

Volume 13, No. 14 | July 8, 2014

## Member News

**Attorneys Offer Free Legal Help on Estate Planning Issues:** Eight attorneys came together on July 1 to offer free legal advice at Lawyers on Call, a public service program co-sponsored by the State Bar of Arizona, 12 News, and azcentral.com. During the two-hour program, attorneys answered viewers' questions regarding their estate planning (wills and trusts) issues. The State Bar of Arizona offers its sincerest appreciation to the volunteer attorneys who helped consumers across the Valley through this access to justice program. They include: Roberta E. Berger, Rex H. Decker, Christopher D. Graham, Lindsey A. Jackson, Robert J. Lord, Brian S. Starr, Stephen L. West, and Ronald Wilson.

## In the News

**Washington Goes to Pot? U.S. Capital May Vote on Legal Marijuana:** Supporters of legal marijuana in Washington on Monday delivered more than double the signatures needed to put the issue on a ballot, an initiative that could face congressional opposition. Adam Eiding, chairman of the DC Cannabis Campaign, said the group had collected about 57,000 signatures to put the measure on a Nov. 4 ballot in the U.S. capital, well over the 22,373 required by law. [more»](#)

**Pope: Bishops Must be Held Accountable for Abuse:** Pope Francis begged forgiveness Monday in his first meeting with Catholics sexually abused by members of the clergy and went further than any of his predecessors by vowing to hold bishops accountable for their handling of pedophile priests. [more»](#)


## From the Bar

**CLE by the Sea Sets Sail:** Don't Miss the Boat because 2014 is your last chance to attend "classic" CLE by the Sea. The 2014 topics, including Ethics, Business and Litigation, Estate Planning, Family Law, and Trial Practice will once again be the interesting, substantive intermediate-to-advanced level programming you expect. But our classic CLE by the Sea held at the Hotel del Coronado every July will not continue in its current format. Many things have changed since we started it almost 25 years ago. It's time to develop new options to meet your changing wants and needs. If you have ideas about the programming you would like to see we'd love to hear your ideas. In the meantime we look forward to seeing you in San Diego this July! [more»](#)

**Apply for the Arizona College of Trial Advocacy by Friday:** The Trial College is an intense, five-day workshop providing practical, hands-on training for lawyers who wish to develop and refine the skills necessary to try civil and criminal cases. Applications are due by Friday, July 11. [more»](#)

**How Should Rules Change in Light of the Evolving Practice of Law?** A new Arizona Supreme Court committee will look at whether Arizona ethical and other regulatory rules should be amended because of the changing nature of legal practice in a technologically enabled and connected workplace and the growing trend toward multistate and international law practice. [more»](#)

**Court Improvement Program Seeks Comments on Proposed Parent Representation Standards:** A committee of the Court Improvement Advisory

 Eye on Ethics

**Q:** May I include the lawyers who are "of counsel" to my firm on my letterhead and in my advertisements?

**A:** You are required to specifically identify lawyers associated with your firm as "of counsel" on your letterhead and advertisements if they meet the qualifications permitting the use of an "of counsel" designation. See, [Ethics Op. 12-01](#).

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 LexisNexis® Career Center Arizona Attorney

Workgroup has developed and proposed standards for attorneys and guardians ad litem representing parents in juvenile dependency matters. The committee is seeking input on the proposed standards in preparation for their presentation and request for approval by the Arizona Judicial Council. Add your comments, as well as review a memo from the Committee on Juvenile Courts and the Proposed Standards by clicking [here](#).

**Will You Volunteer to Help the Legal Profession?** The State Bar Appointments Committee is currently accepting applications from active members in good standing to fill the following upcoming vacancies: [Arizona Supreme Court Committee on Character and Fitness](#), [Arizona Supreme Court Committee on Examinations](#), [City of Phoenix Judicial Selection Advisory Board](#), and [Southern Arizona Legal Aid Board of Directors](#). Application deadline is Wednesday, August 27, 2014.

**Attorney Jerry D. Krumwiede Suspended from the Practice of Law:** Attorney Jerry D. Krumwiede of Phoenix was suspended from the practice of law for violating the Rules of Professional Conduct. The Presiding Disciplinary Judge of the Arizona Supreme Court accepted a consent agreement between Jerry D. Krumwiede and the State Bar of Arizona and ordered that he be suspended from the practice of law for one year. [more»](#)

**Attorney Gregory A. Malkin of Phoenix Suspended from the Practice of Law:** Attorney Gregory A. Malkin of Phoenix was suspended from the practice of law for violating the Rules of Professional Conduct. The Presiding Disciplinary Judge of the Arizona Supreme Court accepted a consent agreement between Gregory A. Malkin and the State Bar of Arizona and ordered that he be suspended from the practice of law for 90 days. [more»](#)

## Member Discounts

**Unexpected Accidents or Illness Happen Every Day. Are You Prepared?** State Bar of Arizona members can apply for individual long term care insurance from John Hancock at a permanent 5% association discount on top of other potential eligible discounts, through a partnership with The La Porte Wealth Strategies Group of Raymond James. To learn more contact Justin Cairns, [Justin.Cairns@RaymondJames.com](mailto:Justin.Cairns@RaymondJames.com), 480.365.6888 or click [here](#).

**Save with the No Annual Fee State Bar of Arizona ATIRACredit™ MasterCard:** Apply now and earn double reward points on purchases for the first 60 days. See full terms and conditions [here](#).

**Save with All Your Member Discounts:** For a list of all your State Bar member discounts, please click [here](#).

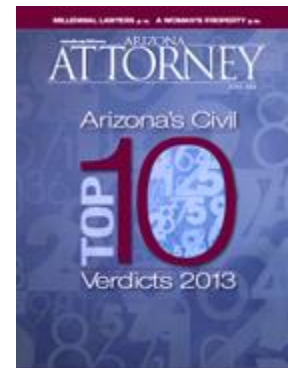
## Court Decisions

### Arizona Court of Appeals [Division One](#) | [Division Two](#)

#### June 19, 2014 - 1 CA-CV 12-0766 - Focus Point Properties; Jeff Kantor v. Cleo Johnson; Oak Acres Trust

1. Whether the trial court erred by finding that a real estate licensee could maintain a lawsuit for a real estate commission when the licensee held a current license but had violated Arizona law by not timely disclosing to the Arizona Department of Real Estate that he had violated a prior consent order. 2. Whether the court erred by finding that a trustee could be personally liable, along with the trust, for the payment of a real estate commission when the trustee signed a listing agreement without specifying the capacity in which she was signing the document. [Read Opinion](#).

#### June 4, 2014 - 2 CA-CR 2013-0194 - State of Arizona v. Vincent Michael Allen



### A Woman's Property

Turn-of-the-century Tucson was the setting for a historic Arizona story of a woman's property rights. [Read Magazine](#)

Did sufficient evidence support the defendant's conviction for forgery when the facts established the defendant used a false name when he signed a written warning for trespassing issued by a police officer? Did the trial court commit fundamental, prejudicial error by pronouncing sentence in the defendant's absence after finding the defendant had voluntarily absented himself by walking out of the courtroom during his sentencing hearing? [Read Opinion](#).

## [9th Circuit Court of Appeals](#)

### **July 7, 2014 - 10-73588 - Gholamreza Bojnoordi v. Eric H. Holder, Jr., Attorney General**

A petition for review of the Board of Immigration Appeals' (BIA) determination that petitioner provided material support to a Tier III terrorist organization and was thus ineligible for immigration relief other than deferral of removal under the Convention Against Torture, is denied, where: 1) the statutory terrorism bar applies retroactively to petitioner's material support of a Tier III organization, the Mojahedi-e Khalq (MEK), even though his activities with MEK in the 1970s were before it was officially designated as a terrorist group; 2) substantial evidence supported the BIA's determination that MEK was a terrorist organization in the 1970s; and 3) petitioner provided material support to MEK during the 1970s and he failed to show by clear and convincing evidence that he did not know, or should not reasonably have known, that MEK was a terrorist organization during that time frame. [Read Opinion](#).

### **July 7, 2014 - 13-16248 - Arizona Dream Act Coalition v. Janice K. Brewer, Governor of the State of Arizona**

In an action challenging an Arizona policy which prohibits recipients of the federal program called the "Deferred Action for Childhood Arrivals" from obtaining driver's licenses by using Employment Authorization Documents as proof of their authorized presence in the United States, the district court's denial of a motion for a preliminary injunction is reversed and remanded, where: 1) although on the current record, it cannot yet be resolved whether plaintiffs have established a likelihood of success on the merits of their preemption claim, plaintiffs have shown that they are likely to succeed on the merits of their equal protection claim; 2) plaintiffs have shown that they are likely to suffer irreparable harm unless defendants' policy was enjoined; and 3) both the balance of equities and the public interest favored an injunction. [Read Opinion](#).



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