

Vintage Voices

Senior Lawyers Division



It's Spring in Arizona!

Congratulations to our Executive Council's Richard Davis!


The Arizona Minority Bar Association
is proud to honor

RICHARD DAVIS, ESQ

at the
2024 SCHOLARSHIP BANQUET DINNER

Friday, April 5, 2024
Cocktail Reception – 5:30 P.M. ■ Dinner – 7:00 P.M.

\$140 per person or \$1,400 for a table of 10



Tucson Marriott University Park ■ 880 E. 2nd Street ■ Tucson, Arizona

For more information, please contact Leticia Marquez at
Leticia_Marquez@fd.org

To purchase tickets online, visit **www.theazminoritybar.org**

Spring Fling with the Young Lawyers Division

Want to join the younger set and do good for animals to boot? The Young Lawyers Division has asked us to join them on Saturday, March 23, at the Arcadia O.H.S.O. at [4900 E. Indian School Rd](#) between 9am and 1pm. All are invited to stay, enjoy brunch or a mimosa, and join in some arts and crafts, making [dog and cat toys](#) to include in the YLD donation to the Humane Society. Friendly, leashed dogs are welcome to join! All are welcome to join us at 1pm when we drive down to the South Mountain campus to drop off the donations. Or, you can have items sent directly to the Humane Society through its virtual wish list.

If you are interested in participating, please fill out this [form](#). If you donate directly to the Humane Society via its virtual wish list, please provide a screenshot or list of items donated with the form.

The Senior Lawyer Division announces the Pretrial Justice Working Group Project By Mary Helen Maley Maynard

Call for Volunteers

The working group is requesting senior lawyer volunteers from across the state to work toward implementation of Recommendation One from the Supreme Court of Arizona's Task Force on Form IV and the Pretrial Risk Assessment. That recommendation states:

INITIAL APPEARANCE HEARING REPRESENTATION

Only Pima County, Pinal County and Coconino County and some municipal jurisdictions have defense counsel at initial appearance hearings. While there are costs involved, it is recommended that counties require a public defender or Licensed Legal Paraprofessional at felony initial appearances. Where appropriate, such as in rural counties, it is recommended to explore the feasibility of regional representation via virtual attendance.

This effort will benefit from attorneys in each jurisdiction who know the decisionmakers and can convene strategy sessions to brainstorm how implementation could be achieved. The working group will first develop a template for taking action in each county.

Volunteers will be needed even in the jurisdictions listed in Recommendation One as having defense counsel present since there are gaps in the process. For example, in Coconino County, due to staffing shortages, the Public Safety Assessments (PSA) is no longer prepared for judges or counsel, so key information is lacking. COVID 19 procedures have resulted in defense counsel appearing by Zoom without the opportunity to meet with clients before the hearing. In Pinal County the Public Defender does not always appear at felony initial appearances. Deputy County Attorneys are rarely present and the working group will need to decide whether this is something that needs to be addressed.

Want to help out? Please reply to Mary Helen at mhmcircle@icloud.com

Helpful new Rules of Criminal Procedure

In December of 2023, The Arizona Supreme Court amended Criminal Rules 4.2 and 6.1 on a temporary basis. The Supreme Court will consider whether to adopt these Amended Rules permanently during the August 2024 Rules Agenda. **Public comments are being accepted and the Working Group may want to make a favorable comment before the deadline on May 1, 2024.** Here are the amended Rules (additions to the text of a rule are shown by underscoring and deletions are shown by strike-through):

RULES OF CRIMINAL PROCEDURE

Rule 4.2. Initial Appearance

- (a) Generally. At an initial appearance, a magistrate must: (1)-(4) [No change]
- (5) appoint counsel if the defendant requests and is eligible for appointed counsel

Rule 6.1. Right to Counsel; Right to Appointment of an Attorney; Waiver of the Right to Counsel; Authority of a Legal Paraprofessional

(a) [No change]

(b) Right to Appointment of an Attorney.

(1) *As of Right*. An indigent defendant is entitled to a court-appointed attorney in any criminal proceeding:

(A) in any criminal proceeding that may result in punishment involving a loss of liberty; or

(B) for the limited purpose of determining release conditions at or following the initial appearance, if the defendant is detained after a misdemeanor charge is filed; or

(CB) if the defendant is held on while incarcerated because of a bond imposed at the initial appearance. The appointment will terminate upon the defendant's release from incarceration unless continued appointment is otherwise required by law or ordered by the court.

(2) [No change] (c)-(g) [No change]

Successful Drop-Ins

The VA's Dr. Klugheit, hosted by Walter Nash, had 73 attendees for the Dementia Drop-In.

March 18 is our upcoming CASA and Foster Care Review Board Drop-In, hosted by President Don Powell. There are so many children and not enough volunteers. Drop in to find out how you can help.

The May 6 Drop-In will feature Walter Nash and Sally Simmons talking about the real considerations in retirement – finding purpose. Your humble servant will host.

We will have an August Drop-In about the Corporate Transparency Act with guest Wendy Anderson. The CTA has recently been attacked in federal court.

Chair John Messing appreciates your ideas for further Drop-Ins.

Creative Writing Listserv

Chair Gary Stuart has challenged us to post about our favorite books, characters, and authors.

Please join us and tell us what book are you currently reading?

I just finished Charles Duhigg's 2024 *Supercommunicators*. It was fabulous.

Dean Christoffel Pro Bono

David Vasquez is our new Chair. Please contact him with ideas. We have named this working group in memory of our friend and Past Division President, Dean Christoffel.

Save the Date

The Senior Lawyers Breakfast will be at the State Bar Convention on June 14 at Wild Horse Pass. See you there!

Pop Culture

I saw *Dune Part Two* on March 8. The special effects are amazing. The sets are in the deserts of Jordan. I cannot stop comparing this movie to the David Lynch 1984 movie, which started me on reading some 15 *Dune* prequels, sequels, and other themed books. Frank Herbert created an entire universe; not just a civilization.

I am pleased that *Oppenheimer* won Best Picture. Robert Downy, Jr., certainly deserved his Oscar. Since we have Apple-TV, I just saw *Napoleon* and was underwhelmed.

The silly series have returned – *Ghosts* (American version) is a hoot, as is *So Help Me Todd*. Trekkies – have you started *Strange New Worlds*? Are you as tired of *Discovery* as I am?

Et cetera

Since our last newsletter, your Executive Council met in January and February and will meet again on March 27. Please keep adding to our conversation on the Division's Senior Lawyer Digest and join us on our new Creative Writing Listserv.

Till next time,
Denise