

MARICOPA LAWYER

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OFFICIAL PUBLICATION OF THE



August 2026

VOLUME 45, NUMBER 8

maricopabar.org

WHERE THE LEGAL COMMUNITY CONNECTS

What Arizona Lawyers Still Get Wrong About Self-Defense

By Howard A. Snader, Esq., Senior Criminal Defense Attorney
AZ State Bar Certified Specialist in Criminal Law



Howard A. Snader

Arizona lawyers routinely hear clients say some version of the following:

“It was self-defense.”

“I had a right to stand my ground.”

“He was on my

property.”

“I was protecting someone else.”

Those statements may sound legally significant. But taken on their own, they can be substantially lacking.

Justification is not immunity from prosecution. Justification is an affirmative defense.

Arizona’s justification statutes create pow-

erful protections, but they also create substantial confusion—especially for lawyers who do not regularly handle criminal or self-defense cases. The confusion often begins with a failure to distinguish ordinary physical force from deadly physical force.

Ordinary physical force is normally a shove, punch, pepper spray deployment, or physical restraint. Deadly force normally involves a firearm, knife, or any other instrument capable of causing death or serious physical injury. That distinction matters because Arizona permits ordinary force under circumstances where deadly force would remain unlawful.

Many lawyers, and clients, collapse all of these categories into a single “self-defense” analysis. Arizona’s justification statutes pro-

vide several distinct defenses. Each has different elements, burdens, and strategic implications. Given that our legislature has delineated several self-defense statutes for specific scenarios, a “one-size fits all” understanding of self-defense may be fatally flawed.

In any self-defense case, you must really determine if your client was the aggressor. Generally, you are not permitted to be the aggressor and then claim self-defense. A.R.S. §13-404(B)(3). The next concern is whether your client reasonably believed they were under imminent threat. And, if so, was their response proportional to stop the threat.

For example, Arizona generally permits a person to use ordinary physical force when a reasonable person would believe it immediately necessary to protect against another’s unlawful physical force. Deadly force requires far more. The threat must involve deadly physical force or circumstances creating a reasonable belief of imminent death or serious physical injury.

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CourtWatch

Daniel P. Schaack

The \$10 Million “Gotcha” Question

A recent appeal in Division One of the Arizona Court of Appeals raised an issue that, viewed superficially, might be seen as a dry procedural question, interesting perhaps only to law professors and legal nerds. But, given what was at stake—a \$10 million jury verdict—the question was anything but dry. *Stith v. Bella Vita Health & Rehabilitation Center*, No.1 CA-CV 24-0484 (Ariz. App. July 6, 2026).

After Peggy Stith had surgery, Bella Vita provided rehabilitation services at its facility. Stith’s head hit a wall while nursing staff were transferring her to her bed. The staff members checked her out but found no outward signs of injury. They did not notify her doctor, nor did they check for potential brain trauma. They gave her pain medication and allowed her to go to sleep. In the morning, Stith was unresponsive and was taken to the hospital, where she underwent surgery for a subdural hematoma. She ended up with significant and permanent brain damage.

Stith sued Bella Vita, alleging her condition was exacerbated by the nursing staff’s failure to contact a physician or perform neurological

checks. Had these things been done, she argued, the subdural hematoma would have been detected earlier, which would have given her a better chance of a more favorable outcome.

The case went to trial. When Stith rested after presenting her case-in-chief, Bella Vita moved for judgment as a matter of law (“JMOL”) under Civil Rule 50(a). It argued that Stith needed expert evidence to establish that the lack of overnight neurological checks led to compromised condition. By not presenting such expert evidence, Bella Vita argued, Stith was improperly asking the jury to infer medical causation. The trial judge denied the motion, ruling that Stith had provided sufficient evidence of causation through other expert testimony.

Having had its Rule 50(a) motion denied, Bella Vita presented its own evidence and then rested. In her rebuttal case, Stith called her medical expert back to the stand to opine that, had the neurological checks been done, her hematoma would have been detected earlier, which would potentially have prevented the degree of brain damage she suffered.



The jury found for Stith and awarded \$10 million in damages. Bella Vita renewed its motion for JMOL as required under Rule 50(b), but the judge denied that motion as well.

Bella Vita appealed, arguing that the judge should have granted its Rule 50(a) motion, ending the case and precluding the jury from finding for Stith. In response, Stith argued the court of appeals could not even review the Rule 50(a) ruling on appeal. The \$10 million question came down to this: is a Rule 50(a) motion for judgment as a matter of law a “gotcha,” or is it merely a warning to the plaintiff that her case is incomplete, coupled with an opportunity to make things right?

Judge James B. Morse Jr., writing for himself and Judge Jennifer M. Perkins, sided with Bella Vita, holding essentially that plaintiffs better have all their ducks in a row before resting their case-in-chief.

Morse noted that the United States Supreme Court, interpreting the corresponding federal rule, has held that a party’s failure to renew its Rule 50(a), as required by Rule 50(b), provides no basis on appeal “for review of respondent’s sufficiency of the evidence chal-

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The *Maricopa Lawyer* is published monthly on the first of each month and mailed to members of the Maricopa County Bar Association. Please send address changes to: membership@maricopabar.org. Editorial submissions and advertising rate requests may be sent to maricopalawyer@maricopabar.org. The editorials and other views expressed in the *Maricopa Lawyer* are not necessarily those of the Association, its officers or its members.

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MCBA BOARD MEMBER

LaShawn Jenkins

Why I Came Back: The Value of MCBA Service at Every Stage of a Legal Career

The practice of law can be rewarding, challenging, and meaningful. It can also become repetitive. For many attorneys, especially those in private practice, the daily routine consists of emails, deadlines, court appearances, client meetings, and managing an ever-growing caseload. Before long, months and years pass with little opportunity to step outside the demands of practice and engage with the broader legal community.

That is one of the reasons I first became involved with the Maricopa County Bar Association as a young lawyer and one of the reasons I eventually returned as a more seasoned attorney.

Serving on an MCBA board or committee provides something many lawyers do not realize they are missing: a chance to break the monotony of practice and reconnect with the profession itself. It creates opportunities to discuss ideas beyond the confines of a particular case, contribute

to meaningful initiatives, and work alongside attorneys from different practice areas, backgrounds, and generations.

In an era where much of our communication occurs through email, text messages, video conferences, and electronic filings, MCBA service also provides something increasingly rare—actual in-person interaction. While technology has made the practice of law more efficient, it has also made it more isolating. There is tremendous value in sitting around a table with fellow attorneys and judges, discussing issues affecting the profession, brainstorming solutions to common challenges, and working together toward shared goals. These interactions remind us that law is ultimately a people profession.

MCBA involvement is particularly valuable for solo and small-firm practitioners. Unlike lawyers in larger firms, we often do not have a built-in

network of colleagues down the hall to exchange ideas with or discuss the unique challenges of running a practice. Through committee meetings, projects, and professional events, MCBA creates opportunities to build relationships with attorneys facing many of the same issues. Some of the most valuable conversations I have had as a lawyer did not occur in a courtroom or at a CLE, but through my involvement with MCBA.

My involvement with MCBA began early in my career and culminated in serving as President of the Young Lawyers Division in 2009. One of the unexpected benefits of that experience was that it opened doors to broader opportunities for leadership and service. Through the relationships, mentorship, and practical insights I gained through MCBA, I developed the confidence and professional network that helped me launch my own practice. With the unwavering support of my wife, I founded Jenkins Law Firm, and this month we are proud to celebrate our 17th anniversary. Looking back, MCBA served as a launching pad. It provided an accessible environment to develop leadership skills, build professional relationships, and gain experience that translated not only into involvement with larger organizations, including the American Bar Association, but also into the successful growth and longevity of my own firm.

Perhaps the most rewarding aspect of MCBA service is the opportunity to interact with attorneys at every stage of their careers. As a young lawyer, I benefited immensely from experienced

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Why I Came Back

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practitioners who were willing to share their wisdom, practical advice, and lessons learned. Many of those conversations taught me things that no law school class or CLE program could provide.

Returning to MCBA service later in my career has allowed me to experience the other side of that relationship. While I continue to learn from attorneys who have practiced longer than I have, I also have opportunities to encourage and support newer lawyers who are navigating the early years of their careers. The exchange of knowledge works both ways. Younger lawyers bring fresh perspectives and new ideas, while more experienced attorneys contribute practical judgment and institutional knowledge.

Perhaps most importantly, MCBA helps build the pipeline of future leaders within our profession. Every generation of lawyers benefits from those who came before them. By encouraging younger attorneys to become involved and

serving alongside them, we help ensure that the profession continues to thrive. Today's committee member may become tomorrow's board president, judge, community leader, or mentor to the next generation.

For me, service through the Maricopa County Bar Association has never been solely about meetings or governance. It has been about relationships, mentorship, leadership development, and giving back to a profession that has given so much to me. It has connected me with lawyers from every stage of their careers, opened doors to opportunities on a national level, and provided a meaningful way to contribute to the future of the legal profession.

And every now and then, it provides something many of us need: a reason to step away from our desks, interact with real people, and remember why we became lawyers in the first place. ■

CLERK'S CORNER

Nancy Rodriguez
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the Superior Court



A Note from the Acting Clerk of the Superior Court

As we begin a new fiscal year, it's a natural time to reflect on the incredible work accomplished by the dedicated employees of the Clerk of the Superior Court and to look ahead at the opportunities that await us.

Every day, our office plays a vital role in ensuring the judicial system operates efficiently, accurately, and transparently. While much of our work happens behind the scenes, the volume of activity taking place across our divisions tells an important story about the essential services we provide to our community.

During Fiscal Year 2025, our office processed an extraordinary **2,558,584 court documents**. That equates to more than **10,000 documents every business day**, each one requiring careful handling to ensure the integrity of the court record. While electronic filing continues to grow (with **54.03% of all documents submitted electronically**) nearly **46% of filings still arrived in paper form**, requiring our staff to manage both digital and traditional workflows with the same level of precision and efficiency.

The demand for our services continues to increase. Overall document volume grew by nearly 3% compared to the previous fiscal year. We experienced particularly significant growth in civil filings, which increased by more than 14%, while criminal filings rose by nearly 5%. In total, our office initiated **164,113 new cases** during the fiscal year, each representing individuals and families

relying on the justice system to resolve important matters.

Inside our courtrooms, our courtroom clerks issued **546,085 minute entries**, documenting proceedings that serve as the official record of court actions. Our staff also processed nearly **31,000 exhibits**, ensuring critical evidence was accurately tracked and preserved throughout the judicial process.

Beyond courtroom operations, our commitment to public service remained as strong as ever. Our Customer Service team handled an average of **15,835 calls each month**, responding to **215,416 inquiries** throughout Fiscal Year 2025. We also processed **112,493 requests for public court records**, reinforcing our responsibility to provide timely access to public information while maintaining the integrity and confidentiality of court records.

In addition, the Clerk's Office issued **25,605 marriage licenses**, recorded **28,756 licenses**, and provided **37,830 certified copies of marriage licenses** over that fiscal year. Furthermore, the office processed nearly **26,000 passport applications** for customers throughout the county.

These numbers represent far more than statistics. They reflect the dedication, professionalism, and expertise of the employees who serve our customers every day. Whether assisting someone filing their first court document, supporting judicial officers during hearings, managing official court records, or answering questions from the public, our team remains committed to delivering exceptional service with accuracy, integrity, and respect.

As we enter Fiscal Year 2027, we know the demands on our office will continue to grow. We have spent the past year preparing for that growth by strengthening our operations, embracing innovation, and positioning ourselves to meet the evolving needs of the courts and the public we serve.

I am incredibly proud of what our employees have already accomplished, and I am excited for what lies ahead. Together, we are ready to build on our momentum, continue improving our services, and support the administration of justice with the excellence our community expects and deserves. ■

LEGAL WRITING

Tamara Herrera



Is a Vertical List Always the "Write" Tool?

Sometimes I follow writing advice without thinking it through. A good example is the use of vertical lists to improve clarity. Generally, this advice holds true. But I recently read a document where almost every other sentence was a vertical list. My reading slowed significantly, and I had to reread the document several times to understand it. Following are four questions to help decide whether a vertical list is the "write" tool.

1. Will a vertical list improve clarity?

If a sentence has become lengthy or syntactically complex (too many commas or semi-colons), presenting its components vertically may help the reader comprehend it more readily. Vertical lists do not generally improve shorter sentences, however. Too many short lists provide a choppy reading experience. A vertical list should not be used simply because it breaks up the text and looks better on the page.

2. Do the items represent distinct concepts with a clear relationship?

A vertical list is most effective where each item expresses a separate obligation, right, con-

dition, exception, element, factor, or concept. Equally important is ensuring the items have an explicit relationship that is easy to understand. The drafting should clearly indicate whether all items must apply, whether only one is required, or whether the list is illustrative rather than exhaustive. I suggest using a lead-in sentence or clause that explains the relationship. Without this clarity, the structure itself may create ambiguity.

3. Is the list drafted consistently and grammatically?

The lead-in sentence or clause, along with the listed items, should form a grammatically correct statement. In addition, each list item should follow a parallel structure by using consistent grammatical forms (all verbs, for example), terminology, and tense.

4. Will the list improve the document without creating unintended consequences?

Vertical lists should not alter the way a sentence is interpreted. Consider whether separating the items could imply that each item has independent legal significance or could affect the intended legal relationship among them. The chosen structure should also support straightforward future amendment and cross-referencing. I suggest picking one of the following structures:

***Bullets** when the items are short or of equal importance

***Numbers** when sequence matters or the items are discrete

***Letters or outline** format when showing subordinate items

Simply put, formatting advice should never alter substance. ■



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YOUNG LAWYERS DIVISION

Savannah Wix

Building Your Career by Building Your Community

The first years of practicing law are exciting, challenging, and often overwhelming. New attorneys are expected to develop legal skills, build client relationships, establish professional reputations, and find their place within Arizona's legal community all while managing demanding caseloads and learning the realities of practice.

One of the best ways to accomplish all of those goals is by becoming involved in the Maricopa County Bar Association's Young Lawyers Division (YLD).

Professional success isn't built solely in the office or courtroom. It is built through relationships, visibility, and a willingness to contribute to the profession. The Young Lawyers Division provides opportunities to do exactly that while connecting members with attorneys, judges, and legal professionals from across Maricopa County.

Networking is often viewed as simply exchanging business cards, but meaningful

networking is much more than that. It is developing genuine professional relationships that can lead to mentorship, referrals, career opportunities, and lifelong friendships. Whether you practice in a large firm, a small office, government, or public interest, the connections you make through the MCBA often become some of the most valuable resources throughout your career.

Community involvement is another hallmark of the Young Lawyers Division. Lawyers have a unique opportunity and responsibility to give back to the communities they serve. Participating in volunteer projects, fundraising events, and public service initiatives demonstrate a commitment to service while allowing attorneys to work alongside colleagues who share that same commitment. These experiences strengthen both the legal profession and the communities we serve.

The YLD also provides members with

opportunities to share their knowledge. Writing articles for *Maricopa Lawyer* allows young attorneys to establish themselves as emerging leaders in their practice areas. Publishing articles not only benefits fellow members but also helps attorneys develop credibility, improve their writing skills, and increase their professional visibility. A well-written article can introduce colleagues to your expertise long before they ever need to refer a case.

Teaching continuing legal education (CLE) programs offers another valuable opportunity for professional growth. While many attorneys wait until they have decades of experience before considering speaking engagements, some of the best presentations come from attorneys who are actively navigating new legal developments and practical challenges. Presenting a CLE enhances public speaking skills, deepens subject matter knowledge, and positions attorneys as trusted resources within the legal community.

Leadership opportunities within the Young Lawyers Division provide yet another avenue for career development. Serving on committees, helping organize events, or taking on leadership roles allows members to strengthen skills in collaboration, project management, communication, and strategic planning. These experiences often translate directly into increased responsibilities within one's practice and create lasting professional relationships.

Of course, involvement should also be enjoyable. The Young Lawyers Division hosts signature events throughout the year that bring

the legal community together in meaningful and memorable ways.

Race Judicata, returning on **February 21, 2027**, is more than a race. It is an opportunity for lawyers, judges, law students, families, and friends to come together in support of a worthy cause while promoting wellness and camaraderie within the profession.

Just a few weeks later, the annual **Barristers Ball on March 20, 2027**, offers one of the premier social events. It is an evening to celebrate accomplishments, reconnect with colleagues, build new relationships, and enjoy the friendships that make practicing law more rewarding.

Success in the legal profession is about more than legal knowledge. It is about building a reputation for professionalism, developing meaningful relationships, giving back to the community, and continually seeking opportunities to learn and lead.

The Maricopa County Bar Association's Young Lawyers Division provides the foundation for all of those opportunities. Whether you attend an event, volunteer for a committee, write an article, present a CLE, or simply introduce yourself to someone new at a networking reception, every step you take helps strengthen both your career and the legal profession.

Your legal career will span decades. The relationships you build and the contributions you make today will shape the opportunities that come tomorrow. There has never been a better time to get involved. ■



PARALEGAL DIVISION PRESIDENT

Anabel Quintana

More Than Support: The Essential Role of Paralegals in the Legal Profession

The legal profession depends on teamwork, and at the center of that teamwork are paralegals. While attorneys provide legal advice and represent clients, paralegals are often the professionals who keep matters moving forward every day. They organize complex cases, communicate with clients, prepare legal documents, manage deadlines, conduct legal research, coordinate discovery, and help ensure that no detail is overlooked. Their knowledge, dedication, and professionalism make them indispensable members of every legal team.

The role of the paralegal has evolved significantly over the years. Today's paralegals are highly skilled professionals who work in virtually every area of law, from litigation and family law to estate planning, criminal

law, corporate transactions, government service, and beyond. Many develop specialized expertise that becomes invaluable to their firms, organizations, and clients.

Paralegals are often the first point of contact for clients navigating what may be one of the most stressful experiences of their lives. They provide reassurance, gather critical information, explain procedures, and help clients understand what to expect throughout the legal process. Their ability to combine technical knowledge with compassion helps build trust and confidence while contributing to a positive client experience.

The legal profession continues to evolve as technology advances, court procedures change, and client expectations grow. As these changes

occur, paralegals must continue learning and developing new skills. Professional growth is no longer optional—it is essential.

That is one of the many reasons membership in the Maricopa County Bar Association's Paralegal Division is so valuable.

The Paralegal Division provides opportunities that go beyond earning continuing legal education credits. It connects members with a community of professionals who understand the unique challenges and rewards of the profession. Through educational programs, networking events, leadership opportunities, and volunteer activities, members build relationships that strengthen both their careers and the legal community as a whole.

Networking is often thought of as something only attorneys need, but it is equally important for paralegals. The connections made through MCBA events frequently lead to mentoring relationships, career opportunities, and the sharing of practical knowledge that cannot be found in a textbook. Learning from experienced professionals—and sharing your own experiences—helps elevate the profession for everyone.

The Division also provides opportunities to become involved in leadership. Serving on committees, helping organize programs, or participating in Division initiatives allows members to develop skills in communication, project management, and collaboration. These experiences not only benefit the Association but also enhance professional confidence and prepare members for greater responsibilities

within their own organizations.

Perhaps most importantly, the Paralegal Division gives paralegals a voice. It recognizes the important role paralegals play in delivering quality legal services and provides a forum where members can exchange ideas, discuss emerging issues, and contribute to the continued advancement of the profession.

Professional associations are about more than memberships—they are about investing in yourself. They demonstrate a commitment to excellence, lifelong learning, and service to the legal community. Whether someone is just beginning a paralegal career or has decades of experience, there is always something new to learn and someone new to meet.

The Maricopa County Bar Association is proud to support paralegals through education, professional development, and meaningful opportunities to connect with colleagues across the legal community. Together, we strengthen our profession, better serve our clients, and ensure that Arizona's legal community continues to thrive.

Paralegals are far more than support staff. They are skilled professionals, trusted colleagues, problem-solvers, and leaders whose work contributes directly to the administration of justice every day. Their dedication deserves recognition, and their continued growth benefits us all. ■



LEGAL PARAPROFESSIONALS DIVISION BOARD MEMBER

Christina Johnston Meyers

One Year In: What a Criminal Law LP Has Learned About Serving Justice

One year ago, I began practicing as a Criminal Law Legal Paraprofessional (LP) — the 81st LP licensed statewide, but only the 8th in criminal law. Looking back on that first year, I've come to appreciate not just what this new license allows me to do, but how much room still exists to expand its reach.

Where It Started

My path to this license began long before the LP program existed. I first worked as a legal assistant to Anna Nelson, a mitigation specialist on capital cases and juvenile life-without-parole cases. Anna taught me something I carry into every case: how a person thinks, and what they believe because of their past experiences, often matters as much to a criminal case as the facts themselves.

From there, I became a paralegal to J. Mitchell Padilla, whose emphasis on case management and attention to detail proved invaluable. Mitch encouraged me to return to college for my paralegal certificate, and when the Licensed Legal Paraprofessional Program was created, he encouraged me to pursue the license itself. At the outset, neither of us was entirely certain what an LP would be permitted to do. But when Mitch was elected as a Justice of the Peace, his vantage point from the bench gave him a clearer view of where an LP could add real value to criminal practice — and as he identified new case types suited to the role, he shared them with me.

Finding the Ways to Serve

I never imagined how many avenues would open for serving clients and fellow criminal defense professionals. I've stepped in to cover for attorneys when they needed it, and I've represented clients in Disorderly Conduct, Domestic Violence, Hit and Run, Criminal Speeding, Criminal Littering, Criminal Damage, and Trespassing matters. Often, I help clients navigate the practical aftermath of a conviction — enrolling in required classes, arranging community service, and the like. I've also been retained for Order to Show Cause hearings involving the reinstatement of lapsed fines.

The role is expanding beyond private practice, too. Our county attorney's office has hired an LP to serve as a misdemeanor prosecutor. As I understand it, her responsibilities will include facilitating diversion program contracts and handling cases where incarceration is not being pursued.

Where the Role Could Go Next

I believe an LP could also serve effectively as a contract public defender for individuals who are not facing jail time but still need meaningful help navigating the legal system — whether because of limited legal knowledge, limited mental health, or both.

The statute governing appointment of counsel has two parts. The first is constitutionally

mandated: under the Sixth Amendment, a defendant facing incarceration is entitled to appointed counsel. The second part is discretionary, leaving appointment "at the discretion of the judge." It's this second category where a Public Defender LP could be especially valuable. Some defendants face multiple cases at once and lack the capacity to manage them without significant support. Public defenders are often stretched thin explaining basic legal concepts and walking clients — sometimes literally holding their hand — through diversion programs, classes, fines, and Veterans Court requirements. An LP could absorb much of that burden, freeing public defenders to focus on cases where jail time, and the full protections of counsel, are truly at stake.

A Role Still Proving Its Worth

I recognize that the Criminal Law LP was not the Access to Justice Board's first idea for closing the justice gap. But with the persistent shortage of affordable criminal defense attorneys and public defenders, this license has already proven its value — and, if my first year is any indication, there's still more it can do. ■



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INSIDE THE MEDIATION ROOM

INSIGHTS AND TALES FROM MY CAREER AS A MEDIATOR

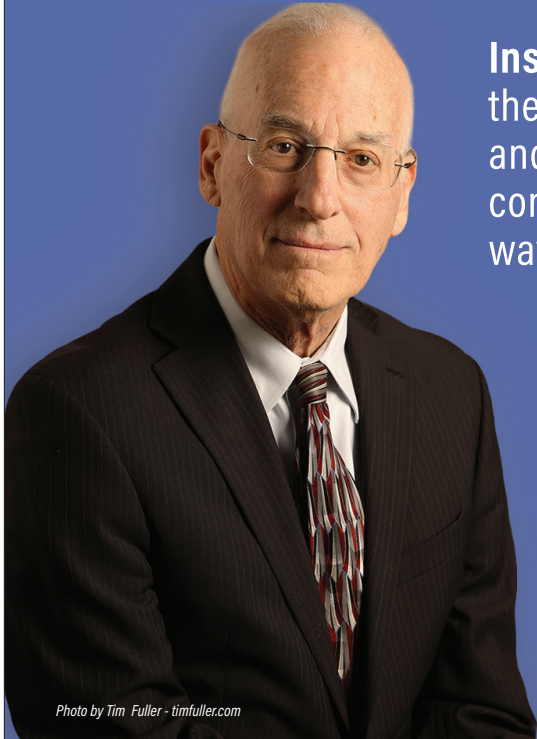
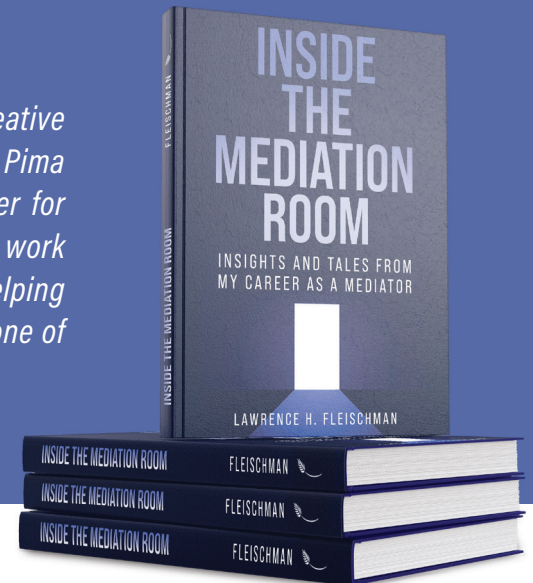


Photo by Tim Fuller - timfuller.com

Inside the Mediation Room offers true stories of the disputes people find themselves in and the unconventional ways they are resolved. By turns humorous and heartbreaking, these behind-the-scenes accounts reveal what happens when conflict turns personal — and how empathy and creativity can shape outcomes in ways a courtroom never could.

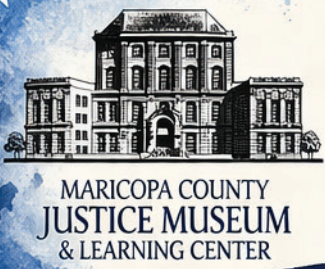
Judge Lawrence H. Fleischman (ret.) has provided creative alternatives to litigation in Tucson for over forty years. A former Pima County Superior Court judge, he founded Arizona's first Center for Dispute Resolution, saving litigants and taxpayers millions. His work includes resolving complex, high-profile matters, including helping to negotiate Andre Agassi's Nike endorsement deal in 1995 — one of the many stories shared in Inside the Mediation Room.



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What Arizona Lawyers

continued from page 1

Under A.R.S. §13-418 or 419, you may be justified using ordinary or deadly force if you are facing an intruder entering your home or vehicle. Under A.R.S. §13-421, you may be justified in threatening deadly force even where the use of deadly force is not justified.

But if the matter only involves theft of property, then you may only use ordinary force.

If your client has been the victim of past acts of domestic violence, then they may be able to raise self-defense from the perspective of a reasonable person who has been a victim of such acts.

Defense of others presents additional risks. Arizona does extend self-defense protections to protection of 3rd parties so long as those parties would have been able to raise the defense if they had taken defensive action.

People intervene in fights, parking lot confrontations, domestic disputes, and public altercations believing they are protecting an innocent victim. Frequently, one will intervene without knowing who initiated the conflict seconds earlier. They may not know whether the apparent victim threatened violence, displayed a weapon, or acted as the initial aggressor before witnesses started recording on their phones.

But, the intervener often inherits the factual and legal complexity of the entire encounter.

Self-defense is nuanced. You really need to understand those nuances or risk having your argument crushed, or worse, barred from rais-

ing the defense at all.

At trial, jurors will evaluate reasonableness. Prosecutors will argue escalation. Detectives still ask why the defendant continued the encounter, pursued the confrontation, displayed a weapon, or failed to disengage when possible. In Arizona, a defendant may not have a legal duty to retreat, yet the absence of retreat often becomes a factual centerpiece during trial.

Investigators reconstruct timelines minute-by-minute. Prosecutors examine escalation, proportionality, verbal exchanges, movement, positioning, weapon display, prior threats, surveillance footage, 911 calls, and post-incident statements. The five minutes before force often matter more than the five seconds during force.

For lawyers outside the criminal-defense arena, justification law often appears far more intuitive than it actually is. In practice, these cases turn on nuanced factual distinctions that dramatically alter one's criminal exposure.

Arizona's justification statutes collide with evidentiary issues, forensic reconstruction, jury psychology, firearm mechanics, and use-of-force principles. Small factual differences routinely determine whether a case is prosecuted or successfully defended.

As a takeaway, please remind your clients to always invoke. Even if your client acted with an honest belief that they were defending themselves or others, it is too easy for their comments to assist in their own prosecution. Statements made under the rush of adrenaline and mistaken facts might result in prosecution or an inability to legally raise a self-defense claim. ■

CourtWatch

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lenge." Morse found the converse to be true. "That statement," he wrote, "implies that it is appropriate to review a pre-verdict Federal Rule 50(a) motion when a party renews its sufficiency of the evidence challenge under Federal Rule 50(b)." And "federal appellate courts continue to evaluate Federal Rule 50(a) denials as long as parties preserve the issue in a post-verdict Federal Rule 50(b) motion."

And while Arizona courts haven't yet addressed the issue directly, Morse found supporting language in some recent opinions. "Because Bella Vita renewed its sufficiency of the evidence challenge under Rule 50(b)," he wrote, "it is appropriate to review the denial of its pre-verdict Rule 50(a) motion."

Having found appellate jurisdiction, the next question—arguably more portentous—was the scope of the appellate review. Stith argued that in reviewing the sufficiency of the evidence, the court should consider *all* of her evidence—including her rebuttal evidence—not just the evidence she had presented when Bella Vita asserted its Rule 50(a) motion. Morse disagreed.

Morse first noted courts analyze Rule 50 motions under the same standard as Rule 56 motions for summary judgment. "Linking review of JMOL and summary judgment is particularly instructive," he wrote, "because when reviewing a motion for summary judgment, this Court reviews only the part of the record before the trial court at the time it considered the motion." He likened this principle to Rule 50(a)'s text, which allows such a motion only when the opposing party has been "fully heard on an issue." He found persuasive federal cases concluding that the motion is appropriate when filed after the plaintiff has rested her case-in-chief.

"Plaintiffs are responsible for presenting prima facie evidence to support their claims during their case-in-chief," Morse wrote. "By resting, Stith affirmed she had presented all the evidence necessary to satisfy her burden." "At that point, the superior court was equipped to determine whether sufficient evidence existed to submit the case to the jury." He therefore concluded Stith had, at that point, been "fully heard" for Rule 50(a) purposes when she rested her case-in-chief.

Hence, "in reviewing the denial of Bella Vita's Rule 50(a) motion, we are limited to the admitted evidence at the time that Stith rested her case." Morse agreed with Bella Vita that Stith had not presented the required expert causation testimony in her case-in-chief. "Stith provided causation testimony during rebuttal, after her case-in-chief and after the defense's case."

"Because Stith had not presented causation evidence" when Bella Vita filed its Rule 50(a) motion, "and because Stith's evidentiary presentation in her case-in-chief failed in that essential element, the superior court should have granted the motion." He therefore reversed the denial of Bella Vita's motion for judgment as a matter of law.

Judge D. Steven Williams dissented, disagreeing with the majority on three points.

He first questioned whether the court of appeals could even review the denial of Bella

Vita's Rule 50(a) motion. He wasn't persuaded by the cases on which the majority relied.

He also questioned the majority's reliance on Rule 56. "Though the standard for granting or denying JMOL and summary judgment is the same," he wrote, "the rules governing these two motions differ in a significant way." He noted that Rule 56(a)'s language is mandatory: "The court *shall* grant summary judgment if the moving party shows that there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law." By contrast, "Rule 50(a) places no such obligation upon the trial court even if the court determines a reasonable jury has no legal basis to find for the opposing party on that issue."

"Rule 56(a) is compulsory. Rule 50(a) is permissive," Williams concluded. In his view, "Rule 50(a) encourages courts to let trials play out to completion and discourages them from calling contests at halftime." And adopting the majority's position "could lead to the absurd result that one who has sustained his position after a full trial and a more complete presentation of the evidence might nevertheless be reversed on appeal because, at the time of the initial motion for JMOL, he had failed to adequately establish his prima facie case."

Finally, Williams departed from the majority in determining when the opponent has been fully heard. He agreed with the trial judge that Rule 50(a) should not act as a gotcha but should be used essentially as a warning. On this point, he quoted the trial judge's ruling: "Because a properly made motion under Rule 50(a) specifies the law and the facts on which the moving party is entitled to judgment, the motion itself will ordinarily inform the non moving party of the deficiencies in its proof." At that point the trial court should "afford that party an opportunity to present any available evidence bearing on that fact" before ruling on the motion."

Williams concluded that "when a party makes a Rule 50(a) procedural challenge to the sufficiency of evidence, the opposing party is generally given a chance to correct any deficiency." He believed that doing so accords with the courts' general desire to decide cases on the merits, "rather than upon matters of procedure."

Because Stith had supplied the necessary expert evidence in her rebuttal case, Williams would have affirmed. "Because the deficiency was corrected, and the matter was submitted to the jury only after Stith was fully heard, the court's error in failing to side with Bella Vita" on its Rule 50(a) motion "was harmless," he concluded. ■



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CRIMINAL LAW SECTION

When a Dismissed Case Isn't the End of the Story

By Zach Divelbiss,
AZ Record Removal & Future First



For years, when a case ended in dismissal or diversion, the message to the client was the same. You walked away clean. No conviction. Move on

with your life. I have heard private attorneys, public defenders, prosecutors, and even judges put it exactly that way. It was the best guidance available at the time, and it was incomplete in a way none of us saw coming.

A dismissal ends the prosecution. It never erased the arrest, the charge, or the court file. Those records stayed open to any employer, landlord, or basically any member of the public running a background check. Before 2023, Arizona gave those people no mechanism to remove them. So "no record" came to mean "no

conviction," and the profession used the two phrases as if they were identical. For the client staring at a denied apartment application, they were not identical at all.

Arizona changed this on January 1, 2023. A.R.S. § 13-911 created record sealing for the first time. Dismissed cases, acquittals, and no-file decisions became eligible immediately. Diversion completions qualify once the case is dismissed. For the first time, a person whose case never produced a conviction has a way to take the arrest and the charge out of public view.

Here is the part worth sitting with. Every client closed with a dismissal or a diversion before 2023 is holding an eligible, unsealed record today. Most of them believe they are already clean, because the advice they trusted said so. No one did anything wrong. The law did not exist yet. But those people are still out there, and their records are still showing up.

Convictions can also be cleaned up. The current options:

- Set-aside under § 13-905 vacates the judgment of guilt after sentence completion. The conviction stops counting against the client in most situations and court data bases now say "Set Aside" instead of "Guilty". Can restore civil and firearm rights.
- Sealing under § 13-911 reaches convictions too, on a waiting period scale by offense class. Misdemeanors run two to three years from sentence completion. Felonies run five to ten. Typically best way to remove your record.
- Designation under § 13-604 converts an undesignated class 6 felony/offense to a misdemeanor after successful probation. This reduces the wait period for Sealing.
- Early termination of probation under § 13-901 opens once the client clears half the term with everything paid and completed.

Each remedy carries its own eligibility math especially when combining multiple options. A client often qualifies for more than one, in a specific order.

This reaches past criminal practice, and past the courthouse entirely. A sealed or set-aside record changes what surfaces on a background

check for housing, employment, and more. I won't pretend to know exactly which doors it opens for a given person, or by how much. What I know is the timing. It is better to clear a record now than to hit a wall later. The wall shows up in places people do not plan for. Travel. A new legal matter where the old case resurfaces. Something as ordinary as getting married and having a future in-law run a search. A record does not announce itself until it blocks something. Clients in other practice areas rarely know to ask, so if one of yours has a case sitting open, the time to deal with it is before it matters.

We have built a large part of our firm around this. I came to it personally. Early in my life I carried convictions I had to fight to move past, it delayed my own bar license and cost me a job. I know what a record does to a person who has served their sentence and changed their life. Our goal is plain. Clear those records, at scale, for the people who earned a second chance.

If you take one thing from this, take this. Pull your closed files. Find the dismissals and the diversions from before 2023. Those clients trusted your advice, and the advice was right for its time. The law caught up. Now they have an option the system did not offer back then. Someone should tell them. ■

Beyond the Courtroom: Criminal Charges and Professional Licenses

By Shayna Frieden, Gallagher & Kennedy
Woody Thompson, Gallagher & Kennedy



When most people think about hiring a criminal defense attorney, they focus on the obvious goals: reducing charges, avoiding jail time, and securing the best possible outcome in court. In Arizona, the stakes for licensed professionals often extend far beyond the criminal case

itself. A criminal charge can trigger a mandatory reporting obligation, licensing board investigation, and lead to professional discipline regardless of the outcome of the charge. By being familiar with both the criminal process and Arizona's professional regulatory framework, defense counsel can help clients navigate these parallel proceedings to protect both their legal rights and their professional licenses.

Defense Counsel In Criminal Cases

For all people, the value of experienced legal representation begins immediately. Indeed, the United States Constitution and the Arizona Constitution guarantee the right to counsel. The Supreme Court has held that suspects must be informed of this right prior to custodial interrogation. And Arizona provides further protection through Rule 6.1(a) of its Rules of Criminal Procedure, which specifically recognizes a defendant's right to consult with counsel "as soon as feasible" after being taken into custody.

In early proceedings, such as an arraignment or initial appearance, counsel can challenge probable cause, advocate for favorable release conditions, and argue for reasonable bail. As the case progresses, counsel investigates the facts, strives to identify constitutional and evidentiary issues, develops mitigation, negotiates with prosecutors, and advocates in and out of court for the best resolution.

Reporting Requirements For Licensed Professionals

For Arizona licensed professionals, including physicians, nurses, pharmacists,

and many others regulated by state licensing boards, a criminal charge often triggers independent statutory obligations. Under A.R.S. § 32-3208, licensed professionals are required to report certain criminal charges to their respective licensing boards within 10 working days after the charge is filed. This reporting requirement applies regardless of the outcome of the criminal case. In other words, even if the charge is dismissed, reporting may be required.

Perhaps even more surprising is the breadth of the reporting requirement. While A.R.S. § 32-3208 requires reporting of a "misdemeanor involving conduct that may affect patient safety or a felony," licensing boards have issued guidance identifying specific offenses they consider reportable. For example, the Arizona Medical Board requires physicians to report several misdemeanor offenses that are not immediately recognized as implicating patient safety, such as obstructing a public thoroughfare.

These reporting requirements illustrate an important point: professional discipline is not limited to conduct occurring in the workplace. Licensing boards are tasked with protecting the public and may consider criminal conduct—however unrelated to a professional's practice—as relevant to the individual's fitness to hold a license.

Beyond The Courtroom

This is where experienced defense counsel provides value well beyond the criminal case itself. For physicians, nurses, and other licensed professionals, failure to comply with

mandatory reporting requirements may itself serve as a basis for disciplinary action with their licensing boards. And because boards conduct their own investigations to determine whether a licensee engaged in unprofessional conduct, a favorable resolution in the criminal case does not end the board inquiry. Counsel can assist at all stages of the administrative proceeding, from reporting criminal charges, responding to investigations, producing records, participating in investigative interviews, and appearing before the licensing board to advocate on the licensee's behalf.

Although no attorney can guarantee a particular result, early guidance and proactive representation can make a significant difference in minimizing both legal and professional consequences. ■

About the Authors:

Shayna Frieden represents licensed professionals in administrative board matters, including proceedings before the Arizona State Board of Nursing, the Arizona Medical Board, and the Arizona State Board of Pharmacy, as part of her criminal defense practice.

Woody Thompson leads Gallagher & Kennedy's criminal defense team and advises clients on all types of felony and misdemeanor offenses and government investigations.

CRIMINAL LAW SECTION

Ten Minutes and a Handshake: Looking back at MCBA's Speed Networking with the Criminal Law Judges

By Hon. Daniel Fenzel
Commissioner, Maricopa County Superior Court



Ah, networking. Some people love it and some people endure it. Social butterflies soar and the introverts among us smile through a few hours

of mandatory fun. Wherever you fall on this spectrum, the truth is that the legal community thrives on relationships between real, live people. Professionalism in the courtroom begins with the strength of relationships between adversaries. In other words, relationships are the bedrock of civility in our profession. MCBA plays an active role in fostering those relationships by offering events like Speed Networking with the Criminal Law Judges, which took place in May at the Phoenix Country Club.

That sounds nice, and of course it's all true. But in reality, networking can seem like a tall order for many people. Think about it—you've signed up for an MCBA networking event after business hours. Your tie might be wrinkled. Maybe you walked out of a hearing later than you wanted to. Maybe you had to fight traffic to get to the event. Now you're in a room full of strangers, or people you haven't seen since before the pandemic. Where's your witty cocktail hour material? How do you talk to these people?

Never fear—MCBA's Criminal Law Section would never let you down. Connecting with your colleagues and judicial officers has never been so easy. Before arriving, attendees get a biography for each judicial officer at the event. And on arrival, attendees are greeted with a brief reception for cocktails and appetizers before the main event.

Then, the sound of a cowbell ringing fills the room—a fixture of the main event to come.

Attendees sit at one of eight tables and a timer is set. Like a game of "Table Topics," all the questions you might want to ask come pre-loaded on a screen in front of the room. At a loss for something to say? Worry no more—now there's a built-in conversation starter in big, bold letters for precisely this kind of situation. Some groups followed topics to the letter, while others opted for a more "organic" approach. In any case, the room filled with conversation and laughter, ranging from favorite vacation spots to tips for courtroom practice.

The timer ends and the cowbell rings. Rotate and begin again. Handshakes are exchanged and conversations fill the air once more. More cowbells, more conversations crammed into the ten or so minutes at each table. The event wound down, the conversations faded, and people said their goodbyes. On all accounts, the evening was a resounding success. But in the end, what came out of all of this?

Stories about carpooling from Flagstaff just to attend the event. Hearing about a high-altitude hike to Macchu Picchu. A courtroom reference to Star Wars. Musings about group events to blow off steam after work. Nostalgic tales about law school and getting into the practice of law. Connections we never knew existed. And with some luck, the beginnings of long-lasting professional relationships between colleagues. All it took was ten minutes, a handshake, and getting to know who's sitting across from you. ■



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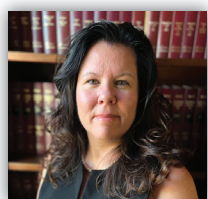
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New Lawyers are Getting Licensed Faster in Arizona: Here's How

By Mariann Nystrom, Attorney Admissions Manager, Arizona Supreme Court, Certification and Licensing Division



Anyone who has been through the bar admissions process knows the waiting can feel endless. After years of schooling, months of studying, and mounting financial pressure, the period between taking the bar exam and finally being licensed is one of the most stressful times in an applicant's life. But recently, significant improvements within the Arizona Supreme Court's Attorney Admissions Unit have dramatically sped things up.

Here's a look at how long it used to take, what has changed, and what today's applicants (and their employers or mentors) can do to avoid slowing things down.

Score Release: Ten Weeks of Waiting

For many years, Arizona released bar exam scores on a predictable, but lengthy schedule: February exam results were released on the second Friday in May, and July exam results were released on the second Friday in October.

In other words, applicants waited roughly 10 weeks to learn their results. In 2024, Arizona shifted to releasing scores "on or before" those dates, signaling a commitment to faster turnaround when possible. And that matters. When scores are released early, successful applicants can begin working as licensed attorneys sooner, while those who do not pass can regroup, review released materials and register for the next exam without losing precious time. This quicker process also boosts the number of attorneys, improving access to justice for the public. As of the most recent bar exam in February 2026, Arizona decreased the average score release wait by 3 weeks, making it one of the first jurisdictions in the nation to release bar exam scores.

But passing the bar exam is only one part of becoming licensed. Every applicant must also complete the Multistate Professional Responsibility Exam (MPRE), the Arizona Law Course, and a Character and Fitness review.

Delays in Character and Fitness Evaluations

Before recent improvements, delays were common. Applicants often lacked required documentation such as their authorization and release, declaration, police or court records, or if already licensed elsewhere, certificates of good standing or disciplinary histories. Delays sometimes occurred when MPRE scores were not received or the Arizona Law Course was not completed, which could slow down the licensing process. Another issue was non-responsive references,

which frequently stemmed from incorrect contact information or references not being notified to expect the forms. The reference form process itself was a slow, paper-and-postage-based process requiring a wait of 30 days per request and sometimes involving three rounds. The volume of status calls and messages to Attorney Admissions increased as delays grew and contributed to the slowdowns. These challenges made the character and fitness process unpredictable and frustrating for applicants and staff alike.

What Changed and Why Things Move Faster Now

Arizona implemented a series of reforms to create a more efficient licensing process while maintaining its rigorous standards. Key changes included requiring applicants to upload all necessary documents before advancing in the application, expanding intake duties to check for MPRE scores, Arizona Law Course completion, and missing documentation so applicants could resolve issues sooner. Two part-time character and fitness staff investigators were hired to help expedite reviews. New software enabled digital applications, real-time updates, electronic reference checks, document uploads, and integrated messaging.

Additionally, the Court revised the application to reduce the number of questions, the number of required references, and the lookback period for many questions. This update was consistent with feedback from the Conference of Chief Justices, the American Bar Association, and other licensing jurisdictions, and was designed to streamline the process for both applicants and staff, making it more efficient without sacrificing the integrity of the evaluation.

These Changes Worked and Admissions Numbers Climbed Sharply

Arizona's reforms sharply increased the speed of admissions, allowing more applicants to be recommended for admission in less time. In 2022, 573 applicants were recommended for admission. That number jumped by 49.6% in 2023 to 856, rose by 16.9% in 2024 to 1001, and edged up by 0.6% in 2025 to 1007. After this initial surge, the number of recommended applicants appears to have stabilized, suggesting that the new process is both effective and sustainable. While most would have ultimately received their law licenses under the old system, the streamlined process allowed them to gain admission much sooner and begin their legal careers without unnecessary delays. This upward trend reflects the impact of the commitment to efficiency in the licensing process. An applicant can now be recommended for admission within days after their application is complete (including a passing bar exam score, MPRE, and AZ Law Course), and when no character and fitness issues require further review.

How Applicants Can Move Even Faster

Applicants now have more control than ever over how quickly their file moves. For fastest results, applicants should:

- Review the announcements, FAQs, forms, checklists, and rules posted on the Attorney Admissions website at <https://www.azcourts.gov/cld/Attorney-Admissions>.
- Review the character and fitness application and checklist first so they know exactly what is required.
- Gather required documentation before starting the application.
- Submit their character and fitness application early, ideally right after submitting the bar exam application.
- Provide accurate reference email addresses and notify their references ahead of time.
- Take the MPRE early and make sure the score is on file with the Court.
- Complete the Arizona Law Course as soon as possible.
- Regularly check email and messages on the Attorney Admissions application portal, responding quickly to any requests.

- Update their application if anything changes (address, employment, etc.).

How Mentors and Employers Can Help

Supervisors and mentors can play a key role in keeping the process moving. The most important thing? Be responsive. When you receive a reference form request, reply promptly.

And ask the applicant a few thoughtful questions:

- What date did you file your Character and Fitness application?
- Have you submitted your MPRE score?
- Did you complete the Arizona Law Course?
- Have you timely responded to any additional information requests?

These conversations not only support the applicant but also help with the employer's onboarding timeline. The application process is confidential, so Attorney Admissions won't be able to respond to you directly, but the applicant can share with you the status messages exchanged between them and Attorney Admissions.

Together, these improvements ensure a faster, clearer path to licensure, benefiting applicants, employers, and the public. ■



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Brian Deagle, Pro Bono Attorney
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Introduction by:

Konnie K. Young, CLS/VLP

Pro Bono Attorney Coordinator

Brian Deagle began his pro bono journey with Community Legal Services' (CLS) Volunteer Lawyers Program (VLP) in 2024, after practicing law for over three decades, starting in Washington state. Brian has worked at Microsoft for the last twenty-five years and was admitted to practice law in Arizona in 2024. He quickly joined CLS/VLP's Pro Bono Attorney Team and began assisting CLS/VLP Clients in our Financial Distress Clinic (FDC) that same year. We greatly appreciate Brian's dedication to helping our clients, his passion to expand justice for all, his willingness to share his experience as a VLP Attorney through writing this article, and his quest to encourage more attorneys to help as many people as possible with this legal issue.

In November 2022, Arizona voters overwhelmingly approved Proposition 209, changing debt collection practices to increase consumer protection. Prop 209 increased the value of homes, cars and bank accounts that are protected from consumer debt collectors and lowered the amount of after-tax income that can be garnished to pay a debt. But soon after the electoral victory, one lead Prop 209 supporter warned that "debt collectors are still going to be aggressive and try to get as much money from people as possible."¹ His prescient advice: "What consumers can do to protect themselves is have a lawyer who is up on the law."

That advice rings true to me. As a volunteer attorney for CLS/VLP's Financial Distress Clinic (FDC) I consult with several clients a month, mostly to assure them during our twenty minute call that their pension or social security income is protected from collection, or that there is no "debtor's prison"; they will not go to jail because of their debt. One client, however, was different. She shared her income and how much was being garnished and it was an amount beyond Prop 209 limits. I agreed to represent her.

Since December 5, 2022, Arizona law limits wage garnishment to the lesser of: (i) 10% of "disposable earnings" for that week, or (ii) the amount by which disposable earnings for that week exceed 60 times the highest applicable minimum wage.² "Disposable earnings" means earnings after deducting amounts required by law to be withheld, e.g., federal and state taxes.³ My client was having 10% of her disposable earnings garnished even though her take-home pay was less than \$882 per week (60 times Arizona's \$14.70 hourly minimum wage at that time).⁴ How could this be happening, years after Prop 209 became law?

From the beginning, Prop 209 was litigated to prevent it from becoming law and limit its scope. Creditors lost a claim that Prop 209 was invalid as unconstitutionally vague⁵; lost a claim that the ballot initiative description was objectively false or misleading⁶; and lost a claim that Prop 209 did not apply to garnishment proceedings if the judgement for the debt was issued before Prop 209's effective date.⁷

My client's situation was different. The garnishment order in her case was issued in November 2022, one month before Prop 209 became law. Even then, all garnishment calculations for pay periods after December 5, 2022 (Prop 209's effective date), must follow the Prop 209 rules. In *Silence v. Betts*⁸, the court acknowl-

PROBONO PROFILES

Community Legal Services' Volunteer Lawyers Program CLS/VLP Attorney Blazes Path for Clients to Recover Past Wages Post Prop 209

edged that Prop 209 did not apply retroactively to rights that "matured" prior to its effective date. The court, however, concluded that because the amount of each future paycheck subject to the garnishment order has not yet been determined, rights to garnishment are not mature and Prop 209 applies to limit the amount that may be garnished from each pay period after December 5, 2022. The court granted my motion to modify the garnishment order to comply with the Prop 209 formula, and none of my client's wages would be garnished going forward unless she received a huge raise.

Stopping the unlawful garnishment was only step one. My client's wages had been unlawfully garnished since December 2022, almost three years of improper garnishment totaling thousands of dollars. Is there a legal theory that would provide her a full recovery? By statute, a debtor has only ten days to object to an incorrect garnishment statement⁹. Not much time, especially by a class of individuals that likely have no idea the creditor has provided, or the garnishee is using, an incorrect formula. There is a theory, however, that would allow a claim to recalculate garnishment under the Prop 209 formula back to December 2022: equitable tolling. In *Merch. Transaction Sys. v. Nelcela*¹⁰, the court held that the ten-day objection period was subject to equitable tolling due to legal uncertainty that was not resolved until *Silence* was decided on June 27, 2024. I cited *Merch Transaction Sys.* in an April 2026 motion which the court granted in May. As I write this article, my client's employer (garnishee) is recalculating my client's garnishable earnings under the Prop 209 standard (spoiler alert, that amount is zero), and will provide that to the creditor to issue a refund. How many low income persons are in a similar situation to my client, having wages improperly garnished because old orders are not updated?

It is not just old garnishment orders that result in unjust results. I have a client against whom garnishment commenced in April 2026. His employer garnished about 15% of his disposable wages. Not only is that above the legal maximum, but also my client did not earn more than \$909 per week; none of his wages should be garnished. In this case, my client reached out to CLS/VLP soon after his first garnished paycheck and spoke with a Financial Distress Clinic pro bono attorney. That attorney counseled my client to file an objection to the garnishment right away. I then took him on as a client, and as of this writing the situation is being corrected. In this case, the creditor provided the employer/garnishee with the correct Exempt Earning Statement form; however, the employer erred in performing the calculation. Had my client not contacted CLS, there would have been no automatic correction. The creditor's view is that their responsibility is to provide the employer/garnishee the correct paperwork and trust the funds they receive are proper. Again, in this case my client had no idea the law was not being followed; he just wanted help because he couldn't live with a 15% decrease on his take home pay.

Many CLS/VLP clients live paycheck to paycheck. That is a challenging way to live, made even harder when that paycheck is unlawfully reduced. Years after

Prop 209's passage, consumers still need lawyers like the ones at CLS' Volunteer Lawyers Program to protect them and ensure they keep all the wages they are legally entitled to receive. ■

Please help us help our clients—join our Community Legal Services VLP Pro Bono Team today!

Contact: Roni Tropper, CLS/VLP Director at rtropper@clsaz.org

Konnie K. Young, CLS/VLP Pro Bono Attorney Coordinator, at kyoung@clsaz.org

<https://clsaz.org/volunteer-lawyers-program/>
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¹ "Arizona's Predatory Debt Act seen as important protection, but not a cure-all", KTAR News, December 26, 2022, <https://ktar.com/arizona-news/arizonas-predatory-debt-act-seen-as-important-protection-but-not-a-cure-all/5394394/>.

² A.R.S. § 33-1131(B).

³ A.R.S. § 33-1131(A).

⁴ The \$14.70 figure is for 2025, Arizona minimum wage in 2026 is \$15.15 per hour. Tucson (\$15.45/hr) and Flagstaff (\$18.35/hr) have higher minimum wages.

⁵ *Ariz. Cred. B. Ass'n, Inc. v. State*, 549 P.3d 205 (Ariz. App. 2024)

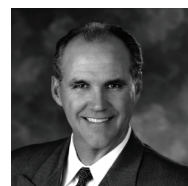
⁶ *Protect Our Ariz. v. Fontes*, 88 Arizona Cases Digest 9, 522 P.3d 678 (Ariz. 2023)

⁷ *HJ Ventures LLC v. Manlio Candelario*, Arizona Court of Appeals (1 CA-CV 23-0331), VLEX-1005453806

⁸ *Silence v. Betts*, 553 P.3d 192 (Ariz. App. 2024)

⁹ A.R.S. § 12-1580

¹⁰ *Merch. Transaction Sys. v. Nelcela Inc.*, CV-02-01954-PHX-DJH (D. Ariz. Nov 06, 2025)



Brian Deagle
CLS/VLP Pro Bono Attorney



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Volunteer Lawyers Program Thanks Attorneys

The Volunteer Lawyers Program thanks the following attorneys and firms for agreeing to provide pro bono representation on cases referred by VLP to help people with low incomes. VLP supports pro bono services of attorneys by screening for financial need and legal merit and provides primary malpractice coverage, verification of pro bono hours for CLE self-study credit, donated services from professionals, training, materials, mentors and consultants. Attorneys who accept cases receive a certificate from MCBA for a CLE discount. For information on rewarding pro bono opportunities, please contact Roni Tropper, VLP Director, at 602-258-3434 x 2660 or Rtropper@clsaz.org or enroll with us at <https://clsaz.org/volunteer-lawyers-program/>. ■

VLP THANKS THE FOLLOWING ATTORNEYS AND FIRMS FOR ACCEPTING CASES FOR REPRESENTATION

ADOPTION Kristy Brown Blackwell Stuart & Blackwell PLLC	COLLECTIONS/GARNISHMENT Brian Deagle Pro Bono Counsel	LANDLORD/TENANT Diane L. Mihalsky CLS/VLP Certified Pro Bono Counsel
ADULT GUARDIANSHIP Lisa M. Castillo Dominguez Law Firm PC Kristin Leaptrott Kevin Walsh Quarles	CONTRACTS Esther Gold Osborn Maledon PA	MINOR GUARDIANSHIP Christina W. Kelly Nationwide Mutual Insurance Company Trial Division

PRO BONO SPOTLIGHT ON CURRENT NEED FOR REPRESENTATION
Attorneys are needed to help consumers with contract matters.
Attorneys' fees can be claimed if litigation is required.

VLP THANKS THESE VOLUNTEERS WHO PROVIDED OTHER LEGAL ASSISTANCE DURING THE MONTH

ALLEN JONES & GILES CLINIC Ryan Deutsch Michael A. Jones David B. Nelson Zachary A. Phillips	Robert Hahn Kina Harding Katherine Kraus Elizabeth Langford Christopher Lazenby Meridith Lord Susan McGinnis Daniel Rodriguez	Lisa Carlin – Paralegal Allison Fleming Bleed – ASU Intern Kimberly Goodman – MCBA Volunteer Madeleine McEntyre – ASU Intern
ATTORNEY OF THE DAY Andrew S. Jacob		
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VLP THANKS THE FOLLOWING INDIVIDUALS WHO RECENTLY HELPED OR ENCOURAGED COLLEAGUES TO VOLUNTEER WITH VLP

Lynne Adams, Brian Deagle, Andrew S. Jacob, Michelle Lauer, Shawn L. Stone, Keith Swisher

The Volunteer Lawyers Program is a joint venture of
Community Legal Services and the Maricopa County Bar Association



MCBF

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FRIDAY ■ AUGUST 14
12:00 PM - 1:00 PM AZ

Probate in 7 Simple Steps

ONLINE

This program is designed to help legal professionals take a fresh look at their careers and how they can continue to grow with purpose. It invites attendees to think about how they show up in their workplace, build meaningful professional relationships, and stay visible for the right opportunities. The session will touch on simple, practical ways to recognize growth potential in your current role and keep moving forward, even in a busy environment.

THE BULLETIN BOARD

News from the legal community

STINSON STRENGTHENS PHOENIX LABOR AND EMPLOYMENT BENCH WITH ADDITION OF DAWN VALDIVIA



Dawn Valdivia

Stinson LLP is pleased to welcome Dawn Valdivia to the firm's Phoenix office as a partner in the Labor, Employment & Employee Benefits Practice Division. Valdivia brings more than

two decades of labor and employment experience, including more than 12 years serving in senior in-house employment counsel and executive leadership roles at a Fortune 100 aerospace company.

Valdivia's practice spans complex employment and labor matters that arise across the full employee lifecycle, from day-to-day workforce decision-making to high-stakes disputes. She regularly handles employment litigation, labor relations matters, workplace investigations, wage and hour compliance and litigation, restrictive covenant disputes, reductions in force, and matters involving compliance with federal and state employment laws. She also represents employers in unionized environments in connection with collective bargaining, labor arbitration proceedings, and unfair labor practice matters.

Drawing on her in-house counsel experience, Valdivia is frequently engaged to help organizations navigate workforce challenges in a way that accounts for both legal risk and operational demands. She advises executive teams and human resources leaders on enterprise-level issues such as organizational change, compliance strategy, workforce planning, internal investigations and employment considerations arising in corporate transactions.

"Dawn's extensive in-house and private practice experience adds tremendous depth to our labor and employment team in Phoenix," said Stephanie Scheck, co-chair of the firm's Labor, Employment & Employee Benefits Practice Division. "She understands the realities employers and human resource professionals face because she has worked alongside business leaders at the executive level. Her experience further strengthens our ability to provide practical, strategic guidance to clients navigating increasingly complex workplace issues."

"I am excited to join Stinson's growing Phoenix office and collaborate with such a strong labor and employment team," said Valdivia. "Having served as both outside counsel and in-house employment counsel, I understand the importance of delivering practical guidance that supports business objectives while helping employers manage risk and workforce challenges."

Valdivia earned her J.D. from the University of Arizona James E. Rogers College of Law and her B.A. from Arizona State University. Most recently, she served as Chief Labor & Employment Counsel for Honeywell's Aerospace Technologies business unit and Latin America region, helping balance risk and business objectives in a dynamic environment.



Allison Evans

Allison "Ali" Evans has returned to Arizona and joined Berk Law Group, P.C. as a senior associate. Ali is an experienced probate and fiduciary litigator who previously practiced at Becker

& House, P.L.L.C. in Scottsdale, where she became a partner. She has served as a Judge Pro Tempore in Maricopa County Superior Court and as Secretary of the MCBA Probate, Trusts and Estates Section. At Berk Law Group, Ali will continue her practice handling contested probate, trust, estate and fiduciary disputes, including guardianships and conservatorships. ■

TUESDAY, AUGUST 4
12:00 PM-1:00 PM AZ

Profit on Purpose: How Systems, Numbers, Team, and Leadership Turn Cash Flow into Control

ONLINE

This program examines law firm profitability as a core component of professional responsibility and effective law practice management. While many firms focus primarily on increasing revenue or growth, sustainable profitability is more often driven by disciplined cash flow systems, informed financial decision-making, effective supervision, and intentional leadership practices. Participants will explore how cash flow challenges can impact judgment, staffing, supervision, and long-term firm stability, and how a structured approach to financial management can support lawyers' duties of competence, diligence, and fiduciary stewardship. The program introduces four interconnected disciplines—Systems, Numbers, Teamwork, and Leadership—and demonstrates how each contributes to improved financial control, reduced operational risk, and more consistent compliance with professional obligations.

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