging business cards is not enough. To get to know someone, take them out to lunch and ask about what they are doing/what they are working on. After you take them out to lunch, follow up with them every so often to keep in contact.

**6. Accept Speaking Engagements.** Another way to demonstrate that you are knowledgeable about certain areas of the law is to speak at an event. The easiest way to get started is to present a CLE for your bar association. Once you gain more experience, consider speaking at events geared toward the clientele you are hoping to attract. That way, the guests will see that you are knowledgeable about topics that affect them.

**7. Host an Event.** Once you develop a network of people in the community, try hosting an event where people can get together. For example, lunches or happy hour events are a great way to get together with two to four other people. Once your career develops, you can try hosting larger events such as a dinner party or other gatherings.

Marketing is absolutely essential to a solo career. This is especially important for civil practitioners who rely on developing a client base for their practice. If no one knows who you are, your legal business is not likely to fare well. Take advantage of these ideas and meet new people so that your law practice grows.


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# New Division in Development : PCBA Legal Support Alliance

By Abbe Goncharsky, PCBA President-Elect

The PCBA Strategic Planning Committee is tackling a number of projects this year. Among them, we are excited to announce the creation of a new division of our Association—the PCBA Legal Support Alliance (“LSA”). The PCBA Board of Directors recently approved the development of the LSA and its proposed PCBA Division By-Laws at the January meeting of the PCBA Board.

The Strategic Planning Committee is dedicated to the idea that we want to make the PCBA beneficial to all members of our legal community in particular, and by extension, the community as a whole. To do that, we can’t focus “only” on the lawyers or the judges—we have to recognize and support those who support us. PCBA currently has existing divisions and sections that cater to the needs and resources of specific, member subgroups [e.g., the Young Lawyers Division (YLD), the Senior Lawyers Division], and now PCBA is welcoming a division for its legal support members — a PCBA non-voting membership category that has been in existence for a long while now.

For several months, the Strategic Planning Committee members have worked in tandem with two representatives of Tucson Paralegal Association and NALS of Tucson & Southern Arizona, two existing associations for legal professionals. We believe that it is time to bring all the different elements of the legal community together under the umbrella of the PCBA, so that we can truly be an organization that supports the entire Southern Arizona legal community.

It is our hope that with the establishment of the new LSA, we will be able to recognize and help to further develop the strength of our legal community by increasing the opportunities we offer to the members of our legal support community. Experienced and less-tenured legal support staff who work with (or want to work with) lawyers and judges will benefit from mentorship from all tiers of the legal community. We intend that the LSA will provide a place for members to come together to learn and create more camaraderie in

the workplace, benefiting law firms (large and small), by promoting cohesiveness between attorneys and staff. LSA members will enjoy networking opportunities and continuing education classes designed for members at all experience levels and skill sets.

Through this, the PCBA will also benefit. Lawyers and judges have long recognized the amazing abilities of our support staff in law practices and throughout the court system. Having a stronger network of the legal support community will no doubt help the community as a whole. Law firms, large and small, will enjoy supplements to their training efforts. And, of course, the PCBA will grow as we look to increase the number of legal support members who are members of the PCBA.

A second, related task of the Strategic Planning Committee has been to review and likely revise the current definition of “legal support” membership in PCBA’s By-Laws. For instance, just as law students can join PCBA as student affiliates and participate in YLD activities, legal support students, enrolled in legal support classes, could similarly benefit and be introduced to the legal community via a new PCBA legal support student membership and the new LSA. New, proposed revisions to PCBA’s By-Laws will be included in the March Writ issue and presented to members through the PCBA Friday emails. We hope to vote on any proposed By-Laws changes at the March 31st General PCBA Membership meeting. Hope you join us!

## PCBA’S “KUDOS” COLUMN

Congratulations go out to PCBA member PCBA **Timothy M. Medcoff**, Co-Managing Partner of Farhang & Medcoff was recently elected Chair of the Board of the Tucson Metro Chamber. Medcoff has served on the board of directors since September 2016.



## 2020 Arizona Appellate Courts Performance Survey



The Arizona Appellate Courts seek your input to evaluate how those courts are performing. Chief Justice Robert Brutinel has authorized this biennial survey in an effort to enhance the accountability of the Arizona Supreme Court and both Divisions of the Arizona Court of Appeals.

We will seek input from superior court judges and attorneys who participate directly or indirectly in appellate cases. Respondents will be asked to rate each court’s performance in areas common to all appellate courts, as well as in areas unique to each court.

In early February, a pre-announcement email will be sent to superior court judges and attorneys involved in recent decisions from one or more of the appellate courts. We would really appreciate your participation.

The survey will be administered in an electronic format, sent via email. All responses are anonymous.

To review the results from the 2017 Bench/Bar Survey, please visit: <http://www.azcourts.gov/performance/2017-Bench-Bar-Survey> or for more information, send an email to: [AZAppellateCrtSurvey@courts.az.gov](mailto:AZAppellateCrtSurvey@courts.az.gov).

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# PCBA Social Section Event: Meet the Pima County Attorney Candidates

*By Dave Deibel, PCBA Social Section Chair*

After taking a hiatus during the Fall of 2019, we're bringing back the Sports and Leisure Section. We've renamed it the Social Section and decided to stop having monthly happy hours. We'll have one each quarter and try to make each one have a theme.

For the first quarter of 2020, we'll be meeting the 3 candidates for Pima County Attorney: Jonathon Mosher, Laura Conover, and Mark Diebolt. Jonathon and Mark both work as prosecutors for the County Attorney's Office and Laura is a criminal defense attorney in private practice. They are all Democrats so the primary election on August 4<sup>th</sup> will determine the victor.

We'll meet at Thunder Canyon on **WEDNESDAY, MARCH 4<sup>th</sup> at 5:30**. The address is 220 E. Broadway in downtown. Street parking is free after 5:00 and there's a parking garage at 345 E. Congress.

We'd also like to organize Bar-sponsored events at sporting events, such as ice hockey and arena football, and participating in charity walks/runs. If you have any ideas, contact David Deibel at [ddeibel@msn.com](mailto:ddeibel@msn.com) or 520-837-4207. Watch for information on our second quarter happy hour.



*Jonathan Mosher*

*Laura Conover*

*Mark Diebolt*

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- **ALTCS: pre-application through approval, Miller Income Cap Trusts**
- **Special Needs Trusts**
- **Estate Planning Documents: Wills, Trusts, Medical powers**



# Events Calendar for the Legal Community

## FEBRUARY

**17** President's Day  
PCBA Office Closed

**19** 12pm-1pm PCBA Courtroom Brown Bag Lunch CLE Series: "The New Civil Rules: What's Working; What's Not."  
Presented by Hon. Brenden Griffin, Hon. Douglas Metcalf & Hon. Leslie Miller  
Location: Pima County Superior Court, 110 W. Congress St. Courtroom # 805.  
pimacountybar.org, CLE Seminars. 623-8258 or admin@pimacountybar.org

**1pm-3pm, PCBF Free Adult Guardianship/Conservatorship Group Presentation for the Public.**  
Location: Pima County Superior Court Law Library, 110 W. Congress St., Call 623-8258 to R.S.V.P. Sponsored by the Pima County Bar Foundation

**20** 12pm-1pm, The Law Club, Fronimo's, 3242 E. Speedway Blvd. Contact: Carl Tootle at tootlelaw@comcast.net  
Meets Thursdays in February, next date is 27th.

**26** 12pm-1pm PCBA Courtroom Brown Bag Lunch CLE Series: "Exhibits: Best & Effective Use"  
Presented by Hon. Kellie Johnson, Hon. Danelle Liwski & Hon. James Marnier  
Location: Pima County Superior Court, 110 W. Congress St. Courtroom # 805.  
pimacountybar.org, CLE Seminars. 623-8258 or admin@pimacountybar.org

**12pm-1pm, Estate Planning, Probate Elder Law Lunch Group**  
Atria Campana Del Rio, 1550 E River Rd., R.S.V.P.: 623-9944  
Info: Kay Richter 318-1301.

SUN	MON	TUE	WED	THU	FRI	SAT
Mid-February through Late-March 2020						
FEB	17	18	19	20	21	22
	23	24	25	26	27	28
MAR	2	3	4	5	6	7
	8	9	10	11	12	13
	15	16	17	18	19	20
						21

**28** 2pm-4pm PCBA CLE "Avoiding The Most Common PTSD/Trauma-Related Mistake Attorneys Make When Presenting To Juries", Presented by Dr. Thomas Brunner, President of Dr. Brunner & Associates & David Dwyer, Dwyer Hernandez, P.C.  
Location: 177 N. Church Ave., #101. pimacountybar.org, CLE Seminars. 623-8258 or admin@pimacountybar.org

## MARCH

**4** 12pm-1pm, PCBA Senior Lawyers Division Lunch, Pastiche Modern Eatery, 3025 N. Campbell Ave., R.S.V.P. no later than March 2 at 623-8258 or admin@pimacountybar.org.  
**5:30pm, PCBA Social Section: Meet the Pima County Attorney Candidates, 220 E. Broadway**

**5** 12pm-1pm, The Law Club, Fronimo's, 3242 E. Speedway Blvd. Contact: Carl Tootle at tootlelaw@comcast.net. Meets Thursdays, March 12, 19, & 26.

**12pm-1pm, Christian Legal Society of Tucson.** Location: 177 N. Church Ave., #101 Contact: Jim Richardson, 850-0161, email: richardsonjim@icloud.com

**10** 10am-12pm PCBA CLE "Everything You Need to Know About the Secure Act," Presented by Craig Wisnom, Bogutz & Gordon. Location: 177 N. Church Ave., #101. pimacountybar.org, CLE Seminars. 623-8258 or admin@pimacountybar.org

**17** St. Patrick's Day 

**18** 1pm-3pm, PCBF Free Adult Guardianship/Conservatorship Group Presentation for the Public.  
Location: Pima County Superior Court Law Library, 110 W. Congress St., Call 623-8258 to R.S.V.P. Sponsored by the Pima County Bar Foundation

**24** 2:30pm-4:30pm PCBA CLE "I Want My Money and I Want it Now: Reverse Mortgages Are Not What You Think", Presented by Stephen Wolf, Home Equity Mortgage Conversion Specialist  
Location: 177 N. Church Ave., #101. pimacountybar.org, CLE Seminars. 623-8258 or admin@pimacountybar.org

R.S.V.P. deadline for General Membership Luncheon on March 31st, call 623-8258.

**31** 12pm-1pm, PCBA General Membership Luncheon, Arizona Inn, 2200 E. Elm St. Speaker: Nate Wade, Pima County Public Defender's office, "Criminal Justice Issues"  
Info: 623-8258, R.S.V.P. date March 24, 2020

To include an event listing here, please contact Jane Souders at (520) 623-8258 or souders@pimacountybar.org



# Greater Tucson Leadership

By Jessica Graves

Greater Tucson Leadership (GTL) is a non-profit, non-partisan leadership organization providing an opportunity for Tucson professionals to come together and become more educated on Tucson and its issues. Each year, for the past thirty (30) years, GTL has graduated a class of between 30-40 Tucson professionals. Each class's curriculum is focused on different aspects of Tucson including Government, Education, Economic Development, Arts & Culture, Healthcare, Border day (which is spent in Nogales, Arizona), Environment Day, and a Community Issues Day which focuses on topics ranging from Refugees to Poverty to Retaining Young Professionals. Each month, class members spend a day with professionals educated in the area of topic. Past speakers include Mayor Rothschild, State Senators, State Representatives, Superintendents, University of Arizona professors, and health care clinic CEOs—just to name a few.

GTL also spends a day focused on Justice and Public Safety. This year's class took a trip downtown in early January and spoke with Honorable Kyle Bryson and Ronald Overholt, Superior Court Administrator. After the presentations, class members were split up and sent to various courtrooms to observe a variety of criminal hearings. It provided an opportunity for Tucson professionals to be part of the courtroom experience up close and personal.



From left to right: Joel Chorny, Kate Verenna, Daniel South, Jonathan Mosher, Soo Conatser, Anne Elsberry & Dean Brault



Presiding Judge Kyle Bryson & Ronald Overholt, Administrator, Superior Court in Pima County

After a courtroom debrief, the class had the opportunity to meet with Dean Brault, Director, Pima County Public Defense Services, and Jonathan Mosher, Chief Criminal Deputy, Pima County Attorney's Office. This was likely the first time many of the class members had stepped foot at Superior Court. Further, this was the first time any of the members had the opportunity to speak directly with a judge or attorney with firsthand knowledge about the criminal justice system.

The class then spent time with Public Safety officials, including the Pima County Sheriff, Tucson Police Chief, Tucson Fire Department's Chief, and Golder Ranch Fire Department's Chief. The day concluded with a Victim Advocacy presentation led by Vanessa Helms, Director, Victim Services Division, and Rick Unklesbay, Deputy County Attorney, Pima County Attorney's Office.

With such a hands-on, in-depth look into the criminal justice system, class members were able to see some of our finest at work. They could ask questions and further be educated on the inner workings of the Criminal Justice system. This opportunity was only possible because of the collaboration by the Court and its staff, the Pima County Attorney's Office, the Pima County Legal Advocate's Office, the Pima County Defender's Office, and the Pima County Defense Services.

Through this experience, the class was able to learn about some of the difficulties faced by all parties within our system: the courts, law enforcement, victims, and defendants. It is important for the Tucson community to take part and understand our justice and public safety systems. The Greater Tucson Leadership Class of 2020 was able to view, interact, and learn about our system from some of the best. Applications for the Class of 2021 will be released this spring. To learn more about GTL, visit <https://greater-tucson-leadership.org/>.



# Paris Chacon Honored for Pro Bono Service

By Kristin Fitzharris, Director of VLP, Southern Arizona Legal Aid



Paris Chacon

Every month, Southern Arizona Legal Aid's Volunteer Lawyers Program (VLP) recognizes an attorney for their voluntarism. The award is a distinct honor. Of the 533 attorneys who volunteer their time, twelve are recognized annually for their dedication to access to justice.

**Paris Chacon** is the February 2020 Outstanding Volunteer of the Month Award recipient.

Born and raised in Tucson, Paris attended Flowing Wells High School. While there, she interned with a public

defender and this peaked her interest in the legal field. She worked for a while with a document preparer to get her foot in the door as she attended Pima Community College. After obtaining her Associates Degree in Paralegal Studies, she obtained her Certified Legal Document Preparer license in 2009. She worked for others for about two years but soon hung up her own shingle, Affordable Paralegal Solutions, and has been doing family law pleadings, estate planning documents, informal and formal probate, and articles of incorporation for LLCs since January 2010.

Paris loves the work and likes the variety. She feels she has been lucky to find the space to help people who would not otherwise be able to get legal services (either Legal Aid or an Attorney). They can often be overwhelmed and not understanding the process. Additionally, she is a Certified Divorce Financial Analyst (CDFA). In her career, she has discovered that the quality she likes most in a lawyer or legal professional is honesty and integrity but also kindness.

Paris has been volunteering for about three to four years at the Attorney General's Office for the Civil Rights Division as a mediator. She does employment-related mediation and is trained in family mediation as well. Recently, she attended a training given by family law volunteer attorneys on presenting domestic relations classes and has

jumped into teaching divorce and paternity legal information classes at SALA. She has been volunteering since November and will often step in when another presenter has to pull out suddenly. She enjoys both volunteering and teaching, because she gets to hear about all the different and interesting circumstances in people's lives, and in mediation, because she knows that if people can come up with their own agreements they are more likely to follow through with them and are more invested in making the agreements work in the future. She is saving some people from traumatic or endless litigation, which is the value of conflict resolution. She has compassion for people who are in stressful situations and enjoys helping them through these situations and listening to people tell their stories.

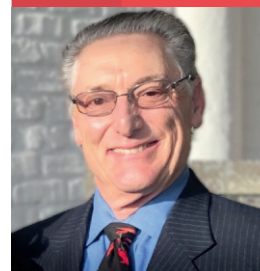
With her husband Gary Kraft, Paris has a 15 year old son, Tyler, a 13 year old daughter, Madie, and two stepsons, Cole and Carter, 18 and 15 years old respectively. Madie is into softball and Tyler and Carter skateboard. Cole is in a successful local band, Rough Draft. Paris and Gary like to travel with the family, and usually travel back East. Paris loves to do yoga and dotes on her two small Chihuahuas, Mini and Winnie. She enjoys reading, especially anything business and self-improvement related, and her favorite author is Stephen R. Covey. If she was not doing her legal work, she would most likely have a career in mental health because there is such a large need. Nothing cheers her up more than spending time with her family.

To learn how you can be a volunteer, visit [www.VLPArizona.org](http://www.VLPArizona.org) or call VLP Program Director Kristin Fitzharris at 623-9465, ext. 4171.

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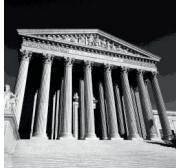
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# BEYOND THE COURT CORNER: The Work-Life Balance



By Hon. (Ret.) KC Stanford

*Beyond The Court Corner* is a series of articles prepared by the author as time permits. It is not intended nor does it reflect the views of the Superior Court of Pima County or any other member of the bench.

How do thoughtful, imaginative lawyers balance their work and non-work lives? Perhaps like construction has CAD and medicine has Teladoc, we will embrace some form of CAL, computer-assisted lawyering. You do not need an office, just a presence in the cloud. You could be present in your non-work life until a need arises to look to your work avatar.

Can you imagine a client using your free website to complete most of the documents for their legal issue with questions and answers that not only track but preserve the nuances of the law? At the endpoint, they will have the questions a professional is trained to answer: will it work, is it legal, is it the best option? The answers require payment. The screen meeting will require more payment. Then, you review the work the client and the computer accomplished for a set fee. An in-person meeting, well that is an expensive service call, but for a price can occur. In most cases, once the documents and the review are complete, you schedule a meet and greet at a pop-up virtual office in any convenient, secure cloud location.



It might be helpful, even ethically mandated, to have a full-time *go-to* application person to help set it up and continuously fine-tune your software. These are the type of folks who turn your “can we make it do this” into code for the web. You, on the other hand, are committing your time to translate CLE and law club discussions into add-ons and updates. Could it happen? It probably already has.

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# Judge Learned Hand Awards Announced

The Arizona Region of the American Jewish Committee (AJC) will pay tribute to three outstanding legal professionals at its annual Judge Learned Hand (JLH) Awards luncheon on **Wednesday, April 1, 2020 at 11:30 a.m.** at the **Hyatt Regency Phoenix**.

**Scott Bales**, retired Chief Justice of the Arizona Supreme Court; **Edward F. Novak**, of Polsinelli; and **the Honorable Alfred ("Fred") Lopez Urbina**, Associate Judge of the Pascua Yaqui Tribe, will be honored for their exceptional professional achievements and profound dedication to civic and philanthropic causes and organizations.

AJC's Judge Learned Hand luncheon recognizes distinguished individuals within the legal profession. Established in 1964, this program honors those who have contributed meaningfully to the legal community and whose work reflects the integrity and broad humanitarian ideals exemplified by Judge Hand. The honorees are selected by an independent selection committee of prominent judges, law professors, and practitioners.

**Scott Bales** will accept AJC's *Public Service Award* for his sustained contributions to the advancement of equality and democratic principles through work in the non-profit and public sectors.

Bales has a long and distinguished career in public service, including in the Department of Justice, as Solicitor General of the State of Arizona, and on the Arizona Supreme Court. As Chief Justice, he led efforts to improve access to justice and to reduce the number of people who are in jail because they cannot afford to pay fines, fees, or bail. He also promoted judicial education in the advancement of technology and forensic science and led efforts to revise Arizona's rules of procedure for civil, criminal, family law, and justice court cases, as well as its rules of evidence. Since his retirement from the Court, he has assumed a leadership role in access to justice issues as Executive Director of the Institute for the Advancement of the American Legal System (IAALS) in Denver, Colorado. Throughout his career, he has exemplified the virtues of a public servant by leading quietly, thoughtfully, and with determination.

**Edward F. Novak** will be presented with AJC's *Community Service Award* for demonstrating sustained contributions to the advancement of equality and democratic principles.

Mr. Novak is a champion for justice, a tireless volunteer, a dedicated mentor, an exceptional attorney, and a decorated (and humble) veteran. During his 40 years of practice, he has devoted countless hours to representing those unable to afford legal representation, including winning freedom for Louis Taylor, who had been wrongfully imprisoned for 40 years. Novak has also worked tirelessly to improve the legal profession through his extensive activities on Arizona Supreme Court committees, including as the Chairman of the Character & Fitness Committee, and for the Arizona State Bar, where he served on the Board of Governors and as President. He has also served on the boards of many community organizations including the U.S. VETS Initiative, the ASU Art Museum, the Arizona School for the Art, and the Greater Phoenix Economic Council.

**Hon. Fred Urbina** will be honored with AJC's *Emerging Leadership Award*, which is a tribute to an attorney practicing twelve years or less who has demonstrated a commitment to the values of public or community service.

Judge Urbina has played a leading role in bringing about tribal justice reforms and protecting victims of domestic violence. Under his leadership as Chief Prosecutor and Attorney General, the Pascua

Yaqui Tribe became one of the first tribes to pilot enhanced criminal court jurisdiction under the Violence Against Women Act of 2013, which allowed the Tribe to prosecute perpetrators of domestic violence who live on the reservation but are not tribal members. Later, as Deputy Associate Director of Tribal Justice Support at the Bureau of Indian Affairs, Urbina worked to help other tribes improve their criminal justice systems and protect victims of domestic violence. He has also written and testified extensively on these issues and worked as an Assistant Attorney General of the Tohono O'odham Nation and on the National Inter-Tribal Working Group to implement the Violence Against Women Act. Judge Urbina also serves on the Board of Directors for Amity Foundation, which provides services for Native American tribes in restorative justice settings, and is a mentor for young attorneys.

Over the course of its 112-year history, AJC has worked to safeguard minorities; fight terrorism, anti-Semitism, hatred and bigotry; pursue social justice; advance human dignity; support Israel's right to exist in peace and security; defend religious freedom; and provide humanitarian relief to those in need. Through innovative programs, education, research, media outreach, and extensive diplomatic advocacy, AJC works to advance freedom, liberty, tolerance, and mutual respect.

AJC thanks Tim Eckstein, Joe Roth and Josh Bendor for serving as the Award Luncheon Co-Chairs.

FOR ADDITIONAL INFORMATION, TO BECOME A CORPORATE SPONSOR, OR TO PURCHASE TICKETS FOR THE EVENT, PLEASE CONTACT: KAROLYN KIBURZ AT (480) 990-1887 OR KAROLYN@MCSOURCE.NET.

## Volunteer Lawyers to Judge Student Essays

The James Madison Forum is a 501 (c)(3) organization that sponsors the **Madison High School Essay Competition** for seniors.

Reading and judging essays written by the 2020 Senior Class from your local high school is a great way to make your commitment to education more tangible. The total commitment for a lawyer-volunteer is approximately four hours in March at a convenient time for you.

Before the end of February, students from twenty-five participating high schools in Arizona will submit essays (800 words). Lawyer-volunteers will review and score a set of essays from students at one or two local high school(s). This review can occur in your office. Then, usually on a weekend, you will meet with another lawyer in a two-judge panel to select the winning essay.

To volunteer, please go to the "Lawyers" page on our website <http://www.jmscholar.org> and sign up today! Questions about volunteering, may be addressed to Jason Simon at [jsimon@LRRC.com](mailto:jsimon@LRRC.com) or Justin Castillo at [justin@breilaw.com](mailto:justin@breilaw.com).

# A Very Special "Thank You" to

*The Pima County Bar Foundation would like to thank the following 814 PCBA members, who kindly made contributions to the Foundation with their 2020 PCBA membership dues. Special, bold-print recognition is also made to those, who further provided an extra, additional donation to help with our Foundation efforts. We are very appreciative of your support. **THANK YOU!***

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