

TB

LAW

NEWSLETTER



PAGE 6

More Than a Headache

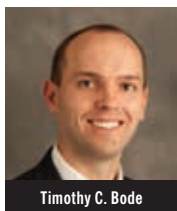
If your employees are not being paid sick time, your prognosis could be terminal!

Inside

- 4 You are a Director, Officer, or Manager And Just Got Sued...Now What?
- 5 Two-For-One Deal: *Why working with a CPA-Attorney can save you time and money*
- 8 Caregiver Burnout: *How to recognize the signs and when to ask for help*
- 9 A Higher Authority: *A church's duty to respond to a subpoena in family law cases*
- 10 Before They Were Lawyers: *A look back at the jobs our attorneys worked along the way (Part 1)*

ANNOUNCEMENTS

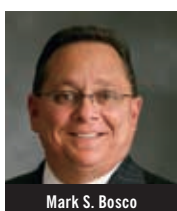
PROFESSIONAL AND PERSONAL ACHIEVEMENT



Timothy C. Bode

TIMOTHY C. BODE was elected to a three-year membership term on the Church & Society Ministry Team at Paradise Valley United

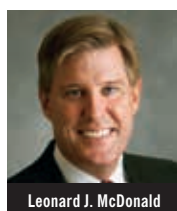
Methodist Church. The C&S Team identifies and takes steps to address common social justice concerns while representing the church as a member of the Valley Interfaith Project.



Mark S. Bosco

MARK S. BOSCO, JAMES A. FASSOLD, and ROBERT A. ROYAL were recognized in *Az Business* magazine as Arizona's Top 100 Lawyers. The

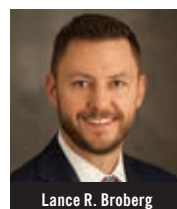
selections are based on a combination of each lawyer's professional success and impact on his law firm, on the community he serves, and the legal profession.



Leonard J. McDonald

MARK S. BOSCO, LEONARD J. MCDONALD, and GREG L. WILDE contributed foreclosure content specific to Arizona, Nevada, and California for Thomson Reuters' preparation of a residential foreclosure outline that will be published and distributed by Practical

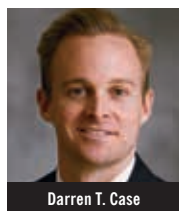
Law, which produces online resources for attorneys practicing with in-house corporate law departments, as well as law firms across the globe. Thomson Reuters requested the assistance of Tiffany & Bosco given our strong reputation and considerable subject matter expertise in foreclosures for each of those states.



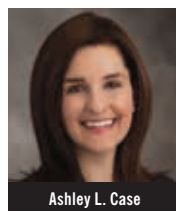
Lance R. Broberg

LANCER R. BROBERG has been selected one of the Top Pro Bono Attorneys in Arizona for 2017 for his tireless efforts

with the Arizona High School Mock Trial program, which seeks to educate students in grades 9-12 about the law and the legal system by participating in simulated trials.

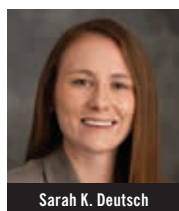


Darren T. Case



Ashley L. Case

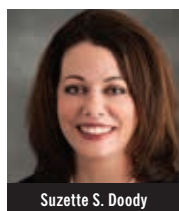
DARREN T. CASE and ASHLEY L. CASE co-authored the article for Forbes.com, "Love & Marriage: What's Tax Got to Do with It?", which explores the ways the tax code deals with marriage.



Sarah K. Deutsch

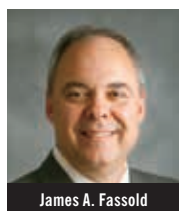
SARAH K. DEUTSCH was selected as the Arizona State University Justice Studies Outstanding Undergraduate Alumna for 2017.

The selection is made by a committee of faculty in Justice and Social Inquiry, and a scholarship in her honor is being awarded to an undergraduate student pursuing a Justice Studies degree.



Suzette S. Doody

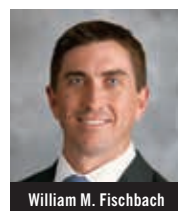
SUZETTE S. DOODY was recently elected to the Board of Directors of the Arizona Burn Foundation. The foundation is dedicated to improving burn survivors and their families' quality of life and promoting burn prevention advocacy and education.



James A. Fassold

JAMES A. FASSOLD presented "Beyond Email: The Art and Science of Productivity" on three separate occasions, including to the internal leadership group at the State Bar of Arizona, the Arizona Society of Association Executives, and the Maricopa County Chapter of the Arizona Women Lawyers

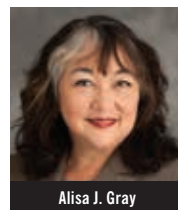
Association. Jim's presentation included tips on stress, time-management, email, and productivity. He was also a panelist with Judge Donn Kessler and Ellie Izzo, Ph.D. at the State Bar of Arizona's Spring Training for Lawyers on "Maintaining Balance and Promoting Mental Health: Strategies, Tips, and More."



William M. Fischbach

WILLIAM M. FISCHBACH was recently appointed to the Arizona State Bar Civil Practice & Procedure committee. The purpose of the

committee is to continually reevaluate the application and efficacy of the Rules of Civil Procedure and Rules of Civil Appellate Procedure and, when appropriate, submit proposed changes to those Rules to the Arizona Supreme Court.

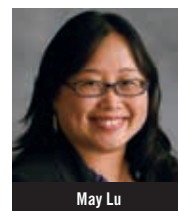


Alisa J. Gray

ALISA J. GRAY was selected as one of the ten founding members of the Mentors Circle of the Teachers Division of the Mindfulness in

Law Society (MILS). MILS is the hub for mindfulness in the legal profession, bringing together lawyers, law students, faculty, judges, and others in the legal community nationally to share resources and provide networking opportunities.

PAMELA L. KINGSLEY presented on "How to Deal with 206's Earned Paid Sick Time," the topic of one of the articles in this newsletter, to professionals at a Society for Human Resource Management Greater Phoenix workshop in late April 2017.



May Lu

MAY LU was a panelist for the Turnaround Management Association-Arizona Chapter on "Using LinkedIn to Build Business."

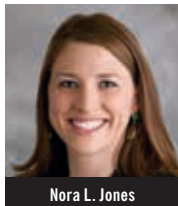
Additionally, May was co-presenter at a Strafford live webinar titled "Letters of

ANNOUNCEMENTS

PROMOTIONS

Nora L. Jones Newest Shareholder

NORA L. JONES was promoted to Shareholder at Tiffany & Bosco in May 2017. Nora concentrates her practice on probate and trust

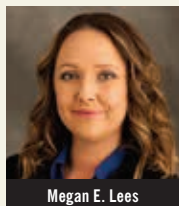


Nora L. Jones

litigation, estate administration, elder law, guardianships, and conservatorships. Nora assists clients with both simple and complex probate litigation matters, including will and trust contests, breach of fiduciary duty claims, and recovery for financial exploitation of vulnerable adults. Nora also provides guidance to guardians, conservators, and personal representatives in the management and administration of a loved one's estate.

NEW FACES

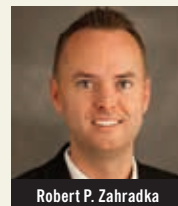
Associate **MEGAN E. LEES** joined Tiffany & Bosco's San Diego office in July 2017.



Megan E. Lees

Megan received her undergraduate degree from Florida State and her law degree from California Western School of Law. She is licensed to practice in California, and is admitted in all district courts, as well as the Ninth Circuit Court of Appeals. Megan's career has focused in the areas of creditor's rights, bankruptcy, and real estate law. She is a member of the Bankruptcy, Real Property, and Appellate Practice sections of the San Diego County Bar Association. Prior to her current areas of practice, Megan volunteered with the San Diego Volunteer Lawyer Program in both its domestic violence and HIV/AIDS legal clinics providing legal services to low-income and disabled clients, which earned her the Wiley W. Manuel award for her pro bono service to the San Diego community.

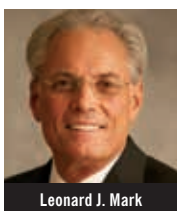
Associate **ROBERT P. ZAHRADKA** joined Tiffany & Bosco's San Diego



Robert P. Zahradka

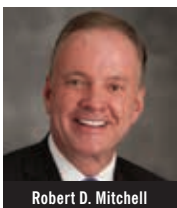
office in August 2017. Robert received his undergraduate degree from the University of California, Los Angeles and his law degree from California Western School of Law. He is licensed to practice in California and is admitted to practice in all district courts, as well as the Ninth Circuit Court of Appeals. Robert's legal career has focused primarily in the areas of creditor's rights and bankruptcy law. He is a member of the Bankruptcy, Real Property, and Appellate Practice sections of the San Diego County Bar Association. In his free time, Robert enjoys travelling and exploring new cities both domestically and internationally.

Intent in Business Transactions: Avoiding Legal Pitfalls When Documenting Preliminary Deal Terms."



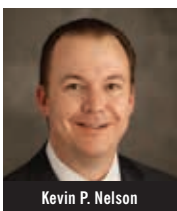
Leonard J. Mark

LEONARD J. MARK recently became a member of the University of Arizona James E. Rogers College of Law's 2017 Board of Visitors.



Robert D. Mitchell

The record internet defamation per se verdict of \$38.3 million headed by plaintiffs' lead counsel **ROBERT D. MITCHELL** and **SARAH K. DEUTSCH** was the 49th largest verdict in 2016 according to VerdictSearch.

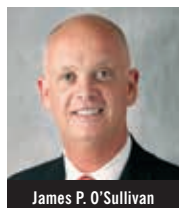


Kevin P. Nelson

KEVIN P. NELSON was recently appointed as Vice Chair of the Maricopa County Bar Association Real Estate Section. Kevin

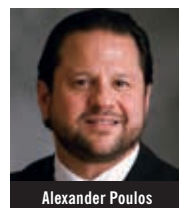
also presented "A Balanced Discussion of Real Estate Litigation: From the Perspectives of Owners, Lenders, and Title Insurance Professionals" to members of the Maricopa County Bar Association Real Estate Section. For the fourth year, Kevin authored *Arizona Real Estate Law and Arizona Construction Law Annotated*, published in November 2016.

JAMES P. O'SULLIVAN presented on exit planning for businesses at the Arizona Society of Certified Public Accountant's Phoenix Tax Workshop.



James P. O'Sullivan

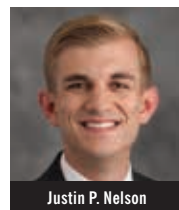
JAMES P. O'SULLIVAN and **MAY LU** sponsored Serra Club's Bill Folz Memorial "Golf for Vocations" Tournament. Serra Club fosters and promotes vocations to the Catholic priesthood and religious life. Jim and May also contributed a chapter regarding business entities to the State Bar of Arizona's book, *Going Solo in Arizona: Tips for Starting and Maintaining a Successful Solo Practice*.



Alexander Poulos

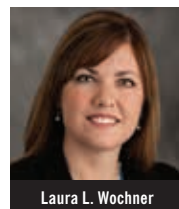
ALEXANDER POULOS, JAMES P. O'SULLIVAN and **MAY LU** hosted the Global Chamber of Commerce's inaugural "Welcome To The Valley" event, which gathered and "welcomed" global companies that are new to the Valley.

DAVID L. ROSE was recently accepted as an Allied Attorney with the Alliance Defending Freedom, a non-profit legal organization that advocates for the right of people to freely live out their faith without religious discrimination.



Justin P. Nelson

DAVID L. ROSE and **JUSTIN P. NELSON** prevailed before the Arizona Court of Appeals, Division One, for their client in the published decision, *Nia v. Nia*, 242 *Ariz.* 419.



Laura L. Wochner

LAURA L. WOCHNER passed the Nevada Bar Examination and is now admitted to practice law in Arizona and Nevada.

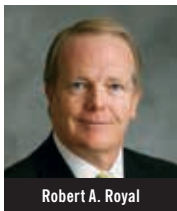
BUSINESS LAW

*You are a director,
officer, or manager
and just got sued...*

NOW WHAT?

By **ROBERT A. ROYAL**

You serve as a director or officer of a corporation or as a manager of a limited liability company and were just named as a defendant in a civil lawsuit. Is the company required to pay for your legal counsel and expenses to defend your position? What



Robert A. Royal

financial protections do you have? This article briefly discusses three potential sources a director, officer, or manager who has been named as a civil defendant should consider for financial and legal assistance.

INSURANCE POLICIES

The first step a director, officer, or manager should take after being accused of wrongdoing in a civil lawsuit is to determine whether the company has an insurance policy that will pay the legal fees and expenses necessary to defend the claim (Defense Costs) or an adverse settlement or judgment (Indemnity). These policies are commonly referred to as Directors and Officers (D&O) Liability Insurance policies. If a D&O policy exists, you should find out whether coverage is available under that policy, and if the insurance provider reserved the right to recover monies that were paid to an insured who was later found to be ineligible.

D&O policies generally afford coverage for acts that occur within the scope of performing corporate duties and that are not intentionally wrongful. If you were acting outside the scope of your corporate responsibilities or intentionally committed the wrongful acts, the



insurance carrier generally will not be liable for Defense Costs or Indemnity. Nonetheless, depending on the claims against you, other insurance policies, such as comprehensive general liability, employer's practice, business owner's, or homeowner's insurance policies, may provide coverage where a D&O policy does not.

CORPORATE GOVERNANCE

A director, officer, or manager accused of wrongdoing should also review the company's governance documents.

Articles of incorporation and organization, bylaws, shareholder agreements, and operating agreements may include provisions requiring the company to pay Defense Costs and Indemnity to certain representatives. These provisions typically include standards that must be met before payments are made, such as acting in good faith, without willful misconduct or gross negligence, and in the best interests of the company. Additionally, many corporate governance documents permit the company to advance funds for Defense Costs.

ARIZONA LAW

Another source of financial reprieve may be found in the Arizona statutes, which permit a director or officer to receive Defense Costs and Indemnity

from the company if he or she is not liable in the legal proceeding or met the applicable standard of conduct.

For you to be covered, the standard of conduct requires you to have acted in good faith, within the scope of your agency, in a manner you reasonably believed to be in the best interests of the company, and as a reasonable director or officer would under similar circumstances.

Arizona statutes also allow a director or officer to obtain an advance of his or her Defense Costs if certain requirements are satisfied, such as signing an affidavit that the statutory standard of conduct was met and a written agreement to pay back all Defense Costs if it is subsequently determined that the director or officer was ineligible.

Finally, under Arizona common law, a director, officer, or manager may be able to recover a portion of his or her liability from another party who was more at fault.

Overall, when faced with defending a civil lawsuit, a director, officer, or manager should review whether he or she is eligible for any of the foregoing sources of potential financial and legal support. With decades of experience in handling business litigation matters, Tiffany & Bosco, P.A. can help you determine and understand your rights.

LITIGATION

Two-For-One Deal

Why having a CPA-Attorney work on your case can save you time and money

By TODD T. LENCZYCKI

Having a dual professional CPA-Attorney on your litigation team is an invaluable asset that is a rarity. Litigation almost always involves numbers. Whether it is as simple as calculating interest on your judgment, or a complex investigation into financial fraud, having



Todd T. Lenczycki

a CPA-Attorney involved in your case will save you money, strengthen your case, and put you at ease from the start.

A CPA-Attorney can perform an effective financial analysis of your claim and expected damages. More importantly, errors in the opposing side's financial records, analysis, and reports, will be discovered more frequently by a CPA-Attorney. Uncovering financial errors exposes the other side and will tarnish the other side's credibility, which can be exploited to allow for a more speedy and cost-cutting settlement.

Numbers and financial statements are inherently unnerving to many attorneys. When numbers are involved in their cases, they rely on their client's expertise or costly experts, or they avoid the issue until necessary. It is a game-changer when you have a CPA-Attorney reviewing the financial aspect of your case because the numbers can become the strength of your case. Cases are easier to prove when you can state that your partner stole, for example \$150,000, from your business and there is a clear and concise exhibit showing how he did it.

Putting the right numbers and dol-



lar amounts into your causes of action shows how serious your case preparation, claims or defenses, and damages are. It surely beats the standard "damages in an amount to be proven at trial" allegation most attorneys use when filing lawsuits, which proves nothing and has little persuasive value.

Another undeniable benefit of having a CPA-Attorney handle your case is his or her ability to perform basic forensic accounting, which is particularly useful when investigating fraud and theft.

When an expert opinion is needed and a CPA-Attorney is already working on your case, your expert can hit the ground running. The expert does not have to search for leads as the CPA-Attorney has already found relevant financial information through his or her normal document review. The expert's report will cost less and can be more focused and integrated into the pleadings, again drawing the case closer to resolution.

CPA-Attorneys are extremely valuable for discovering significant information in a wide array of case types (outside of the obvious financial litigation cases). These include, for example, matters involving tax issues, divorces, estate planning, mergers and acquisitions, bankruptcy, and business divorces.

To maintain dual CPA-Attorney licenses, the State of Arizona requires over 50 hours a year of continuing education. This means the client will have a professional who is up-to-date on both legal and financial issues.

The benefits of having a CPA-Attorney work on your case are plentiful and well-proven. You cannot go wrong putting one on your side.

MONEY MINDED

Todd Lenczycki is dually certified as both an attorney and a CPA in Arizona. He can be reached at tll@tblaw.com.

EMPLOYMENT LAW



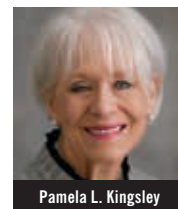
MORE THAN A HEADACHE

If your employees are not being paid sick time, your prognosis could be terminal!

By PAMELA L. KINGSLEY

Before July 1, 2017, Arizona employers were legally obligated to pay their employees only minimum wage and overtime. They also could offer paid time off for vacation, personal reasons, or illness, and dictate what rules their employees had to follow to obtain such benefits.

When Arizona voted, in November 2016, in favor of increasing the hourly



Pamela L. Kingsley

rate for minimum wage, the approved proposition also created a first-time statutory obligation for earned paid sick time (EPST). With certain caps and restrictions, for every thirty hours worked, an employee, temporary or permanent, full or part

time, now receives one “sick” hour off — paid. The only exceptions are casual babysitters and federal and state employees.

Although the new law applies to all employers, those employers that previously had a paid time off (PTO) policy before July 1, 2017 may be inadvertently applying the law differently than those that did not. This article provides a non-exhaustive checklist for employers of both types to comply with the new standards.

- > **INFORM.** Tell your employees about the new EPST requirement and what it means in two easy steps. First, download and display the poster located on the Industrial Commission of Arizona’s (ICA) website, which provides a summary of employees’ rights and protections under EPST. Second, include in or attach to every employee’s paycheck, for the current year of usage: (a) how much EPST is available to the employee, (b) how many hours of EPST have been taken by the employee, and (c) the amount the employee has been paid as EPST.
- > **UNDERSTAND.** Learn and satisfy EPST’s recordkeeping and other requirements, or be subject to a civil penalty of at least \$250 for a first violation and at least \$1,000 for each subsequent or willful violation. If an employer fails to maintain payroll records for each day’s hours worked, wages paid, and sick time paid for four years, the law will presume that no EPST was paid.
- > **CONSECUTIVE PERIOD.** Decide what twelve-month consecutive period, e.g., calendar, fiscal, the employee’s work anniversary, or another day (such as July 1), will control. This period will be the employee’s “usage” year.
- > **ACCRUAL AND USAGE CAPS.** Determine whether to cap accrual and usage annually at the statutory minimum (twenty-four hours if an employer has fourteen or fewer employees or forty hours

The law contains a broad range of circumstances that qualify for paid “sick” time (e.g., public health emergency, domestic violence, or stalking), and they apply not only to employees, but also to their family members...

if the employer has fifteen or more employees). Alternatively, allow the employee to carry over more hours than the statutory minimum into the next usage year.

> **TERMINATION PAYMENTS.**

Decide whether to pay for accrued and unused sick time upon termination of employment. Remember to reinstate the time if the employee returns within nine months.

> **DEFINE “SICK” TIME.** The law contains a broad range of circumstances that qualify for paid “sick” time (e.g., public health emergency, domestic violence, or stalking), and they apply not only to employees, but also to their family members — a group larger than one might anticipate. Choose whether to expand the reasons. The ICA has advised that when an employee uses available equivalent paid time off for “other purposes,” the payment for that time may be counted toward payment for sick time. So, if an employer incorporates a vacation/personal time off policy, elect whether employees will be able to use those accrued hours for sick time off, or vice versa.

> **CLARITY IN COMMUNICATION.**

An employer can require employees to give timely notice for foreseeable leaves and provide the expected duration of the absence, when possible. An employer can also proscribe how and to whom notice should be given and require that certain types of supporting documentation be provided.

However, an employer that seeks strict adherence to its policies and is deemed too demanding risks being accused of interfering with an employee’s rights, thereby opening a Pandora’s Box of possible violation claims or retaliation charges (minimum of \$150 per day that the violation continues or until legal judgment is final). Consider and decide whether to push or relax compliance expectations.

> **RETALIATORY PRESUMPTION.**

An employee cannot waive his or her rights to EPST — even for consideration. If an employer takes an “adverse action” against an employee within ninety days after the employee exercised a right to EPST, the law presumes that the employer’s action was retaliatory. To rebut this presumption, the employer must present clear and convincing evidence that its actions were for a non-retaliatory purpose. If a lawsuit is filed, the prevailing plaintiff (employee) is entitled to attorneys’ fees and costs, while the prevailing defendant (employer) is not.

> **PERSONAL LIABILITY.** Finally, do not think that YOU cannot be financially liable for your company’s violations and penalties. The statute’s definition of “employer” includes any “individual or other entity acting directly or indirectly in the interest of an employer in relation to an employee.” Ariz. Rev. Stat. § 23-362.

If you believe that your company may not be complying with any of the foregoing areas, Tiffany & Bosco, P.A., including the author, can assist employers with drafting and implementing policies specifically designed for their unique circumstances.

HEALTHY PRACTICES

Please contact Tiffany & Bosco if you need assistance in, or have any questions regarding, this practice area.

FAMILY MATTERS

Caregiver Burnout

How to recognize the signs and when to ask for help

By NORA L. JONES

Elder law attorneys who work with aging and disabled individuals and their families often see families struggle with caregiver burnout. Burnout is a common issue for family caregivers, especially for elderly spouses who have vowed to care for their loved ones “in sickness and in health.” These caregivers often think they have to do it all and that nobody can do it better. Such thinking can lead down a dangerous path, as they sacrifice their health and well-being working toward a task that is either too large for them, too time-consuming, or outside of their skill sets; in these cases, the caregivers may ultimately end up needing the caregiving.

It is important for family caregivers to recognize that they provide the best care when they care for themselves too. While taking time for oneself may initially sound intimidating, start small. Many easily attainable options exist that can provide big help. For instance, hiring a maid a couple of times a month can reduce the burden of maintaining the home. Alternatively, hiring a qualified part-time caregiver to come over once a week for just a few hours and scaling up as needed and as the budget will allow can relieve some of the

TAKE CARE If you are a caregiver that feels overwhelmed with your responsibilities or you are concerned that a caregiver you know may be experiencing burnout, Nora L. Jones and the other qualified attorneys at Tiffany & Bosco may be able to help. It is never too early or too late to explore your options and obtain help.



everyday stress. At first, the long-time caregiver may want to be home to show someone the ropes and to get comfortable with someone else providing help. However, with time, the caregiver may be able to take the leap to leave the home for short periods of time when he or she becomes confident in the level of assistance that a professional caregiver can provide. As the level of needed care increases, care managers or private/corporate fiduciaries may be able to help take on a larger management role.

Often, the burden of caring for an elderly or disabled individual is assumed due to financial hardship. It is important for caregivers to understand that there are several avenues for assistance at low or no cost from the county or state government, federal financial assistance, and local non-profit organizations. Spending a small amount of money upfront to hire a private fiduciary, care manager, or attorney who concentrates his or her practice in this

area often quickly pays huge dividends in improving the standard of living for both the caregiver and the cared-for.

If the caregiving just becomes too much, it is not a failure to ask for someone else to help or even take over. In fact, it is really an act of love when a caregiver recognizes that he or she cannot provide the necessary level of care and seeks help.

In other cases, family members may need to step in when they see signs of burnout occurring. Missed appointments, especially for medical care, may signal that a caregiver is becoming overwhelmed. When a caregiver begins to isolate or stop communicating with others, consider it a red flag. This may happen when the caregiver fears that if anyone knows how bad things have become, they may be replaced. In such circumstances, immediate action may be needed to protect the vulnerable, disabled, or elderly individual from neglect or other harm.

FAMILY MATTERS



A Higher Authority

A church's duty to respond to a subpoena in family law cases

By DAVID L. ROSE

Lawyers frequently issue subpoenas to church counselors to obtain information that could help them represent their clients. Most churches offer counseling services and these counselors may be privy to relevant information regarding ongoing court proceedings. The clerk of court issues a subpoena and it carries the full power of the judiciary where the action is pending. It “command[s] each person to whom it is directed to attend and give testimony or to produce and permit inspection, copying, testing or sampling of designated books, documents, electronically stored information, or tangible things in the possession, custody or control of that person...” See Rule 52(A)(1)(c) of the Arizona Rules of Family Law Procedure (A.R.F.L.P.). The subpoena will also state, “[y]ou have the duty to produce the documents requested as they are kept by you in the usual course of business...” See A.R.F.L.P. 52(D)(1).

A church must comply with the

terms of the subpoena, or under certain circumstances, timely object if it has a good faith belief that it should not be required to respond. Objections must be made within 14 days of service, or before the specified time of compliance, by providing a written objection to the party or attorney serving the subpoena. See A.R.F.L.P. 52(C)(2)(b). Failure to respond properly to a subpoena can carry severe penalties, including the possibility of being held in contempt, fined, and ordered to pay attorneys’ fees to the party issuing the subpoena.

A church should object to the subpoena if the information requested is privileged; however, it is still imperative that the church timely object to the subpoena by sending the proponent its written response, clearly supporting each reason why it believes production of the documents is not legally required. See A.R.F.L.P. 52(E).

If the church objects to the subpoena, it does not need to comply with the subpoena unless a court orders it to do so. It will be up to the attorney serving the subpoena to seek an order from the court to compel the church to provide the documents or inspection requested. See A.R.F.L.P. 52(C)(2)(b).

The clergy privilege is governed under A.R.S. § 12-2233, which states, “[i]n a civil action a clergyman or priest shall not, without the consent of the

person making a confession, be examined as to any confession made to him in his character as clergyman or priest in the course of discipline enjoined by the church to which he belongs.” It is important to understand that this privilege does not belong to the church or the clergyman — it belongs to the “person making the confession.” Thus, without the consent of the parishioner, a church is legally required to honor the clergy privilege. “The privilege afforded by the statute belongs to the communicant and a clergyman may not disclose the communicant’s confidences without the communicant’s consent.” *Church of Jesus Christ of Latter-Day Saints v. Superior Court*, 159 Ariz. 24, 28, 764 P.2d 759, 763 (App. 1988).

Often lawyers will argue that the statute’s protection does not apply if the counseling session is conducted by a church counselor who is a layperson. Even though the language of the statute appears to be limited to “clergyman or priest[s],” Arizona courts have found that the term “clergyman” is not limited to ordained clergy or priests and includes lay counselors. Whether a person is a clergyman of a particular religious organization under A.R.S. § 13-4062(3) is determined by that organization’s ecclesiastical rules, customs, and laws. *Waters v. O’Connor*, 209 Ariz. 380, 381, 103 P.3d 292, 293 (App. 2004). Thus, even a lay counselor in a small Bible church would be protected from being compelled to provide documentation and from being called to testify.

All churches need a written policy outlining the church’s procedures with respect to its counselors and its policy on receipt of a subpoena. Additionally, the church should immediately provide the parishioner with a copy of the subpoena and let him or her know that nothing will be disclosed with consent.

DIVINE ADVICE

Tiffany & Bosco, P.A., including the author, represents churches and religious institutions in a variety of legal matters. To learn more visit tblaw.com.

OUR ATTORNEYS

Before They Were Attorneys

You mean my attorney was not born with a law degree?

Part 1 of 2 Compiled by LAURA L. WOCHNER



TIMOTHY C. BODE: Timothy was a back waiter at P.F. Chang's China Bistro. He also was an operator at an asphalt plant helping mix asphalt and then loading trucks with it. Even during the middle of Arizona summers with the asphalt kept at around 400 degrees, Tim was required to wear long sleeves, fireproof gloves, and a hard hat with a face visor!

MARK S. BOSCO: During grade school, Mark worked a paper route for the Arizona Republic and mowed the lawn at his father's law office across from the Phoenix Country Club on Saturday mornings. During his high school years, Mark worked at a local grocery store, Bashas'. In the summers, he worked the night shift driving a forklift in a cherry factory in Northern Michigan. Mark spent his college summers teaching sailing and coordinating the sailing team at a local yacht club on Lake Michigan. During his law school years, Mark worked at an art museum on Saturdays and Sundays.



MICHAEL A. BOSCO, JR.: The summer before law school, Michael did not see many happy people while taking unemployment applications in Detroit, Michigan during the mid-50's recession. Between his first and second year, he drove a Jewel Tea truck in the South Bend area. He sold and delivered food and household items to customers with past due accounts because they had been out of work for months. Between his second and third year, Mike drove a truck delivering New Era/Frito Lay potato chips and related items, also in the South Bend area, when the regular drivers went on vacation, delivering to bars, taverns, and large supermarkets. There was an ongoing problem, though — the weather! It was hot and humid, and the only "air conditioning" was opening the windows. Portending the future, Mike worked in the Trust Department at what was then First National Bank of Arizona, leaving to enter the U.S. Attorney's Office.

LANCE R. BROBERG: Lance worked a number of jobs typical for high school and college students, including alley coordinator for Red Lobster, server at Chili's, and night manager for Video Update (back when there were video stores!). Lance worked part time at his former high school coaching the mock trial team. He volunteered for the position, but when the teacher coach retired Lance was thrown on the payroll to make sure that school staff was present. Those sizeable checks almost covered

the gas bill back and forth from ASU. Lance's favorite job, however, was when he was an extern with the Executive Office of the President, Office of National Drug Control Policy, Office of Legislative Affairs. The Director was, at that time, affectionately known as the Drug Czar and held a cabinet level position in the administration of President George W. Bush. Working with both the Executive and Legislative branches (Senate and House) proved a, shall we say, unique experience.

ASHLEY L. CASE: Ashley was a lifeguard at Golfland-Sunsplash in Mesa, a telemarketer for the East Valley Tribune, and worked retail at Dillard's, Gap, and Nordstrom. One summer she worked as a "product ambassador," which required her to approach people in a Sprint store and encourage them to try out the newest (internet-capable!) cell phone.

DAVID L. CASE: Being able to play guitar and sing in the evenings and on weekends in musical groups allowed David to make ends meet through college and law school. Though David was a self-taught guitar, piano and harmonica player, did not begin playing until age 15, does not read music, and was with a group of long standing musicians (some of whom were ASU music majors), he composed music and lyrics on his own, and his groups performed some of the compositions. David recalls many fond memories during this time, such as (1) playing concerts during college with many superstars of that era, including Glen Campbell, The Turtles, Bill Medley (of the Righteous Brothers), and Jose Feliciano, (2) playing in venues such as the Arizona Memorial Coliseum, ASU Gammage Center, Celebrity Theatre, and Caesars Palace, and (3) travelling to play in cities across the country. He also appeared on television playing guitar, twice on The All American College Show television series in Los Angeles, as well as on local channels and for commercials for Phoenix businesses.



TINA M. EZZELL: Tina was a cocktail waitress at various places, including a bowling alley, and also did some food waitressing and bartending. She was also a "ride operator" at the Santa Cruz Beach Boardwalk one summer. Tina has also worked at various gyms teaching weight training and "aerobics."

JAMES A. FASSOLD: As with most graduate students in Philosophy, Jim spent many years as a bartender. He plied his trade at some of the best restaurants in San Francisco, including Masa's and Zuni Cafe. Of the numerous celebrity customers, he especially remembers the intensity of Steve Jobs and the nonstop creative onslaught of Robin Williams.

WILLIAM H. FINNEGAN: Bill was in the Army for six and a half years, four and a half as a helicopter pilot, one year of which was in Vietnam, and two more years afterwards as an instructor pilot in Texas. He also flew for the AZ National Guard for another six and a half years after he got out of the active Army, the last two of which overlapped with him having become an attorney. When Bill got out of active duty, he attempted to complete his undergraduate degree

in Texas where he had lived for the last two years of his tour and was told being in the Army in Texas did not constitute being "gainfully employed" so he would have to pay out-of-state tuition in Texas. He moved back to AZ where he lived before getting drafted and ASU told him he would also be considered a non-resident student. Thus, he became a "man without a state," but he still had a "job" as they paid him reasonably well!

WILLIAM M. FISCHBACH: While attending law school at Tulane University in New Orleans, Louisiana, Will worked as a dining room captain for the exclusive Red Room Club located on St. Charles Avenue. The Red Room was constructed from parts of the Eiffel Tower and the interior was adorned with lipstick red carpets, drapery, and over-stuffed banquettes. The Red Room's circular dining area surrounded a stage and dance floor, and it featured New Orleans' most prominent jazz and swing musicians nightly. Will's favorite memory from the Red Room was New Year's Eve 1998. Jazz trumpeter Kermit Ruffins performed while Will poured guests champagne from a giant Balthazar (12 liter bottle) of Veuve Clicquot.

BETH A. HEATH: Before changing career paths and going to law school, Beth was an environmental engineer working on characterizing, treating, and disposing of materials contaminated by both radioactive and hazardous waste for a Department of Energy contractor in Idaho Falls, Idaho.

ALISA J. GRAY: Alisa had many jobs (at least 30) before graduating from law school. While in high school, she lived in North Carolina where she drove a tractor for a tobacco farm during the summers. She made \$13 each day, plus anything she wanted from the Tastee Freez. In college, she mostly worked as a waitress or bartender in various restaurants and clubs. After receiving her undergraduate degree but before law school, she continued to work in the food and beverage industry, but also signed up as a substitute teacher for Phoenix District One where she taught K-6 grades for about one year.

RICHARD G. HIMELRICK: During his first two years in law school, Richard worked weekends as a busboy in a dinner club. In his last year, he worked the graveyard shift on the assembly line at one of Chrysler's engine plants.

BREADTH OF EXPERIENCE

Look for the second installment of this series in our Spring 2018 newsletter.



Tiffany & Bosco, P.A.
Camelback Esplanade II
Seventh Floor
2525 East Camelback Road
Phoenix, AZ 85016-9240

PRSR STD
U.S. POSTAGE
PAID
PHOENIX, AZ
PERMIT #1662

ADDRESS SERVICE REQUESTED

tblaw.com | Established in 1967, Tiffany & Bosco, P.A. provides legal services to the business community, representing domestic and foreign clients on a local, national, and international basis. Tiffany & Bosco, P.A. is a member of the USFN.

Arizona
Camelback Esplanade II, Seventh Floor
2525 East Camelback Road
Phoenix, Arizona 85016-9240
T: (602) 255-6000 F: (602) 255-0103

Nevada
212 South Jones Boulevard
Las Vegas, Nevada 89107-2657
T: (702) 258-8200
F: (702) 258-8787

California
1230 Columbia Street, Suite 680
San Diego, California 92101
T: (619) 501-3503
F: (619) 487-9079



This newsletter is published as a service to clients and friends. It is intended to give general information only and not to provide advice on specific legal issues. For information, change of address, or copies, please contact our Editors, Pamela L. Kingsley or Robert A. Royal at (602) 255-6000. ©2017 Tiffany & Bosco, P.A.

Shaine T. Alleman	(602) 452-2712	sta@tblaw.com	Land Use and Zoning; Real Estate Development; Governmental Relations; Planned Community and Condo Law
Timothy C. Bode	(602) 255-6069	tcb@tblaw.com	Civil and Commercial Litigation
Mark S. Bosco	(602) 255-6006	msb@tblaw.com	Foreclosures/Trustee Sales; Creditor Bankruptcy; Forcible Entry and Detainer/Eviction; REO Closings and All Loan Default Issues
Michael A. Bosco, Jr.	(602) 255-6002	mab@tblaw.com	Probate; Real Estate Litigation; Foreclosures/Trustee Sales and Default Servicing; Receiverships
Lance R. Broberg	(602) 255-6061	lrb@tblaw.com	Civil and Commercial Litigation; Corporation and Shareholder Litigation; Intra-Company Disputes
Ashley L. Case	(602) 255-6063	alc@tblaw.com	Estate Planning; Probate Administration
Darren T. Case	(602) 255-6093	dtc@tblaw.com	Estate Planning; Taxation; Corporate, Business Planning and Formations; Employee Benefits
David L. Case ¹	(602) 255-6097	dlc@tblaw.com	Estate Planning; Taxation; Corporate, Business Planning and Formations; Real Estate
Matthew D. Dayton ²	(702) 258-8200	md@tblaw.com	Bankruptcy; Civil and Commercial Litigation; Forcible Entry and Detainer/Eviction
Sarah K. Deutsch	(602) 452-2726	skd@tblaw.com	Business and Commercial Litigation; Securities and Financial Litigation
Suzette S. Doody	(602) 452-2736	ssd@tblaw.com	Civil and Commercial Litigation; Construction Law; Insurance Law; General Liability and Tort Defense; Professional Malpractice
Tina M. Ezzell ³	(602) 452-2747	tme@tblaw.com	Automotive Law; Civil and Commercial Litigation; Appellate Practice; Business Divorce; Employment and Labor; Real Estate Litigation
James J. Farley, II	(602) 288-7918	jff@tblaw.com	Banking, Civil, Commercial, and Real Estate Litigation; Construction Law; Insurance Law
James A. Fassold	(602) 452-2720	jaf@tblaw.com	Probate/Trust Litigation and Administration; Elder Law; Appellate Practice
William H. Finnegan	(602) 255-6009	whf@tblaw.com	Business Planning, Formations and Dispositions/Corporate; Estate Planning; Taxation; Tax Controversy
William M. Fischbach	(602) 255-6036	wmf@tblaw.com	Civil and Commercial Litigation; Real Estate Litigation; Personal Injury, Medical Malpractice, and Wrongful Death
Richard C. Gramlich	(602) 255-6079	rcg@tblaw.com	Construction, Business, and Real Estate Litigation; Personal Injury
Alisa J. Gray	(602) 452-2719	ajg@tblaw.com	Probate/Trust Litigation and Administration; Elder Law; Mediation; Alternative Dispute Resolution
Brett M. Hager	(602) 255-6045	bmh@tblaw.com	Aviation; Business Divorce and Business Litigation; Civil and Commercial Litigation; Personal Injury and Wrongful Death
Beth A. Heath	(602) 255-6084	bah@tblaw.com	Real Estate Transactions; Environmental; Business Formations
Rosary A. Hernandez ¹	(602) 452-2735	rah@tblaw.com	Civil and Commercial Litigation; Personal Injury and Wrongful Death; Construction Law; Insurance Law; Real Estate
Richard G. Himelrick	(602) 255-6021	rgh@tblaw.com	Securities and Investment-Fraud Litigation; Commercial Litigation
Nora L. Jones	(602) 255-6014	nlij@tblaw.com	Civil and Commercial Litigation; Probate/Trust Litigation and Administration; Elder Law
Christopher R. Kaup	(602) 255-6024	crk@tblaw.com	Commercial Bankruptcy/Creditors' Rights; Fraudulent Transfers; Civil and Commercial Litigation
Pamela L. Kingsley	(602) 255-6015	plk@tblaw.com	Employment and Labor Law; Business and Commercial Litigation; Appellate
William E. Lally	(602) 452-2716	wel@tblaw.com	Land Use; Zoning; Real Estate Due-Diligence; Regulatory and Administrative Law
Christopher A. LaVoy	(602) 452-2731	cal@tblaw.com	Civil and Commercial Litigation; Business Disputes; Securities and Investment-Fraud Litigation
Megan E. Lees ⁶	(619) 501-3503	mel@tblaw.com	Banking; Bankruptcy; Financial Services/Default Servicing; Forcible Entry & Detainer/Eviction; Foreclosures/Trustee Sales; Tax Lien Foreclosures
Todd T. Lenczycki	(602) 255-6022	ttl@tblaw.com	Civil and Commercial Litigation; Securities and Investment-Fraud Litigation; Intra-Company Disputes; Business Divorce
Stephen P. Linzer	(602) 452-2748	spl@tblaw.com	Automotive Law; Civil and Commercial Litigation; Corporate, Business Planning and Formations
May Lu	(602) 255-6032	mlu@tblaw.com	Business Solutions; Intra-Company Disputes; Mergers and Acquisitions
Leonard J. Mark	(602) 255-6003	mark@tblaw.com	Family Law; Personal Injury and Wrongful Death
Ashley Zimmerman Marsh	(602) 452-2742	anz@tblaw.com	Civil and Commercial Litigation; Personal Injury and Wrongful Death; Construction Law; Insurance Law; Real Estate
J. Lawrence McCormley	(602) 255-6005	jlm@tblaw.com	Real Estate; Bankruptcy; Commercial Litigation
Leonard J. McDonald	(602) 255-6007	ljm@tblaw.com	Forcible Entry and Detainer/Eviction; Foreclosures/Trustee Sales and Default Servicing; Bankruptcy; Real Estate Litigation; Receiverships
Kelly L. Mendoza	(602) 288-7907	klm@tblaw.com	Family Law; Probate; Civil Litigation; Contract Disputes
Robert D. Mitchell ⁵	(602) 452-2730	rdm@tblaw.com	Complex Financial and Commercial Litigation, Securities Litigation, and Civil Trials and Arbitrations
Justin P. Nelson	(602) 255-6008	jpn@tblaw.com	Civil and Commercial Litigation
Kevin P. Nelson	(602) 255-6028	kpn@tblaw.com	Banking, Commercial, and Real Estate Litigation; Construction Law; Indian Law
Richard E. Oney	(602) 255-6094	reo@tblaw.com	Intellectual Property; Civil and Commercial Litigation
James P. O'Sullivan	(602) 255-6017	jpo@tblaw.com	Business Solutions; Intra-Company Disputes; Mergers and Acquisitions
Alexander Poulos	(602) 255-6030	ap@tblaw.com	Family Law; Criminal Investigations and Defense
James W. Reynolds	(602) 255-6042	jwr@tblaw.com	Business Formations; Financing and Acquisitions; Real Estate Purchases; Sales and Leasing; Limited Liability Companies and Partnerships
David L. Rose	(602) 288-7905	dlr@tblaw.com	Family Law; Personal Injury and Wrongful Death; Appellate Practice; Civil Litigation; Criminal Defense; Civil Rights
Robert A. Royal	(602) 255-6011	rar@tblaw.com	Intra-Company and Business Litigation; Business Divorce; Shareholder, Director, Officer and Manager Litigation
Matthew K. Schriever ⁴	(702) 258-8200	mks@tblaw.com	Bankruptcy; Civil and Commercial Litigation; Forcible Entry and Detainer/Eviction
Amy D. Sells	(602) 452-2713	ads@tblaw.com	Business Litigation; Real Estate Litigation; Banking; Bankruptcy and Creditors Rights; Construction Law
Kevin S. Soderstrom ⁴	(702) 258-8200	kss@tblaw.com	Bankruptcy; Civil and Commercial Litigation; Forcible Entry and Detainer/Eviction
Michael E. Tiffany	(602) 255-6001	met@tblaw.com	Real Estate; General Business Counseling; HUD Insured Multihousing Loans
Christopher J. Waznik	(602) 452-2749	cjw@tblaw.com	Business and Commercial Litigation; Securities and Financial Litigation.
Gregory L. Wilde ⁴	(702) 258-8200	glw@tblaw.com	Bankruptcy; Civil and Commercial Litigation; Forcible Entry and Detainer/Eviction; Real Estate
Laura L. Wochner ³	(602) 255-6060	llw@tblaw.com	Real Estate; Civil, Commercial, and Real Estate Litigation
Michael A. Wrapp ¹	(602) 452-2741	maw@tblaw.com	Banking, Commercial, and Real Estate Litigation; Real Estate Transactions
Robert P. Zahradka	(619) 501-3503	rpz@tblaw.com	Banking; Bankruptcy; Financial Services/Default Servicing; Forcible Entry & Detainer/Eviction; Foreclosures/Trustee Sales; Tax Lien Foreclosures

Attorneys are active Arizona Bar members, unless noted: ¹Arizona & California; ²Nevada & Utah only; ³Arizona & Nevada; ⁴Nevada only; ⁵Arizona, California, Utah & Texas; ⁶California only