

# New, revised *Arizona Litigation Guide* published

By **Mona Fontes**  
MCBA CLE Director

The Maricopa County Bar Association is proud to announce the release of the newly revised *Arizona Litigation Guide*.

The *Arizona Litigation Guide* dates back to 1985, when John D. Everroad was the litigation department chair at Fennemore Craig. According to Everroad, he spent lots of time answering repetitive questions from young associates regarding basic litigation procedures. He and another Fennemore Craig partner, Bill Thorpe, came up with the idea for a reference book to use in house that would answer such questions for both associates and experienced partners. Eight partners spent 150 hours to produce the first guide.

In 1988, when Everroad was a member of the MCBA's board of directors, he mentioned the reference book that his firm used daily to keep abreast of Arizona law. The board was quite impressed, and asked if his firm would consider offering it to others in the legal com-

munity. The *Arizona Litigation Guide* was born.

In late 1988, the MCBA released the first edition. Since then, the book has undergone three revisions, in 1993, 1998 and most recently last year. Fennemore Craig attorneys updated the last two editions.

The guide has been invaluable to local attorneys and a good source of revenue for the MCBA.

"It continues to be one of the most popular publications we offer," said MCBA Executive Director Brenda Thomson. "The revenue raised allows us to provide other educational seminars and also charitable services for members of our community."

The MCBA board extends a hearty thanks to Everroad, Douglas C. Northup, Marc H. Lamber and Scott L. Altes for leading the attorneys who provided the recent revisions to the *Arizona Litigation Guide*.

The *Arizona Litigation Guide* costs \$85 for MCBA members and \$105 for non-members. To purchase a copy, call me at 602-257-4200. ■

## Feldman...

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last year, the court must resolve miscellaneous motions, lawyer and judicial discipline matters, petitions for rule changes and habeas corpus writs. The chief justice, in addition to all of his or her other duties, has to administer a statewide system of inferior courts, which employ almost 8,000 judicial, administrative and clerical personnel.

Because of the workload, Feldman would like to see at least one additional justice added to the court. With six justices, he said, the court could increase its productivity by hearing and deciding cases in panels of only three justices, a procedure already permitted by law except in cases involving a constitutional issue, which require the consideration of the entire court.

Feldman has no regrets whatsoever about his career on the court.

"From the time that I entered law school, I have enjoyed being immersed in the law," he said. "I have loved every minute of my work as a lawyer and the same has been true as a member of the court. I have never for a moment been bored. Eventually, every meaningful issue eventually finds its way into the judicial system, so how can one ever be bored?"

When asked what he believes his most significant contributions have been on the court, Feldman points to the adoption of changes to Rule 23; the jury reform measures that have been in place for the past 10 years; the enactment of the so-called Zlakert rules; and an end to the "good old boy" system of appointments. Feldman explained that before his term as chief justice, the "crony" system, rather than the "merit" system, would too often prevail at the courthouse and at the State Bar. Shortly after Feldman took over the reins as chief justice, he instituted a policy that appointments would be filled through publicly advertising the position and the screening of applicants by an appointments commit-

tee that would recommend the most qualified person.

Among his opinions, Feldman considers his most significant to be *State v. Chapple*, 135 Ariz. 281, 660 P.2d 1208 (1983), dealing with issues of eyewitness identification in criminal cases; *Darner Motor Sales Inc., v. Universal Underwriters Inc.*, 140 Ariz. 383, 682 P.2d 388 (1984), which addressed consumer expectations and their conflict with boilerplate contract terms; *Taylor v. State Farm Mutual Automobile Ins. Co.*, 175 Ariz. 148, 854 P.2d 1134 (1993), dealing with the interpretation of insurance contracts; and *Hayes v. Continental Insurance Co.*, 178 Ariz. 264, 872 P.2d 668 (1994), which addressed realistic methods for interpreting ambiguous statutes.

When asked about his differences with former Supreme Court Justice Frederick J. Martone, now a U.S. District Court judge, which often manifested itself in sharp dissenting opinions, Feldman acknowledged that the two had "philosophical" differences about the role that the state Supreme Court should play in reviewing Court of Appeals decisions. According to Feldman, Martone thought the Supreme Court should function in much the same limited way as the U.S. Supreme Court, relying on the Court of Appeals to be the court of last resort for most legal errors.

Feldman believes the founding fathers limited the jurisdiction of the U. S. Supreme Court because state courts were traditionally the place where the ordinary person could go to seek "justice." Beyond reviewing cases having important statewide significance, he sees the state Supreme Court as the court of last resort for accomplishing substantial justice, despite the extra burdens that sometimes imposes.

Feldman will rejoin his old law firm, now known as Haralson, Miller, Pitt & McAnally, in an of counsel capacity and will have offices in Tucson and Phoenix. In addition, he has signed on to teach a course in Arizona constitutional law at the UA and also plans to write on a variety of legal subjects. ■

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