

AWLA PERSPECTIVES

FEBRUARY 2001
www.awla-maricopa.org

THE MONTHLY PUBLICATION OF THE ARIZONA WOMEN LAWYERS ASSOCIATION, MARICOPA CHAPTER

STAYING PERSONAL WITH YOUR JURY: TECHNOLOGY vs. TRADITION

By Lesa Etter

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We all know that visual presentations are not only helpful but necessary in the courtroom. Visual presentations empower the jury by allowing them to see and hear the important information of your case. Jurors' thinking is stimulated, and the visuals become the facts in a case. Eighty-five percent of what we remember is from what we see – only ten percent is from what we hear. The phrases “seeing is believing” and “a picture is worth a thousand words” have become clichés because they are true. We often forget that the very words you are reading on this page are graphics we use to communicate. Without these word “pictures,” imagine how hard it would have been to get through law school!

Courtroom graphics are in a transitional phase. Twenty years ago, enlarged documents were considered the most important presentation tool. Since then, professionally designed and prepared graphics have become mainstream. Today, paperless trials and technological courtrooms are becoming a reality. It won't be long until every courtroom is wired, not just our new federal courthouse.

Presentation systems, laptop computers, projectors, and large-screen monitors are appearing at trials. Instead of paper documents or enlargements being held by hand or easel, a wand is passed over a bar code, and the document appears on a screen. And guess what – even this technology may not last long, as touch-screens may be the next new way to present documents.

All this technology is good. It has made document-intensive trials more manageable. However, if we let it, technology might take away the ability to look into the eyes of the jurors and

determine if they are responding. Electronic gadgets can capture the jurors' attention so much that their interaction is with *it* and not *you* the attorney (or your witnesses). Technology can create a triangle of jury, multi-media show, and attorney, where you are now the third wheel. It is critical that you, the attorney, know if the jury is responding to the *information* and not just the *presentation*.

The first question to ask yourself when preparing your case is which type of presentation should be used: low-tech, high-tech, or both?

"Technology can create a triangle of jury, multi-media show, and attorney, where you are now the third wheel."

Benefits of High-Tech Presentations

The systems and software that put hundreds of thousands of documents on CDs for easy retrieval and presentation are important. When a 50-page contract MUST be presented, page-by-page presentation software can move quickly through that document. Software can minimize the boredom factor and save valuable time. Programs designed to incorporate video and deposition testimony maintain the continuity of your presentation when scheduled witnesses cannot be there. Images presented on a TV monitor give a “Walter Cronkite” credibility to the information being presented. As Hunter S.

Thompson said, “Everything I know I learned from TV.” High-tech presentations reduce material costs and space needed for storage of large exhibits. Materials can easily be edited to correct errors and add new information. High-tech presentations are portable, and can be digitally archived for future reference. People like high-tech. It's really cool. And it is here to stay.

Benefits of Low-Tech Presentations

In her book, *What Makes Juries Listen Today* (1998), nationally-recognized trial advocacy consultant Sonya Hamlin states that “[c]harts and other forms of live demonstrations have great charisma in court ... you capture the jury's focus as it watches you handle the charts, lift, and change them.” Low-tech presentations, such as presentation boards with enlargements, illustrations, photos, maps, and charts may seem static compared to the glitz and flash of high-tech presentations. However, their strength lies in their inherent quality to require you, the attorney, to make them come alive, thereby keeping a human face on your client's case and giving you more time to connect with the jury. Low-tech presentations also have a physical presence that cannot be ignored, making their information seem more solid and enduring. And, in these times of information overload, low-tech presentations allow jurors to absorb information at their own pace in a familiar, tactile format.

Presentation Is Key

Once you've decided what mixture of high- and low-tech presentation techniques you are going to use, you must

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Dux femina facti

By *Consuelo M. Ohanesian*
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According to Virgil, Dido fled from her homeland of Tyre after her brother killed her husband. She led ships of followers on a sea voyage to another land. As you might expect, the people of the time regarded this as an unusual course of conduct for a widow. Everyone she led to freedom proclaimed to anyone else who would listen, "*Dux femina facti*," the leader of the enterprise is a woman.

Dido led her people to what would become Carthage. Hiarbas, a king in the area near Carthage, agreed to let Dido buy as much land as she could cover with a bull's hide. Hiarbas seriously underestimated Dido. He confused her just having gotten off the ship from Tyre with just having fallen off the turnip truck. Dido cut the hide into tiny strips, and with the strips surrounded a large area of land. She called the land Byrsa, naming it from the hide of the bull.

You would think that founding and settling a new country would be enough for any one person to do, but not Dido. Her "To Do" list also included ruling Carthage, building fabulous buildings, and generally improving the quality of life for its citizens. Virgil described her as an active and fair queen, giving "orders and laws to men" and giving labor in "equal parts, or determined by lot." Under Dido's rule, Carthage flourished.

What does this myth have to do with being a member of the Arizona Women Lawyers Association? We are all modern-day Didos, are we not? We take on big tasks and perform them admirably and creatively. We do not stop there, however. Just leading one's followers safely to a new country is not enough. We have to continue to build and direct in order to preserve what we have accomplished and ensure that it continues to flourish.

One big task we all took on as AWLA members was to ensure our organization flourishes. Some members founded the AWLA. Others took up the challenge and have directed and led it throughout the years since its founding. In order for the AWLA to continue to flourish, others must be prepared to take their turn at leadership.

The first meeting of the 2001 Maricopa Chapter Steering Committee will take place soon. Members will take on extra duties and chair the various committees through which the AWLA serves its members and makes its presence known in the community.

The chairpersons of the committees will be contacting those of you who indicated an interest in a committee on your membership renewal forms. Please answer the request for your help. The 2001 newsletter committee (which has more than

doubled in size) has already met, and I commend both the returning members and newcomers for their efforts. There are many other committees and many other opportunities. We need you in the planning and organizing of activities that will further our goals of enhancing the professional lives, and occasionally, the personal lives, of our members. Dido did not build Carthage alone.

Those of you who did not indicate an interest in a committee on your membership renewal forms can also be of help. There is still a need for people to serve on the committees. I will be asking for additional volunteers at the luncheons, so please offer to help. You can also help by attending the activities the committees put on. There will be plenty of publicity in the newsletter about upcoming events. Another way you can help is by making suggestions about activities you would like to participate in, or by helping with an event. You might have some great interest or talent you would like to share with the rest of us.

The AWLA is known through what it does, and it can only continue to accomplish things through its members. Please come help to build the "city" and ensure that it continues to flourish by giving of your time and talents. ❖

JUDGE ROXANNE K. SONG ONG BECOMES CITY'S ASSISTING PRESIDING JUDGE

Congratulations to Judge Roxanne K. Song Ong for her October 2000 appointment to the position of Assistant Presiding Judge for the Phoenix Municipal Court. Judge Song Ong has been a judge with the Phoenix Municipal Court since 1991 and prior to that, a judge with the City of Scottsdale since 1986.

Judge Song Ong's interest in sharing her knowledge with children stems from an undergraduate degree in education. She has volunteered over the past 10 years to speak to over 100 classes of students ranging from grades K-12 on the subject of law and the impact it has on their lives. She has participated in Career Day activities, judged several moot court competitions, and opened

her courtroom to students from around the state to receive first-hand knowledge of Arizona's judicial system.

Judge Song Ong has been named the recipient of the Arizona Bar Foundation's 1999 Attorney Law-Related Education Award, which recognizes exceptional contributions of Arizona attorneys or law firms in furthering education and understanding of the role of the law in our democratic society. This award focuses public awareness on the contributions that attorneys provide to the community.

Judge Song Ong is also Vice-Chair to the Arizona Supreme Court's Committee on Judicial Education and Training, and serves as faculty to the Judicial College of Arizona

and to Arizona's New Judge Orientation. Judge Song Ong formerly served on the Arizona Supreme Court's Judicial Ethics Advisory Committee for over 8 years.

Judge Song Ong is recognized as the first and only female Asian-American judge in Arizona. As an active member of the Asian legal community, she devotes much of her time to promoting awareness of cultural diversity issues and the rich heritage we share in this community. As a member of the Arizona Supreme Court's Commission on Minorities and an officer in the Arizona Minority Judges' Caucus, Judge Song Ong has been instrumental in the recruitment and education of minority attorneys toward a career in the judiciary. ❖

JUDGE SOTOMAYOR REFLECTS ELOQUENTLY ON HER BACKGROUND AND THE FUTURE FOR MINORITY LAWYERS

By Susan Hable

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On January 25, Judge Sonia Sotomayor of the U.S. Court of Appeals, Second Circuit, addressed a standing-room-only crowd at the Los Abogados Membership Meeting. Her topic was “Lawyering for Social Justice.” In attendance were many members of the judiciary, including Judge Mary Schroeder, U.S. Court of Appeals, Ninth Circuit; Judge Roger Strand, Judge Mary Murguia and Judge Roslyn Silver, all from the U.S. District Court, District of Arizona; Judge Anna Baca, Judge Joseph Heilman and Commissioner Harriett Chavez from the Maricopa County Superior Court. AWLA was also well-represented and acknowledged by President Danny Ortega.

Judge Sotomayor began by stating that, “Who I am is a product of my background ... I had a bumpy ride during my confirmation, and I hope you experience a moment where being a Latino or Latina is such a wonderful thing. I got to have my community support me during the whole nomination process.” (Her confirmation hearings were heavily reported in the *Wall Street Journal* and the *New York Times*.)

Judge Sotomayor, a mesmerizing speaker, described poetically “the essence of who I am.” She described her life growing up in the Bronx, and being nurtured and loved by her family. The food her family ate (which included pig intestines, pig feet, beans, and shaved ice with tropical juices) was an integral ingredient of her Hispanic background, as well as the music her family listened to, which she described as the sounds of merengue at parties, and the dramatic and interminable love songs. Her playmates were her cousins and extended family, “large groups of kids who came over to play dominoes into the night.”

“Did any one of these things make me Latino? No...I did not have a taco until I was in college. Being a Latina is also not speaking Spanish.” She stated that her experience was perhaps entirely different from many present in the room, and to

describe being a Latino as “those people in cultures colonized by Spain” is so antiseptic, it does not provide an adequate description of the Latino or Latina.

“I became a Latina by the way I live and love life, how wonderful and vibrant life is, although I am American, I also have a Latina soul and heart with the magic that that carries.”

Judge Sotomayor stated that in today’s world, there is such a dispersion of people across greater spaces, it is harder for kids to hold onto ethnic identities, and “more difficult to hold onto ourselves. We face enormous challenges.” She referred to the 1989-1990 U. S. Census, which identified Latinos as the fastest-growing segment of the U.S. population. Latinos, however, represent only 5.6 percent of the nation’s law school population. “Unless we educate our children, the poverty gap will only widen. What we have to do as educated elite is provide role models and opportunities ... we must give support with money and time to help our communities. We don’t have a lot of time with our jobs. That is OK, but don’t get lost in your work. Make time. We must make sure that Latinos share fully in the American dream.”

She emphasized the importance of belonging to minority bar organizations such as Los Abogados, and she emphasized that being part of such organizations can help lawyers, new and experienced, in getting ahead, just as such organizations have helped her.

Judge Sotomayor concluded her eloquent speech by stating that, “we have ties together, Latinos of New York, Latinos of Arizona. I will support you as a group!” With that, she turned it over to the floor for

questions. AWLA Maricopa Chapter President Consuelo Ohanesian took the opportunity to ask the first question, “You mentioned you had problems with your confirmation, could you tell us what those were?”

Judge Sotomayor responded that, “Senate Republican leaders believed that I was a potential for the Supreme Court one day. They also

believed that I am a liberal, and therefore did not want the nomination to go through. I don’t know what liberal means, this story was reported in the *Wall Street Journal* and the *New York Times*, and I was placed on interminable hold which was lifted by support from Latino and women’s groups.”

Judge Sotomayor was also asked what her thoughts were on the issue of diversity for law school applicants. She commented that she did not want to be too specific, but stated, “I will say to you something about my own background. Language is important. Affirmative action, what do people think that means? In my day, it was not a quota system, it was a recognition technique. It was a way of taking people with promise and selecting them because that promise was evident. Diversity has many meanings. It is not necessarily race and quota. It can be experience-based, which is what affirmative action was looking at way back when.”

Judge Sotomayor ended with a comment to a question posed to her about how the federal bench can benefit from diversity. She responded, “Educate more. We can’t have 5.6 percent Latino lawyers out of the entire lawyer population in this country, and expect to have Latinos on the bench.. More Latino lawyers will increase the numbers on the bench.” ❖

“I have a Latina soul and heart with the magic that that carries.”

DID YOU KNOW that the Artists For Autism fundraiser raised more than \$30,000? Thank you for your participation and support!

LEGAL COMMUNITY REMEMBERS JUDGE ACKERMAN

By Nicole France

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Flags outside the Arizona State Courts Building hung at half-staff on January 22 as members of Arizona's judiciary and the legal community gathered to honor the distinguished life of State Appellate Court Judge James M. Ackerman. Ackerman, 49, lost a courageous battle with cancer on January 16.

Judge Ackerman graduated *summa cum laude* from Arizona State University. He went on to graduate from ASU College of Law in 1982, where he was honored as Outstanding Graduate. During law school, Ackerman was the Executive Editor of the *Arizona State Law Journal*, and after graduation, he served as a law clerk for Hon. William Canby of the U.S. Court of Appeals, Ninth Circuit. Judge Ackerman joined Jennings, Strouss & Salmon in 1983, where he chaired the firm's appellate section and practiced commercial and insurance litigation. Ackerman is praised by judges and lawyers alike as being one of the Arizona's finest appellate lawyers. He remained at Jennings Strouss until he was

appointed to the Court of Appeals by Governor Hull near the end of 1999. In January 2000, two months after being sworn in, Ackerman learned he had cancer.

Throughout his illness, Ackerman continued to participate in decisions made by the Court of Appeals by writing nearly 40 decisions from home. Ackerman's colleague, Susan A. Ehrlich, former AWLA state president and current judge on the Court of Appeals, stated "Jim was not only a wise counselor and judge but a remarkable friend who will be profoundly missed but who, with our memories, will continue to teach all of us who knew him."

Ackerman promoted improvements in Arizona law by serving as chair of the Appellate Practice Section of the State Bar and as a member of the State's Civil Jury Instruction Committee. He devoted his time to the community, serving as an executive board member of Valley Forward Association, and was the first director of the Jennings Strouss & Salmon Pro Bono

Legal Clinic. Justice Charles E. Jones, Vice Chief Justice of the Arizona Supreme Court, who practiced law with Ackerman at Jennings Strouss for nearly 20 years, described Ackerman as both an outstanding lawyer and a wonderful human being.

The Arizona Court of Appeals held a special session in Ackerman's memory on January 22 in the Arizona Supreme Court courtroom. Speakers included Hon. E.G. Noyes, Jr., Chief Judge of the Arizona Court of Appeals, Division One; John R. Christian, Glenn J. Carter, and H. Christian Bode from Jennings Strouss & Salmon; Richard C. Onsager of Onsager, Werner & Oberg; and Mrs. Betsye G. Ackerman.

Judge Ackerman leaves behind his wife Betsye, and two children, Tom, 13, and Jill, 11. A fund has been established in the Judge's honor, and donations can be made to: The ASU Foundation - Ackerman Fund, c/o Susan Matthew, ASU College of Law, P.O. Box 877906, Tempe, AZ 85287-7906. ❖

BARRISTERS BALL RAISES MORE THAN \$60,000 FOR FOSTER CHILDREN

By Florence Bruemmer

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The Maricopa County Bar Association-Young Lawyers Division hosted the annual Barristers Ball on January 20 at the Hyatt Civic Plaza in downtown Phoenix. The evening was a smashing success. This year, more than 500 guests attended the function.

Each year the MCBA chooses an organization as the beneficiary of all proceeds generated by a silent auction. This year, the theme was "Hand-in-Hand With a Child," to benefit the Arizona Friends of Foster Children. This worthwhile organization raises funds to benefit foster children. Since 1983, Arizona Friends of Foster Children has awarded grants of \$1.5 million to over 6000 children to help support the needs of children not met by the state or other private sources. The diverse items in the silent auction included dinner packages, vacation get-aways, sports and theater tickets, original artwork, and sports memorabilia, such as an autographed Tiger Woods poster. Additional funds were

raised by a raffle in which guests could purchase tickets and win prizes such as ASU basketball and Phoenix Coyotes tickets. The silent auction and raffle alone raised more than \$27,000. When ticket sales and corporate and individual sponsors' contributions are added to this amount, the total amount raised (and passed onto the Arizona Friends of Foster Children) exceeded \$60,000.

Besides raising money, the Barristers Ball was full of fun, glamour and merriment. The Grand Ballroom at the Hyatt Civic Plaza was beautifully decorated with bright-colored tablecloths, and each table had an arrangement of fresh flowers as a centerpiece (the colors of the flowers exactly matched the tablecloths). Guests were decked out in ball gowns and tuxedos. Dinner was exquisite, beginning with a scallop ceviche appetizer served in a martini glass and a romaine lettuce salad with a "todie-for" Southwestern-style Caesar dressing. The main course consisted of

grilled filet mignon, herb-crusted sea bass with portobello mushroom sauce, mashed potatoes, petite carrots, and asparagus. Afterwards, guests enjoyed the most perfect (and palate-cleansing) desert — a trio of sorbets in a chocolate coconut shell garnished with strawberries and raspberries.

After all the guests were stuffed beyond belief, we worked off our dinners dancing to the music of Snake Eyes. The band played a variety of music, including a little bit of rock and roll and a little bit of country, which allowed the guests to alternatively boogie down and two-step.

Bravo to the attendees of the Ball, the firms who hosted tables, the corporate and individual sponsors, and donors to the silent auction and raffle! Also, bravo to the MCBA-YLD and the Barristers Ball Committee (Susan Wissink, Andy Everroad, David Klein, Paige Martin, Eric Downing, Leslie Smith, Jennifer Hadley, Mayan Tahan, and Shane Clays) for another memorable Barristers Ball! ❖

JESSICA GIFFORD FUNKHOUSER

By *Cari Gerchick*

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No matter how you feel about the results of the recent Presidential election, you might just be wondering if Arizona could experience the same problems Florida did. According to State Election Director Jessica Funkhouser, the whole chad controversy would have been handled in a much different way in Arizona. Apparently, Arizona has a procedures manual that guides how all state elections are to be run. Jessica tells me that it is largely because of the manual that Arizona's election process runs so smoothly. Anyone who knows Jessica, knows better. One of the main reasons Arizona's elections process runs smoothly is because of Jessica Funkhouser.

Jessica has practiced law in Arizona for over 20 years. She has practiced both criminal and civil law. Today, Jessica is a recognized leader in the area of election law, and one might think that because of her excellence in the field that she always intended to be an election lawyer. It turns out that the fact that she is an attorney, and one who practices election law, are happy accidents of fate.

Jessica's first job in Arizona after her graduation from the University of Colorado, with a degree in Humanities and Comparative Literature, was to work as a clerk for the Maricopa County Superior Court. Although she rotated through a number of judges' offices during training, she spent a great deal of time in Judge Marilyn Riddel's courtroom. It was through her experiences in Judge Riddel's court and the Judge's encouragement that she realized that she could do what she saw the lawyers doing. Prior to being a clerk, she had no plans to become an attorney.

With Judge Riddel's encouragement, Jessica decided to apply to law school. While she was a student at the University of Arizona College of Law, Jessica received the "Most Dependable Journal Staff Writer Award" from the *Arizona Advocate*. Jessica received an offer to work at the Arizona Attorney General's Office after graduation and clerked in the Civil Rights Division until she passed the bar.

Over the years, Jessica worked for the Attorney General's Office in a number of different capacities. She started in 1978 as an Assistant Attorney General in the Criminal Appeals Division. A few years later, she was named a "Special Counsel in Administration," serving as legal advisor to the Governor's Office, Governor's Regulatory Review Council and Secretary of State's Office. It was her work for the Secretary of State's Office that gave Jessica her first taste of election law. The issue of the day was whether the Secretary of State's Office was required to hold a recall election even though Governor Mechem had already been removed from office.

In 1989, Jessica was named the Chief of the Criminal Division of the Attorney General's Office. In that position, she supervised a division of 26 attorneys and secretaries in Phoenix and Tucson. The following year, she joined the Maricopa County Attorney's Office as the Chief of the Appeals Division and participated in the AzScam prosecution.

Starting in 1992, Jessica practiced law on her own for a short time in order to be able to give her two boys a good start in elementary school. In the summer of 1993, Jessica returned to the Maricopa County Attorney's Office as the Assistant Chief Counsel in the County Counsel Division. One of her duties as Assistant Chief Counsel was to advise and represent the County Recorder and Elections Director. She served as Assistant Chief Counsel until 1997, when Betsey Bayless was appointed Secretary of State and invited Jessica to be her State Election Director.

As State Election Director, Jessica supervises statewide elections in Arizona and supervises the Election Services Division of the Secretary of State's Office. She also trains and certifies county elections officers, recorders, staff and their legal counsel in election law.

Although she is currently known for her expertise in election law, Jessica has taught a number of CLE courses on subjects ranging from "Campaign Finance Law" to "Ethical Issues for Criminal Attorneys."

She has served on many different legal community committees, including the Disciplinary Commission of the Arizona Supreme Court, but has also been active in the non-legal community as well. Jessica's community service ranges from participating as a Recorder for Arizona Town Halls to being a part of Valley Leadership.

I have heard it said that people are generally left-brained people or right-brained people. I believe left-brained people are more analytical while right-brained people are more creative. As a left-handed person, Jessica is clearly one of those creative right-brained people. She can balance her work demands with her family life, and can still indulge her creative side as well. Not only has she had a successful career, but she has also managed a fruitful life away from the office. She and her husband Lindy, who is the Director of the Residential Utility Consumers' Office, have two teenage boys – Daniel and Josh. When she is not managing state elections, Jessica is busy driving her sons to various baseball games and karate lessons.

Somehow, Jessica even manages to make time for herself. She loves to read and is currently working on the latest in the *Harry Potter* series. A number of years ago, she started practicing "rubber stamp art." She creates images and writes articles for a national rubberstamping magazine. A few years before it became popular, Jessica started organizing her family photos into scrapbooks and adorning them with rubber stamp decorations. Taking the pictures for the scrapbooks has turned into sort of a family hobby. Another family hobby includes collecting Pez candy dispensers. Jessica and her youngest son have over 400 dispensers in their collection.

Collecting and disseminating advice is a lawyer's job. I asked Jessica what advice she would give other women lawyers. She believes people do a much better job when they select a job based on what they enjoy doing. It is good advice by which Jessica clearly lives. ❖

DID YOU KNOW that the Non-Judicial Appointments Committee provides resources to members who want to get more involved in their community and government? Contact Wendy Woodrow at (602) 262-5998 or wendywoodrow@jsslaw.com.

STATE SCOOP

By Megan E. Miller
AWLA State President

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Women do make a difference. However, until I attended an Arizona State Bar Board of Governors meeting in Phoenix on January 19, I really didn't realize how many women are on the Board of Governors. We can be proud that AWLA members Pam Treadwell-Rubin, Helen Perry Grimwood, Pat Green, Diane Drain, Janet Phillips, Charlotte Wells, and last, but certainly not least, Dee-Dee Samet have volunteered so much of their time to serve on the Board of Governors. Deans Patricia White and Toni Massaro (also AWLA members) also serve on the Board. It is really impressive to see so many women in the meeting room and engaged in the Board's discussions, and I was pleased to see during the meeting how their involvement and participation in the State Bar benefits all of us.

At the January 19 meeting, Helen Perry Grimwood advised the Board of Governors of AWLA and the Federal Bar Associations' nomination of Hon. Mary Schroeder for the Margaret Brent Women Lawyers of Achievement Award to the ABA Commission on Women in the Profession. Helen reported the Commission would be meeting in February to review the nominations and requested the Board of Governors' support of Judge Schroeder's nomination for this prestigious award. The motion was unanimously approved. ABA delegate Jose Cardenas will bring the nomination to the attention of the other ABA delegates, and State Bar President Kirk Karman will be sending a letter on behalf of the State Bar to the ABA Commission in support of Judge Schroeder.

I was happy to be able to report to the Board of Governors that AWLA's efforts to get more women appointed to the Pima County Superior Court bench have had positive results — with Governor Hull's selection of Jane Eikleberry to one of the Pima County vacancies. However, more women need to be appointed, and AWLA members in Pima County intend to continue their efforts to make sure the Governor's office has information about qualified women applicants. We hope that the Governor will be appointing more women to the bench not only in Pima County but

also throughout the state. In that regard, Charlotte Wells has requested that I thank all the AWLA members who supported her candidacy for the Court of Appeals, Division One vacancy. While not selected this time around, she was encouraged by AWLA's support of her candidacy and will probably reapply.

AWLA State Board

The AWLA State Board had an energizing meeting on Saturday January 20 at the spacious offices of McCarville, Cooper & Vasquez in Casa Grande. We were pleased that McCarville lawyer Liz Ryan Rueter could join us for the meeting. Tamara Brooks-Primera and Mary Grace McNear reported that the AWLA Trial Skills Seminar, a trial college for women lawyers by women lawyers, will take place April 6-8, 2001. Tamara and Mary Grace have an outstanding faculty of Arizona women judges and attorneys, and welcome suggestions from AWLA members for a keynote speaker for this event.

Hon. Harriett Chavez and Ronna Fickbohm are also looking for speakers for the Mary Ann Richey Breakfast on Friday June 15 at the Phoenician in Phoenix. Please contact either one of them with your suggestions. Kristine Fox and Dawn Gabel will be coordinating the nominations for the Sarah Herring Sorin award to be presented at the breakfast. The deadline for nominations is April 7. This award recognizes AWLA members who have significantly advanced the interests of and created opportunities for other women attorneys throughout the state. Past recipients are Helen Perry Grimwood of Phoenix and Doris Mindell of Tucson, one of AWLA's founding members.

Artists for Autism

The State Board wants to acknowledge Cheri McCracken for all her work on the Third Annual Artists for Autism fundraiser with the Southwest Autism Research Center. Cheri put in an incredible amount of her time and energy over the past year to make sure this event was a success. Cheri reports that the fundraiser netted \$6,151.73 for AWLA's community outreach for the betterment of Arizona's children and families, and will be giving the Board a

complete report on the fundraiser at the next State Board meeting on February 24.

Federal Judicial and Magistrate Appointments

Anne Graham Bergin reports that there are presently three judicial vacancies on the U.S. District Court for the District of Arizona, as well as three U.S. Magistrate vacancies (one in Phoenix and two in Tucson). Federal judges are nominated by the President and confirmed by the U.S. Senate, following a hearing before the U.S. Senate's Judiciary Committee, of which Arizona Senator Jon Kyl is a member. Finalists for magistrate positions are selected by committees appointed by the Chief Judge. AWLA has compiled quite a bit of information about this process and AWLA members interested in any of these (or any other judicial) positions should contact Anne at (520) 628-8700 for more information.

New Opportunities and Activities

We were pleased to hear that *Arizona Attorney* magazine will be devoting its May 2001 issue to women in the law. AWLA members Paula Nailon, Kristine Fox, Dawn Gabel and Tricia Brown are in the process of assembling information and making recommendations to the editor for this issue. Connie Trecartin and Georgia Staton will be working on guidelines for AWLA life memberships, and Julia Connors and Sally Duncan will be assessing AWLA's options for a statewide website. Hopefully, this can be coordinated with Maricopa Chapter's website. Check it out at www.awla-maricopa.org. It's excellent!

Anyone with ideas or suggestions for AWLA social events or membership issues are encouraged to contact Hon. Ann Scott Timmer, Chris Cabanillas or Jill Winans. They will be particularly interested to know your suggestions as to what AWLA can do to encourage the participation of women attorneys throughout the state in AWLA events.

AWLA President Elect Robbin Coulon is planning the next AWLA Convention, which will be held in Phoenix, tentatively scheduled for November 3. Please let Robbin know of any suggestions you may have for locations and the program. ♦



Justice McGregor Recognized As Outstanding Law School Alum

Arizona Supreme Court Justice Ruth V. McGregor received the "Outstanding Alumnus Award for 2000" from the ASU Law Alumni Association. Justice McGregor received her J.D. from ASU in 1974, summa cum laude. She obtained her M.A. and B.A. degrees from the University of Iowa. During college, she was a member of Mortar Board, Phi Beta Kappa and Alpha Lambda Delta. After law school, Justice McGregor entered private practice with the law firm of Fennemore Craig, where she practiced in the areas of civil, administrative and appellate work. As she became more specialized, Justice McGregor concentrated in the area of employment law.

When Justice Sandra Day O'Connor became the nation's first woman on the United States Supreme Court in 1981, she chose Justice McGregor as one of her law clerks. In 1989, Justice McGregor was appointed to the Arizona Court of Appeals, where she served until her appointment to the Arizona Supreme Court in 1998.

In light of publication deadlines, full coverage of the January 30 award presentation will appear in the March issue of *AWLA Perspectives*.

Federal Election Law and Campaign Finance Reform Symposium February 16

One of the hottest topics in American politics today is that of federal election laws and the millions of dollars raised to conduct campaigns. Many people believe that it is time for change. But what should those changes be and how should they be implemented?

The ASU College of Law is presenting a symposium on the topic, entitled "The Federal Election Laws and Campaign Finance Reform: Free Speech, Soft Money, Hard Choices" on February 16.

Legal scholars, federal officials, private practitioners and public interest advocates

from around the country will gather to discuss topics ranging from contribution limits and public policy, to public financing of federal campaigns, to legislation and campaign finance reform.

Myles Lynk, one of America's foremost experts on federal election law and campaign reform and a law professor at ASU, will give the keynote introduction. Other ASU professors involved in the conference include James Weinstein, a national expert on First Amendment free speech issues and Paul Bender, a constitutional scholar and former Principal Deputy Solicitor General of the United States.

A partial list of those joining the panel discussions includes: Lawrence Noble, General Counsel, Federal Election Commission, Washington, D.C.; Alan Morrison, Director of Litigation, Public Citizen, Washington, D.C.; Carolyn Jefferson-Jenkins, President, League of Women Voters, Washington, D.C.; Laura W. Murphy, American Civil Liberties Union, Washington, D.C.; Craig Engle, General Counsel, Republican Senatorial Committee, Washington, D.C.; Eugene Volokh, UCLA School of Law, Los Angeles, CA; and Deborah Goldberg, The Brennan Center, NYU School of Law, New York, NY.

The symposium will take place at the ASU College of Law on February 16 from 8:30 a.m. to 5:30 p.m. The cost (for the symposium and luncheon) is \$150 for private attorneys and \$100 for public lawyers and academics. The conference may qualify for up to six hours of CLE credit.

RSVP by February 8 to Amanda Breaux at (480) 965-6405 or amanda.breaux@asu.edu.

3Ls Matherson and Palumbo Win VLP Awards

Two third-year students have been selected to receive the Volunteer Lawyers' Program Student Pro Bono Award. The award recognizes students who have

demonstrated commitment to improving the legal profession and helping under-represented members of the community understand the legal system and gain access to legal services.

During the 1999-2000 school year, Clarence Matherson, Jr. was co-coordinator of the Women Law Students Association's Advocacy Program For Battered Women, which serves five domestic violence shelters in the Valley. He also served as a committee member on the Maricopa County Bar Association's Young Lawyers' Division Committee on Domestic Violence.

Matherson continues to volunteer with the Homeless Legal Assistance Program, the VLP Attorney-For-A-Day Program, and the Chicano and Latino Law Students Association's Eloy Program, which counsels immigrants. In addition to his pro bono activities, Matherson is a member of the ASU Law Journal and the Executive Moot Court Board, serves as a tutor in the Academic Success Program, and is a student attorney in the Civil Practice Clinic.

Scott Palumbo initiated a Junior Law program to provide 7th and 8th grade students legal information and positive role models. Through this innovative program, law students give presentations at schools throughout the Valley, helping young people understand the legal system and appreciate the importance of goal-setting and academic achievement in pursuing a legal career.

Palumbo developed the program in the fall of 1999, with the assistance of the ASU Office of Youth Preparation. During the spring semester, he conducted 15 presentations to help train other students to carry the program forward. Palumbo continues to conduct and attend Junior Law presentations, and has devoted well over 100 pro bono hours to this endeavor.

For further information about ASU Update, contact Jodi Weisberg, Director of Communications, ASU College of Law, at (480) 965-1689 or jodi.weisberg@asu.edu.



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Staying Personal from page 1 . . .

consider how you will present those exhibits to the jury. As we move further into the technological courtroom, attorneys sitting with remote controls and keyboards behind a wall of monitors create visual as well as abstract barriers between themselves and the jury. Don't become so focused on technology or information that you forget about the human element. People like and relate to other people. You could be losing the personal touch with your jury if you depend exclusively on high-tech presentations.

What can you do to stay personal and connect with the jury? Here are some ideas:

• **Communication is your goal.** Zoomy demonstrations of high-tech equipment or artsy graphics should not be your main focus. Clear and effective graphics designed to inform and compel the decision-makers should be the keystone of the visual presentation. This is true whether presented in a low- or high-tech format.

• **Take advantage of setup time.** Sonya Hamlin explains: "The very business of setting up a visual presentation, and the anticipation that ensues as you move from place to place instead of just holding your ground statically — especially in federal court where you're trapped behind a lectern so much of the time — is a welcome relief and attention-grabber. Remember when you were in grade school and the door opened? Everybody's head snapped toward the door."

Similarly, jurors' heads will snap towards the introduction of something new into the courtroom.

• **Movement during the presentation maintains interest.** Talking or standing in one position can be monotonous. It is difficult to concentrate on an inactive presentation. The motion of your hands and arms not only helps to support your speech, but also keeps the jury's interest and allows you to be more spontaneous. You and your witness should interact with the jury by pointing, writing, using a chart, presenting a video, or changing an image on the computer screen. This helps the jury focus on the presentation.

• **If possible, get close to the jury.** Having your body and face close to the jury makes you seem more personal, more intimate. This is an effective means of communicating on a personal level. It has been my observation that a key graphic that identifies the theme of a case can be most effective when you are physically close and personal with the jury.

Communicating with the jury is so important that people have written entire books on the subject. Attorneys hire trial consultants, jury selectors, and even professional graphic designers to help them accomplish this goal. To elaborate on the possibilities is an impossible task in so short an article. But let me just state that high-tech and low-tech presentations can help attorneys communicate concepts and large

amounts of information in a clear and comprehensible manner. Today there is a trend toward utilizing a purely high-tech presentation. Without human interaction to balance the electronics, you may distance yourself from the jury. I believe a happy medium can be attained when the appropriate combination of high- and low-tech presentations is utilized. Using the effective level of technology and knowing how to present it, combined with well-conceived traditional board exhibits where you are interacting on a personal level, gives you the best opportunity for persuading the jury in your favor.

About the Author: Lesa Etter is the Principal and Art Director of Graphic Law, II Renaissance Square, 40 N. Central, Suite 107, Phoenix, AZ 85004; (602) 256-2605; www.graphiclaw.com. Graphic Law is a full-service visual support agency that provides professionally designed and prepared litigation exhibits, as well as consulting services to the legal community. Lesa has 16 years of experience in dealing with graphic presentation services for law firms locally, statewide, and nationally. Lesa studied at the University of Arizona and Arizona State University, obtaining a B.A. in education, specializing in both fine and graphic arts. ❖

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ANNOUNCEMENTS

Hayzel B. Daniels Bar Association Hosts Annual Scholarship Banquet February 3

The Martin Luther King, Jr. Scholarship Banquet will be held on Saturday February 3 at the Phoenix Marriott, located on 44th Street at the 202 freeway (with plenty of free parking). There will be a dinner, awards program, and live music. A table of 10 is \$750, and individual tickets are \$75. For information or reservations, please contact Dee McEntire Hansberry at (602) 340-7252 or Linda C. Boone at (602) 514-7633.

Next Monthly Luncheon February 28

The AWLA Maricopa Chapter monthly luncheon meetings are held on the last Wednesday of every month at the Arizona Club, 38th Floor of the Bank One Building, 201 North Central Avenue. Lunch service begins at 11:30 and the formal program begins at noon. Anyone may attend, male or female, attorney or not. The price for members is \$15; the price for non-members is \$20. Reservations are required. RSVP to (602) 863-7678 by noon on the Monday prior to a meeting. Late reservations are very difficult to accommodate. Please call Amy Schwartz, Esq. at (602) 956-4438 for further information.

Steering Committee Meeting February 6

The AWLA Maricopa Chapter Steering Committee meets the first Tuesday of each month (beginning in February) at 5:30 p.m. The permanent location for 2001 meetings has not been finalized, but the February 6 meeting will be held at Osborn Maledon, 2929 N. Central Avenue, Suite 2100. For details about the meeting, contact Consuelo Ohanesian at (602) 542-4686 or cohanesi@ag.state.az.us. For directions or parking information, call (602) 640-9000.

Change of Address? Distribution Problems?

If your address changes or if you are experiencing newsletter distribution problems, please notify awla_maricopa@hotmail.com or P.O. Box 17213, Phoenix, AZ 85011-0213.

Trial College April 6-8

The first annual AWLA Trial Skills Seminar will be held April 6-8 at the ASU College of Law in Tempe. In its inaugural year, the seminar will expand AWLA's CLE format to offer a unique and exciting trial communications skills seminar for women, taught by a faculty of exclusively women. Designed expressly for women attorneys, both civil and criminal, the AWLA Trial Skills Seminar emphasizes the special issues confronting women litigants, lawyers, jurors, judges, and witnesses. Participants will learn not only how to become better trial lawyers, but also why certain techniques are or are not effective for them as individuals.

If you would like to assist in the organization or preparation of this seminar, participate as a mock witness, develop materials, or have ideas for presenters, please contact Tamara Brooks-Primera at (480) 695-5511 or (602) 637-6541 (pager).

Judicial Appointments Seminar April 12

Anyone who has the remotest interest in becoming a judge someday should not miss this extremely valuable seminar, sponsored by the Judicial Appointments Committee. The seminar, which will be held at Fennemore Craig from 2:00 to 5:00 p.m. on April 12, focuses on all phases of the appointments process, from the written application to the final interview phase. The first seminar of this nature was held in 1999, and was extremely successful. The 2001 sequel promises to be even more informative, as it will include experts in marketing and presentation skills. The seminar could not be more timely, due to the large number of judicial positions anticipated to become available this year. For more information, contact Anne-Michael Williams at anne.m.williams@azbar.org or Mary Beth Phillips at mphillip@fclaw.com.

Please also contact Anne or Mary Beth if you are interested in observing any part of the judicial application process during the course of the year. This is a unique and essential function of AWLA, but it is also very time-consuming, and these two hardworking committee chairs cannot do it alone. Thanks!

... continued on page 10

COMING SOON



Rock The Boat!

We all know that the AWLA Maricopa Chapter is a diverse group with a wide range of views and opinions. This year, the newsletter committee has decided to showcase our differences, as well as areas of common ground, in a new feature called "Rock the Boat."

Here's how it works: Several times throughout the year, the committee will select a controversial topic and solicit input and comments from members. You may receive a telephone call or e-mail message from a committee member requesting a response of 5 sentences or less. Certain topics based on current events will require quick responses, so we can get views from the same time period and before the topic becomes obsolete.

We hope that you will enjoy reading and participating in this new feature. We also encourage you to contact us with ideas for controversial topics. Thanks! ❖

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Announcements from page 9 . . .

Executive Women's Golf Association Dinner February 20

Join the Valley of The Sun Chapter of the Executive Women's Golf Association (EWGA) on Tuesday February 20 as we celebrate the beginning of our 7th year.

While enjoying a delicious dinner at the Gainey Ranch Golf Club (7600 Gainey Club Drive, Scottsdale), you will have an opportunity to learn more about our organization, become an EWGA member, talk to certified golf instructors, sign up for clinics, register for outings, win prizes, and acquaint or reacquaint yourself with professional women from across the Valley. A wonderful program is planned with special guest speakers.

EWGA is a national organization dedicated to promoting and fostering a spirit of acceptance, dignity, and respect for career-oriented women golfers. Through monthly outings and clinics, the Valley of the Sun Chapter of the EWGA provides its members with an opportunity to improve their game, while making business contacts and friends in the process. Women golfers of all skill levels and ages are welcome to attend and join the Valley of the Sun Chapter of the EWGA. So, please plan to participate with us for an evening that will be both fun and informative.

The dinner begins with registration and cocktails at 6:00 p.m. The cost is \$34, and checks must be mailed by February 16 to EWGA, c/o Judy Decker, 3395 S. Oleander Dr., Chandler, AZ 85248-3654. For more information, contact Judy at (480) 782-9673.

City of Phoenix Seeks Assistant Prosecutors

Assistant city prosecutors prepare and try both jury and non-jury misdemeanor cases (including shoplifting, prostitution, and driving under the influence) in the Phoenix Municipal Court. Must have graduated from an accredited law school. No actual experience is a prerequisite, however, some familiarity with trial procedure is helpful. Trial practice classes or law school internships are viewed favorably. Applicants must be admitted to practice law in Arizona. Must reside within Maricopa County within 24 months of date of hire. Applications and interviews are scheduled year-round, as needed. For an application, go to www.ci.phoenix.az.us/EMPLOY/empidx.html or pick one up at the Personnel Department Application Office at 135 N. 2nd Avenue.

Hearing Officers Needed

The Arizona Supreme Court's Disciplinary Clerk needs additional hearing officers for the lawyer regulation system. Hearing officers function somewhat like trial court judges in the discipline process. If you have any interest in applying for these volunteer positions, please contact Kendra Diegan, Supreme Court Disciplinary Clerk, (602) 364-0355.

MARKETING MATTERS!

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Judge Rebecca Berch seeks a full-time law clerk, preferably with judicial clerkship experience. Salary is \$38,829 or \$43,437, depending on experience, plus benefits. Please call (602) 542-1430 or send inquiries to Judge Berch, Arizona Court of Appeals, 1501 West Washington Street, Phoenix, Arizona 85007-3231. Include cover letter, resume, writing sample, and law school transcripts. ❖

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SIXTH ANNUAL WOMEN IN LAW SYMPOSIUM

Saturday February 10, 2001

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8:30 a.m. – 2:00 p.m.

Check-in and registration begin at 8:00 a.m.

Women, The New Majority: Maximizing Our Potential

Featuring

Roxana Bacon, Bacon and Dear, PLC

Ms. Bacon has practiced law for over twenty years. Her many accomplishments include serving as the first woman president of the State Bar of Arizona, as well as the first woman to serve as the Ninth Circuit Court of Appeals Lawyer Representative to the Judicial Conference.

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AWLA Perspectives is published monthly by the Arizona Women
Lawyers Association, Maricopa Chapter.

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