

Vintage Voices

Senior Lawyers Division

Newsletter
September 2021

After the summer hiatus, we're back to work at the Executive Council of the Senior Lawyers Division. One of our key goals as we approach our first anniversary of existence is to find more ways in which we can serve you and more projects in which you might be interested in participating. One way we hope to do this is by communicating with you through this newsletter monthly rather than every other month. You can now expect *Vintage Voices* to arrive in your email at the start of each month after our Executive Council meetings on the fourth Wednesday of each month.

Our four workgroups that evolved at the start of this venture remain active. Here's what's going on with each of them.

Elections

We've added two new members to the Executive Council this month. By unanimous vote, Hope Kirsch was elected to serve as Secretary of the group and Mark Roy was elected as a member at large.

We have two vacancies to fill. A seat for District Representative 1 (Cochise, Gila, Graham, Greenlee, La Paz, Pinal, Santa Cruz, and Yuma) is open. The other is for District Representative 4 (Maricopa County). If you are living in these counties and have an interest on serving on the Executive Council or if you know someone who you'd like to see on the Council, please let Stephanie

Austin know. Her email address is stephanie.austin@staff.azbar.org

Dues

Hope Kirsch is one of the folks along with John Messing, Dave Stoller and Donald Smith who formed the informal committee that approached the Board of Governors about the dues issue for non-practicing senior lawyers. The group has made presentations to both the Executive Committee of the Board of Governors and the Finance and Audit Committee. The latter committee recommended that the Board of Governors create an ad hoc committee to examine the issues of dues and revenue. While it may take a while, progress is being made. For those who want their voice to be heard on this matter, the best way to achieve that is to contact your member or members of the Board of Governors. As a Division, we cannot take a position.

Some Interesting New Ideas

There are several ideas we're exploring for serving you. Among them are the following:

- Books: One of the pleasures of retirement is more time to read for fun. I picked up an idea for a book that sounded interesting from the Senior Lawyers Digest. The book is entitled *Fat Chance: Diet Mania, Greed and the Infamous Fen-Phen Swindle* by Rick Christmas. I haven't made it to the library to find it yet, but it's on my to-do list. Would any of you be interested in exchanging book ideas or in starting a Zoom book club through the Senior Lawyers Division? If so, let me know at sallybob75@comcast.net
- Seminar: We're exploring the idea of seminars on different legal topics not associated with transition, mentoring or pro bono. One suggestion is having Bob McWhirter give us a talk on the 13th, 14th, and 15th amendments to the U.S. Constitution. If there are other topics that you think would be of general interest, let me know, too.
- AARP articles: Even if you're a member of the AARP you might not be aware of the many resources and fun things you can get from that organization's website. Just as an example, here's a link to their free games section: www.games.aarp.org We're going to look into providing

you more information from the AARP site on a regular basis, but you're welcome to send us any ideas from this or other organizations that you think would be of interest to members generally.

Mentoring

Because this workgroup operates in conjunction with the State Bar's mentorship committee, we are coordinating efforts with them. In the meantime, we thank all of you who have agreed to serve as mentors either for younger lawyers or for those who may be venturing into a new area of practice. For additional information please [go here](#).

Pro Bono

The Pro Bono workgroup, under Dean Christoffel's leadership, has a wonderful relationship with the Pro Bono Service Providers Network. As the name implies, that's the group of organizations who provide pro services through the state. This group will provide CLE sessions on adult guardianships and juvenile guardianships in September and October. The seminars are free to any senior lawyer who is participating in pro bono service or who would like to participate in pro bono service.

Transition

Louis Araneta and this work group that he chairs, is developing a new forum to discuss issues of transitioning. They would host drop-in sessions at which questions you might have about changing to a part-time practice or retirement could be discussed in a Zoom session, following the State Bar's Wellness Chats format. If you want to know how others found new activities following retirement or about what to do as you wind down your practice, these sessions would be a chance to discuss this with colleagues who have already gone through these experiences and with others who are contemplating the same changes. Gary Stuart, one of our new Executive Council members, has been counseling lawyers on ethics issues when you retire or cut back on practice for 20 years. He has offered to participate in these sessions, so you'll have the benefit of his free advice.

Oral History

I took history as my major in undergraduate school because I knew I was going to law school and figured that I might as well have an undergraduate degree in something I enjoyed. Besides, I didn't have to take a math class with that degree. History has always been something I read about. Some of the most fascinating accounts of history are the oral histories of those who have been lawyers before I was. I'm closing this edition of *Vintage Voices* with a story from an oral history of Burr Udall that Judge (ret.) Ted Borek did as part of the James E. Rogers College of Law's Law College Association Oral History Project. Dean Marc Miller graciously gave me permission to do this.

This is a story Burr related about his longtime partner, Tom Chandler.

"Tom Chandler was trying a slip and fall case in front of Judge Mercer Johnson, and when the plaintiff rested, he (Tom) moved for a directed verdict on ground they had not shown there was anything wrong with the floor. The plaintiff had testified that he was unconscious after he hit the floor, and he knew nothing about the condition of the floor, and there were no experts or independent witnesses. Judge Johnson told the plaintiff's attorney that he thought he had to grant the motion, and they (plaintiffs) moved to reopen the testimony so their client could change his testimony. The court allowed that.

In that courtroom, the two doors to open the courtroom looked right at the jury, and the jury was in the box, and one plaintiff's lawyer was on each side of the plaintiff, talking to him with the jury observing all this.

The plaintiff got back on the stand and testified that he remembered waking up and feeling there was a coat of wax on the floor that caused him to fall. Tom then asked, 'When did you dream up that story?' And the response was, he woke up at 4 a.m. that morning and remembered it. Tom then said, 'Isn't it true that not over three minutes ago, standing in the doorway, your lawyers told you that if you didn't testify to that the judge was going to dismiss your case?'

The plaintiff's attorneys objected as follows:

1. It appears that Mr. Chandler has been eavesdropping.
2. What we said to the client is a confidential communication.

3. We want the record to show we never said any such thing.

Judge Johnson still directed a verdict.

That's it for this month. I'll be back in October.

- Sally Simmons, District Representative 3