

COMMENTARY

ABA YLD delegates deal with controversial proposals

The American Bar Association held its annual meeting in Washington, D.C., in early August. The ABA YLD delegates met to debate and decide on certain recommendations to the ABA House of Delegates. All of the resolutions discussed below will be sent to the ABA House of Delegates for debate and consideration and, if passed, will ultimately be recommended to Congress. Arizona sent five delegates to the YLD meeting: Mike Dana, Phoebe Moffatt and me from Maricopa County, and Roger Contreras and Jeff Jacobson from Pima County.

The first resolution debated by the YLD assembly urges federal, state, territorial and local governments to enact and fully implement legislation that promotes tolerance and anti-bias instruction, multi-cultural awareness training, hate crime/violence prevention education and anti-bullying/harassment pro-

Susan
WISSINK
MCBA / YLD
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grams for children, teachers and school administrators. It further urges public education agencies, school boards, juvenile courts and other community agencies to adopt policies that:

- ▶ Urge juvenile courts to create and use appropriate diversionary programs or, where necessary, alternative dispositions that educate children on the negative impact of hate- and prejudice-motivated behavior;
- ▶ Consider the unique circumstances of

each hate crime or incidence of violence committed by and against children when responding to any such reported act;

- ▶ Provide for national, state, local, college/university and elementary/secondary school data collection on juvenile hate crimes, and reported acts of harassment, bullying or other violence committed by or against children; and
- ▶ Encourage government-funded agencies responsible for residential care settings for children to implement and enforce nondiscrimination policies for children in their care and promptly investigate and resolve incidents of harassment, violence or other mistreatment directed toward those children.

The resolution also urges organized bars and individual lawyers to facilitate tolerance and anti-bias education in school and com-

munity settings and to promote programs that respond to hate crimes and prejudice-motivated acts by children. The ABA YLD assembly passed this resolution unanimously.

The second resolution, which passed by a narrow margin, opposes the detention of foreign nationals in undisclosed locations by INS and urges protection of the constitutional and statutory rights of immigration detainees by:

- ▶ Disclosing the names, detention facilities and charges against detainees and ensuring their immediate access to attorneys and family members;
- ▶ Promptly charging detainees and releasing detainees when charges are not brought or removal orders are not effectuated within a constitutionally permissible time period;
- ▶ Providing prompt custody hearings

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Bar foundation seeks board members

THE MARICOPA COUNTY BAR Foundation is seeking applications from attorneys and others to fill vacancies on its 21-member board of trustees.

The foundation is the charitable-giving arm of the Maricopa County Bar Association. It raises money for its endowment fund and operating expenses through fund-raising events, membership fees and the donation of court-appointed arbitrator fees. The foundation uses the funds to award grants to organizations that provide legal services to the poor and others who need direct services, as well as to organizations that help improve the administration of justice.

The board of trustees is composed of attorneys, judges and other local professionals and business people.

Those interested in serving on the board should send a letter of interest and a resume to: Maricopa County Bar Foundation, c/o Brenda Thomson, executive director, 303 E. Palm Lane, Phoenix, AZ 85004-9890. Letters must be received by Nov. 15. Appointees will be announced at the foundation's annual meeting, which will be held at 7:30 a.m. Dec. 15 at the MCBA offices. New members' three-year terms begin Jan. 1. ■

Help one person at a time through the law

By Greg Knight
Special to Maricopa Lawyer

Sometimes we look at the headlines, or drive through the "bad" parts of town, and wring our hands in frustration. We might ask ourselves, "When are they going to do something about this?" or "When are they going to help these poor people?"

It's easy to distance ourselves from the problems around us by pushing the responsibility onto some nameless, faceless agency, charity or benevolent group.

We may even think that homelessness, poverty, abuse or hunger are problems of such magnitude that we can do nothing to solve them. For every person helped, a thousand more are lined up with outstretched hands. Our small contribution may seem so insignificant as to not be worth the effort at all.

There's a story about a man who, while taking his morning walk along the beach, one day encountered a younger man throwing clams back into the ocean. The beach was lined with millions of the unfortunate creatures that had been beached during a storm the night before. The man questioned why the younger man was wasting his time.

"You can't possibly make a difference," he said, "For every one you throw back in, there are a million that will die."

"But it matters to this one here," the younger man replied, looking at the helpless clam in his hand. He threw it into the water and then reached down for another one.

We can't do everything, but we can do

something. We can change lives one person at a time, as small and insignificant as our efforts may seem on the macro level.

The Maricopa County Bar Foundation believes that no good deed is too small. Great things happen out of small efforts. The MCBF raises money and distributes it to various organizations that, among other things, provide legal services and education to segments

of our society that cannot afford them.

In recent issues of *Maricopa Lawyer*, the MCBF has been highlighting organizations to which it has given grants. These organizations share our vision that we can help one person at a time through the law.

The Arizona Senior Citizens Law Project is just one such organization.

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Paralegals play key role in access to justice

The theme of this year's Arizona Paralegal Conference is "Access to Justice." Some may ask why we would choose this as our theme and may question its relevance to paralegals. This issue is of utmost importance to us because it is the genesis of our profession.

Paralegals were first used in the 1960s to assist lawyers in the federally sponsored programs associated with President Lyndon Johnson's War on Poverty. Great Society measures passed by Congress in 1965 included Medicare, federal aid to education and the arts, and the establishment of the Department of Housing and Urban Development. The successful service of nonlawyers in these programs led to recognizing the benefits of hiring and training nonlawyers to assist attorneys and to offer affordable legal services. As the use of paralegals continued to increase and spread to the private sector in the 1970s, clients began to demand that more cost-effective legal services be a part of their represen-

tation. Using paralegals furthers this goal.

The desire to give back to the community is part of the paralegal tradition. Most law firms encourage or require attorneys to devote a certain number of hours to pro bono work. Paralegals usually work with attorneys on a variety of pro bono matters. Ethical Rule 6.1, Arizona Supreme Court Rule 42 (Arizona Rules of Professional Conduct), states, in part: "A lawyer should voluntarily render public interest legal service. A lawyer may discharge this responsibility by rendering a minimum of fifty hours of service per calendar year..." Paralegals are able and willing to

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Errors will be corrected in a subsequent issue.

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before immigration judges;

► Holding public removal hearings when required to protect the individual's safety or welfare or when a judge finds closure necessary to protect national security; and

► Allowing the detainees access to counsel and legal information and permitting independent organizations to visit and meet privately with the detainees.

Supporters of this resolution argued that the detention of foreign nationals both before and after Sept. 11 violates basic constitutional rights, while opponents argued that passing such a resolution weakens our national security.

The final resolution, which passed by approximately 30 votes, urges federal, state, territorial and local governments to enact legislation, promulgate regulations or take other necessary action to ensure that an unmarried surviving partner who shares a mutual, interdependent,

committed relationship with a victim of terrorism or other crime can qualify for crime-victim compensation and assistance funds provided by that government to eligible spouses.

Opponents of this resolution argued that the sanctity of marriage should not be compromised, and if governments are to recognize unmarried partners of victims of crime, they should pass legislation setting standards for determining what constitutes a "mutual, interdependent, committed relationship." Proponents argued that survivors of victims of crimes should not be penalized if they either could not obtain a marriage license because they were in a same-sex relationship or did not obtain a marriage license for other reasons but nonetheless lived together in a committed relationship analogous to that of a married couple.

Due to the political ramifications of both this resolution and the one on detention of foreign nationals, the ABA YLD delegates discussed the resolutions at length in some rather heated debates.

on Law Week and provide scholarships to paralegal students.

The Paralegal Division is committed to being an integral part of access to justice issues. Our conference on Sept. 27 will explore the many ways in which paralegals can volunteer and work with attorneys to foster a spirit of service, cooperation and inclusion in providing access to justice. We encourage you to join us.

As the noted lawyer and educator Marian Wright Edelman says, "Service is the rent we pay for being. It is the very purpose of life, and not something you do in your spare time." ■

The MCBA YLD would like to recognize its volunteer of the month for September, Jessica Fotinos. For the past few years, Jessica has worked tirelessly on the HIV/AIDS Law Project and in doing so has assisted numerous HIV/AIDS victims with their basic legal needs. ■

Foundation...

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The project recently assisted a 63-year-old disabled woman to obtain an injunction against her local water users' association, which had wrongfully cut off service to her property. The project obtained an order compelling the association to restore water service.

In another recent case, the project assisted an elderly woman in a desperate legal battle with her former husband, who had filed an action to reduce her spousal maintenance. She was already living at or below the poverty level and had no way to pay for legal counsel. With the project's help, she successfully rebuffed her former husband's attempt to reduce payments.

The lawyers involved in these efforts did not say, "I sure hope someone helps these poor people." These lawyers rolled up their sleeves and went to work.

Their efforts may not have mattered much to our society as a whole, but they sure mattered to the individuals who were helped.

The MCBF is seeking grant applications from organizations that share our vision of changing lives one person at a time. Applications are due by Sept. 15. For more information, contact Brenda Thomson, MCBF executive director, at 602-257-4394.

► Greg Knight is chair of the MCBF's Grants Committee. ■

Ryan cases...

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United States Supreme Court found another state's non-parental visitation statute unconstitutional. *Troxel v. Granville*, 530 U.S. 57 (2000). The parents in the *Jackson* case, relying on *Troxel*, argued that Arizona's grandparent visitation statute was unconstitutional. In the opinion I authored in this case, I distinguished the United States Supreme Court's decision in *Troxel* and reaffirmed the constitutionality of Arizona's grandparent visitation statute. The Jacksons asked the Arizona Supreme Court to review the decision, but the court denied review. They then petitioned the United States Supreme Court for *certiorari*, but the court denied their petition. The *Jackson* opinion has been cited in other cases across the country and discussed in several law review articles." ■

Got an itch to write more than motions?

Maricopa Lawyer welcomes contributions, from news and feature articles to humor and opinion pieces, that are law-related or of special interest to the legal profession. The *Maricopa Lawyer* editorial board reserves the right to reject articles and to edit contributions for length or content. Contributions must be typed (double-spaced) and submitted to *Maricopa Lawyer*, Maricopa County Bar Association, 303 E. Palm Lane, Phoenix, 85004. A copy of the submission on computer disk would be appreciated. ■

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assistant attorneys to this end.

Paralegals also have a tradition of pro bono service. Service to the community has been the cornerstone of our profession. Both national paralegal organizations encourage paralegals to perform pro bono work. The Maricopa County Bar Association's Paralegal Division is committed to assisting in the access to justice. Many of us volunteer with lawyers at community services agencies. We also work with the Young Lawyers Division



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