

ARIZONA BANKRUPTCY
AMERICAN INN OF COURT

2019-2020 MEMBERSHIP MANUAL



*Interdisciplinary Studies:
The Sabbatical Enrichment Year*

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August 30, 2019

Dear 2019-2020 Members,

Welcome to the ninth year of the Arizona Bankruptcy American Inn of Court! I am very happy to report that, for the seventh year in a row, the Inn achieved Platinum status for the 2018-2019 Inn year with the American Inns of Court, thanks to our enthusiastic membership and last year's Executive Committee, led by Immediate Past President Hilary Barnes. Congratulations! As with every year, we intend to continue the Platinum tradition this year.

Please review this manual so you understand your responsibilities as a member and can get the most out of your Inn experience. (As additional incentive, if you read thoroughly enough, you may find a reward hidden somewhere in the manual.) Thanks to the Membership Committee and especially its chair Krystal Ahart for all of the hard work over the summer creating the pupillages.

This year's theme is "Interdisciplinary Studies: The Sabbatical Enrichment Year." The Program Committee, chaired by Anthony Cali, created an incredible list of topics to choose from (all included below in this manual). I think you will all find this year's programming to be a great opportunity to learn about new areas of the law you may encounter in your practice and enhance your overall experience in the Inn.

The Special Events Committee, chaired by Sara Witthoft, is busy planning several events this year starting with the Welcome Happy Hour. The annual holiday party in December will be hosted in a new central Phoenix location this year, and it will be as much fun as ever. A community service event is being planned for the spring and we hope members and their families will join to help the less fortunate in our Arizona communities. There will also be a couple of optional social events added to the calendar this year - more details to come.

I am also excited to announce that this year, we will be holding the first ever ABAIC Pupillage Tournament! Each pupillage will be competing for the most points. There will be different challenges each month, along with recurring challenges throughout the Inn year. The pupillage with the most points at the end of the Inn year will be awarded the Tournament Cup, along with other awards and prizes (and bragging rights). I hope you will find this to be a unique and enjoyable way to bond among your pupillages, and that it will make this

year even more fun and remind you why you joined the Inn. Thanks to Tami Johnson for the great idea and for serving as our Tournament Chair!

On a personal note, I am very honored and humbled to be serving as your President now. My path to leadership was certainly not planned; it started with Andrea Wimmer asking me if I wanted to join the Special Events Committee. Thanks to the Inn, I have developed professional relationships and friendships that have made practicing law even more enjoyable. I have learned and developed new skills. Most of all, the Inn has reinforced how proud I am to be part of the Arizona bankruptcy community. It is my sincere hope that each of you has a meaningful experience in the Inn. Don't be shy about asking how you can get more involved.

Please reach out to me or anyone on the Executive Committee at any time if you have comments, suggestions, questions, or anything you want to discuss regarding the Inn. Our goal is to make this your best Inn year so far. Thanks to each of you for being a committed member of the Inn and for generously giving your time to be a part of this special group. And a special thanks to the rest of the Executive Committee and each member of the Membership, Programming and Special Events Committees for your hard work. We have an amazing year ahead!

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'ABE' with a stylized flourish.

Alissa Brice Castañeda
ABAIC President, 2019-2020

ABAIC MISSION STATEMENT

The Mission of the Arizona Bankruptcy American Inn of Court (“ABAIC”) is to foster excellence in professionalism, ethics, civility and legal skills within the Arizona bankruptcy community. The ABAIC seeks to achieve this by fostering a greater understanding and appreciation of bankruptcy law, the adversary system in which it exists and to promote interaction and collegiality among judges, lawyers, legal educators, law students and others.

PROFESSIONAL CREED

As a member of the Arizona Bankruptcy American Inn of Court, I hereby adopt this professional creed with a pledge to honor its principles and practices:

I will treat the practice of law as a learned profession and will uphold the standards of the profession with dignity, civility and courtesy.

I will value my integrity above all. My word is my bond.

I will develop my practice with dignity and will be mindful in my communications with the public that what is constitutionally permissible may not be professionally appropriate.

I will serve as an officer of the court, encouraging respect for the law in all that I do and avoiding abuse or misuse of the law, its procedures, its participants and its processes.

I will represent the interests of my client with vigor and will seek the most expeditious and least costly solutions to problems, resolving disputes through negotiation whenever possible.

I will work continuously to attain the highest level of knowledge and skill in Bankruptcy and any other area of the law in which I practice.

I will contribute time and resources to public service, charitable activities and pro bono work.

I will work to make the legal system more accessible, responsive and effective.

I will honor the requirements, the spirit and the intent of the applicable rules or codes of professional conduct in Arizona and will encourage others to do the same.

HISTORY OF THE INNS OF COURT

English Inns of Court

The Inns of Court are voluntary societies, unchartered and unincorporated and as a result, their early history is obscure. Since their inception in the Middle Ages, however, they have been devoted to the technical study of English law. Previously, law was learned in the course of service; however, by the mid-13th century common

law had become extensive and intricate. A class of men who had created and dominated the legal profession set up the Inns of Court as an answer to the problem of legal education.

By the 15th century the Inns of Court were governed by their benchers, who had previously given at least two courses of lectures and who presided over mock arguments (moots) in which students argued difficult points of law before them. Eventually, proficiency in law could be acquired only by following the demanding studies of the Inns. In practice, the Inns had a monopoly over legal education.

By the beginning of the 17th century, all the Inns had acquired the actual ownership of their sites and begun building splendid halls, a process that continued through the century. Inns of Court were any of a sizable number of buildings or precincts where barristers traditionally lodged, trained and carried on their profession. Over time, various causes brought on the decline of this system of education. For one thing, the great activity of the printing press led students to rely more on printed material, and as a result they neglected attendance at readings and moots.

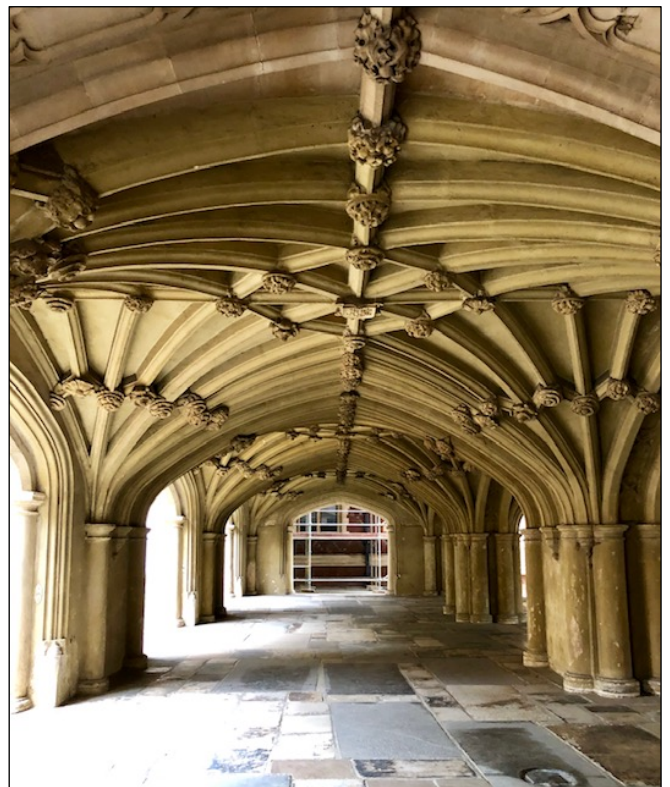
In the 19th century the common law commissioners investigated the Inns of Court, which as a result took steps to resume their educational functions. In 1974 the Inns created an administrative body, the Senate of the Inns of Court and the Bar, which oversees such matters as finance, legal reform, and educational standards. Readerships were reestablished, and lawyers were engaged in teaching with a view to examinations conducted by the Bar Council of Legal Education, representing all four Inns.

Over the centuries the number of active Inns of Court was reduced to the present four:

The Honourable Society of Lincoln's Inn
The Honourable Society of the Inner Temple
The Honourable Society of the Middle Temple
The Honourable Society of Gray's Inn



South Square at Gray's Inn, London.



The 17th century undercroft of Lincoln's Inn.



*Above, left: A courtyard at Middle Temple in London.
Right: A London wig and gown shop for English barristers near the Inns of Court.*



A Declaration of Friendship was signed by the English and American Inns of Court, establishing visitation procedures under which American Inn members can acquire a letter of introduction that will officially introduce them to the Inns in England and Ireland, with reciprocal procedures available for English and Irish barristers. An annual six-week exchange program, known as the Pegasus Scholarships, was created to provide for young English barristers to travel to the United States, and young American Inn of Court members to travel to London, to learn about the legal system of the other jurisdiction.

Source Materials (quotations omitted):
Encyclopædia Britannica
Wikipedia

*Photographs: Alissa Brice Castañeda,
August 2019*

American Inns of Court



The American Inns of Court concept was the product of a discussion in the late 1970s among the United States' members of the Anglo-American Exchange of Lawyers and Judges, including Chief Justice of the United States Warren E. Burger and Judge J. Clifford Wallace of the U.S. Court of Appeals for the Ninth Circuit. Burger subsequently invited Rex E. Lee, then Dean of the J. Reuben Clark School of Law at Brigham Young University and later U.S. Solicitor General, and Dallin Oaks, then president of Brigham Young University and later justice of the Utah Supreme Court, to test the idea.

At the suggestion of Lee, a pilot program was entrusted to Senior U.S. District Court Judge A. Sherman Christensen, who shaped the idea into a workable concept. The first American Inn of Court was founded

February 2, 1980 in the Provo/Salt Lake City area of Utah, and included law students from Brigham Young University.

Within the next three years, additional American Inns formed in Utah, Mississippi, Hawaii, New York, and Washington, D.C.

In 1983, Chief Justice Burger created a committee of the Judicial Conference of the United States to explore whether the American Inn concept was of value to the administration of justice and, if so, whether there should be a national organization to promote, establish and assist American Inns, and promote the goals of legal excellence, civility, professionalism and ethics on a national level.

The committee reported to the Judicial Conference affirmatively on the two questions and proposed the creation of the American Inns of Court Foundation. The Judicial Conference approved the reports and, thus, endorsed the American Inn concept and the formation of a national structure. In 1985 the American Inns of Court Foundation with 12 Inns nationally, was organized to support the Inns and to promote the goals of legal excellence, civility, professionalism and ethics on a national level.

The American Inns of Court movement has grown faster than any other organization of legal professionals. Today there are nearly 400 chartered American Inns of Court in 48 states, the District of Columbia, Guam, and Tokyo. There are more than 30,000 active members nationwide encompassing a wide cross-section of the legal community, including federal and state judges, lawyers, law professors, and law students.

Source Materials:

American Inns of Court

Birth of the Arizona Bankruptcy American Inn of Court

On the evening of October 6, 2011, the first full meeting of the Arizona Bankruptcy American Inn of Court took place at the University Club in Phoenix. In attendance were over 80 members, consisting of the initial group of Masters, Barristers, Associates and Honorary Members. The members enjoyed a buffet dinner, and then Judge Sarah S. Curley called the meeting to order. Members were seated by their initial pupillage assignments. After introductions and distribution of pertinent materials, a demonstration program “Bankruptcy Family Feud” highlighted the elements of successful programming and provided some lighthearted moments.



Why was the Inn formed in 2011 and how did it all come about? For several years, the Arizona bankruptcy judges and lawyer representatives had engaged in periodic strategic planning sessions. As part of those sessions, some of the sitting judges expressed concerns and desires that the positive aspects of the bankruptcy practice in Arizona continue, and that something more formal to facilitate that goal be implemented. During that time, the judges in the District of Arizona faced an interesting milestone: it was anticipated that almost all of the sitting judges would retire or go on senior status during 2013 and 2014. With expectation of a total turnover on the bench, what could be done to pass on a legacy to future practitioners, judges, and the bankruptcy community?

Out of that sentiment, a small group was formed to explore the creation of a bankruptcy practice American Inn of Court in Arizona. It included two sitting judges (Hon. Sarah S. Curley and Hon. Eileen W. Hollowell), 4 practitioners that were or had been serving as Lawyer Representatives to the 9th Circuit Judicial Conference (Steven N. Berger, Daniel P. Collins, Brenda M. Whinery, and Madeleine C. Wanslee), and an attorney with the Office of the United States Trustee who was formerly a member of a similar bankruptcy related Inn of Court in New Jersey (Edward Bernatavicius). This group functioned as the initial Steering Committee and worked with the American Inns of Court staff and guidelines to form the Inn.

On May 25, 2011, after the Executive Committee completed all appropriate application processes, the American Inns of Court Issued a Charter for the Arizona Bankruptcy American Inn of Court. The Executive Committee then set out to invite additional judges, honorary members, and an initial group of Masters to participate in the Inn. The initial Honorary Members joining the Inn were: Lowell E. Rothschild, Gerald K. Smith, Ilene J. Lashinsky, and Hon. Roslyn O. Silver, Chief Judge of the Arizona District Court. Additionally, Judge Redfield T. "Tom" Baum and Judge Charles G. Case, II joined the Inn as active members.

An Initial Luncheon Meeting of the Masters was held at the University Club on June 10, 2011. Invited guest Arizona Supreme Court Justice Scott Bales shared his experiences as a master of an American Inn of Court. At this meeting, the Masters voted to go forward with the creation of the Inn, adopted By-Laws, ratified certain actions of the initial Steering Committee, and elected the initial slate of Officers:

President The Honorable Sarah S. Curley
Vice-President Steven N. Berger
Secretary Edward K. Bernatavicius
Treasurer Daniel P. Collins
Member The Honorable Eileen W. Hollowell
Member Brenda Moody Whinery
Member Madeleine C. Wanslee

Thereafter, the Inn solicited applications for Barristers and Associates from the Bankruptcy Bar, and by the time of the first meeting, the Inn had 80 members. At the first monthly meeting of the 2011-2012 inaugural year, Caryn Worcester, a Director of Chapter Relations from the National Inns of Court organization congratulated the assembled members. Most Inns required over a year to organize and hold their first monthly meeting of the inaugural year. The Arizona Bankruptcy American Inn of Court had required only seven months. The Inn was awarded the Achieving Excellence Silver designation at the end of its inaugural year in recognition of it being a model of American Inn of Court best practices. Only 2% of all Inns achieve Achieving Excellence status in the year they are chartered. Thereafter the Inn has been awarded Achieving Excellence Platinum status, the highest recognition level, each succeeding Inn year.

Since then, the Inn has functioned in a manner consistent with the goals of the founders, providing a means for passing along the experiences, traditions and knowledge of the Arizona Bankruptcy community to its younger members. The Inn has enjoyed the benefit of hundreds of hours of volunteerism from its Honorary Members, Judges, Masters, Barristers, Associates and Alumni, and has provided service to the less fortunate, sponsorships for younger members to attend regional conferences, and fostered civility in the Bankruptcy practice within the District of Arizona.

Steven N. Berger, Charter Member and Founding Vice President

DIVERSITY POLICY

ABAIC strives to achieve personal and professional diversity in its membership selection process, team assignments, program development and all other aspects of Inn membership and leadership. ABAIC adopts the American Inns of Court “Commitment to Diversity Ideals:”

Ideals of the Movement

- Upholding the standards of the legal profession
- Practicing law with dignity and respect
- Encouraging respect for our system of justice
- Achieving a higher level of legal excellence
- Developing a deeper sense of professionalism

Ideals of Diversity

- The American Inns of Court firmly believes that personal diversity in all its aspects is essential to our ability to accomplish our mission.
- Diversity embodies all those differences that make us unique individuals.
- We value the differences in views and perspectives and the varied experiences that are part of a diverse membership.
- Diversity enriches and broadens our membership, which in turn leads to more creative and meaningful programs.

Professional Diversity

- Legal professionals and law school faculty, administrators, and students
- All practice types, from both the public and private sectors
- From the least experienced to the most seasoned are vital to maximizing the Inn experience

The Arizona Bankruptcy American Inn of Court further adopts the following Diversity Policy set forth by the American Inns of Court:

The American Inns of Court embraces and encourages diversity and inclusiveness. More than just an organization, the American Inns of Court is the embodiment of an ideal. We are dedicated to upholding the standards of the legal profession, to practicing law with dignity and respect, and to encouraging respect for our system of justice. Achieving a higher level of excellence and developing a deeper sense of professionalism occur only with an abiding commitment to the goals of diversity and inclusiveness. The American Inns of Court firmly believes that personal diversity in all its aspects is essential to our ability to accomplish our mission. Diversity embodies all those differences that make us unique individuals and includes people of different race, ethnicity, culture, sexual orientation, gender, religion, age, personal style, appearance, physical ability as well as people of diverse opinions, perspectives, lifestyles, ideas and thinking. We value the differences in views and perspectives and the varied experiences that are part of a diverse membership. Diversity enriches and broadens our membership, which in turn leads to more creative and meaningful programs. For the same reasons, the American Inns of Court values professional diversity. Legal professionals and law school faculty, administrators, and students, from all disciplines, from all practice types, from both the public and private sectors, from all economic strata, and from the least experienced to the

most seasoned are vital to maximizing the Inn experience. Only by drawing and retaining a diverse membership will we guarantee the success of our unique organization as well as our respective professional pursuits. Therefore, the American Inns of Court are committed to creating and maintaining a culture that promotes and supports diversity not only throughout our organization, but in our profession as well.

STATEMENT ON FUNDRAISING AND FISCAL RESPONSIBILITY

An important consideration for most Inn leadership decisions is fiscal responsibility and the Executive Committee strives to ensure that the Inn's finances are handled with care. Over the years, various functions or service events have created the need for additional fund raising, and our generous members and their firms have always answered the call. To ensure full transparency on our fiscal policies, the following outlines the general fundraising structure implemented over the years:

Membership Dues: Dues represent the Inn's primary source of income. A portion of membership dues is paid to the American Inn of Courts Foundation, and the remainder is used to cover expenses related to the Inn's monthly general membership meetings. At its inception, ABAIC made a policy decision to keep the membership dues low and programs accessible to encourage participation by bankruptcy practitioners from all backgrounds. Recognizing the importance of diversity within the Inn, the Executive Committee made this decision knowing that some additional fundraising would be required from time to time.

General Member Sponsorships: To ensure payment of annual increases in operating costs without raising dues, the Inn periodically makes sponsorship opportunities available to members and their firms for additional contributions to the general operating fund. It is the Inn's long term goal to solicit general Inn sponsorships only as needed and not on an annual basis. **Specific Member Sponsorships:** To provide continuing legal education opportunities to our members - especially Associates - the Inn strives to award scholarships to conferences, NITA Trial Skills seminars, and other programs whenever possible. To further this goal, the Inn has obtained free or reduced admission directly from sponsoring organizations like the American Bankruptcy Institute and education sponsorships from the Inn's senior members. Education and networking are major components of Inn membership, and the Inn is grateful so many of our members willingly sponsor education scholarships for younger members.

PART TWO

Operational

MEMBERSHIP LISTING

Honorary Masters

Honorable Redfield Baum
Honorable Daniel Collins
Laura Coordes

Honorable Sarah S. Curley
Honorable Scott Gan
Ilene Lashinsky

George Prentice
Honorable Madeleine Wanslee

Masters

Hilary Barnes
Edward Bernatavicius
Steven Brown
Wade Burgeson
Harold (Hal) Campbell
Joseph Cotterman
Dean Dinner
Franklin (Troy) Dodge
Patricia Doyle-Kossick
Don Fletcher

S. Cary Forrester
Maureen Gaughan
D. Lamar Hawkins
James Kahn
Alisa Lacey
Maria Mathus
Dawn Maguire
Alan Meda
Trudy Nowak
Jared Parker

Frederick Petersen
James Samuelson
Christopher Simpson
Warren Stapleton
J. Henk Taylor
Lisa Thompson
James Yeager
Robert Warnicke

Barristers

Krystal Ahart
Anthony Austin
Anthony Cali
Alissa Brice Castañeda
Patrick Derksen
Rachel Flinn
Preston Gardner
Phil Giles

Adam Hauf
Cristina Perez Hesano
Jillian Hindo
Cody Jess
Tami Johnson
Michael Jones
Heather Macre
Liz Nguyen

Katherine (Katey) Sanchez
Jason Treguboff
Shawn Stone
Lydia Tulin
Andrea Wimmer
Sara Witthoft
Michael Zimmerman

Associates

Sheldon Black
Nathan Finch
Byron Forrester
Michael Galen
James Gaudiosi
Parham Hakimi

Patrick Keery
Molly Kjartanson
David Nelson
Michael Rolland
Helen Santilli
Michael Thrall

Joseph Tirello
Cody Vandewerker
Robert Williams
Alexander Winkelman

INN LEADERSHIP

Executive Committee

<i>President</i>	Alissa Brice Castañeda
<i>Vice-President</i>	Christopher Simpson
<i>Secretary-Treasurer</i>	Nathan Finch
<i>Counselor</i>	S. Cary Forrester
<i>Immediate Past President</i>	Hilary L. Barnes
<i>Program Chair</i>	Anthony Cali
<i>Membership Chair</i>	Krystal Ahart
<i>Special Events Chair</i>	Sara Witthoft
<i>At Large Members</i>	Honorable Scott Gan Joseph Cotterman
<i>Inn Administrator</i>	Kristi Berry

Membership Committee

<i>Chair</i>	Krystal Ahart	<i>Members</i>	Patricia Doyle-Kossick Rachel Flinn Liz Nguyen James Yeager Michael Zimmerman
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Program Committee

<i>Chair</i>	Anthony Cali	<i>Members</i>	Honorable Daniel Collins Honorable Madeleine Wanslee Tami Johnson Cody Vandewerker
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Special Events Committee

<i>Chair</i>	Sara Witthoft	<i>Members</i>	Krystal Ahart (bus) Laura Coordes Michael Galen Heather Macre Jared Parker Lisa Thompson
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For more information, visit our website at:
www.innsforcourt.org/Inns/azbkinn

ACHIEVING EXCELLENCE - HISTORY OF ACHIEVEMENT

Achieving Excellence is a tiered achievement-based program that recognizes activities in which Inns are already involved and builds on an Inn's successes. Each level recognizes an Inn's progress toward mastering effective practices in each of the five core competencies of Inn management:

1. **Administration:** Well-developed administrative procedures allow Inn leaders the flexibility to focus on creating a valuable Inn experience for members.
2. **Communications:** Regular communication with Inn members and the broader community allows Inns to disseminate important information about the Inns of Court, solicit feedback to improve and enhance the Inn experience, and advance the mission of the American Inns of Court. These efforts assist in member recruitment and retention, and in projecting a positive image of the legal profession.
3. **Program Development:** A well-organized program promotes professional development, collegiality among members of the legal community, and in many cases, satisfies members' CLE requirements in an interesting and engaging manner.
4. **Mentoring:** Mentoring, on a formal or informal basis, is one of the best experiences for lawyers to build or refresh the knowledge and skills needed to become effective practitioners. By creating an environment for idea exchange and open discussion, the Inn of Court becomes the ideal place for new lawyers to learn from more senior members of the legal community, and for more seasoned professionals to expand their understanding of new approaches and technologies. Mentoring can provide fresh perspectives and insights, regardless of experience level.
5. **Outreach Activities:** Outreach activities extend the mission of the American Inns of Court by providing exposure to the broader community and offering opportunities for Inn members to represent the ideals of the American Inns of Court.

History of ABAIC Achievement Since Becoming Chartered on May 25, 2011

<i>Year</i>	<i>Level</i>	<i>President</i>
2011-2012	Silver	Hon. Sarah Sharer Curley
2012-2013	Platinum	Hon. Eileen W. Hollowell
2013-2014	Platinum	Hon. Eileen W. Hollowell
2014-2015	Platinum	Edward K. Bernatavicius
2015-2016	Platinum	Edward K. Bernatavicius
2016-2017	Platinum	Hon. Madeleine C. Wanslee
2017-2018	Platinum	Andrea Wimmer
2018-2019	Platinum	Hilary L. Barnes

ATTENDANCE, RSVP, AND GUEST POLICIES

Attendance Policy

All active members are expected to attend and participate in the Inn's general membership meetings. Three absences during the program year (excepting the December holiday party, community service event and any other special events) may be deemed a resignation from the Inn.

Section 4.3 of the Inn's Bylaws specifically states:

Members are expected to attend all meetings. The Membership Committee will monitor attendance and submit the names of those active members who have three absences to the Executive Committee, who may contact the member to discuss their absences. In the event another absence occurs, the member may be dropped from the membership rolls and all dues will be forfeited, in the discretion of the Executive Committee. Termination due to violation of the attendance policy does not exclude consideration of future membership. Emeritus and Honorary Members are not subject to the attendance requirements.

RSVP Policy

All members must RSVP (attending or not attending) for each meeting through the RSVP response link contained in each meeting invitation. If a member is bringing a guest, prior notice to the Inn via the RSVP response link (preferred) or via email to the Inn Administrator (kberry.abaic@gmail.com) is required. The RSVP response link allows an immediate response. Providing the venue with an accurate headcount before each meeting affects our Inn's financial well-being and bottom line and your annual dues. Please help us to stay within our budget by letting us know whether you are coming or not. Also, please be aware that if you RSVP yes but do not attend, the Inn still pays for the cost of your meal. We understand that serious things come up last minute that cannot be anticipated, but please make every effort to attend the meeting if you RSVP yes.

Guest Policy

We encourage you to bring guests to the Inn's general meetings. However, due to limited space, guest attendance is on a first come, first served basis. Please provide your guest's full name during the RSVP process to ensure a guest badge is waiting at check-in. The hosting Inn member is responsible for covering the guest's dinner costs (**\$60.00 per guest**). Payment can be made at the Inn meeting via check or cash, or by mailing a check to the Treasurer prior to or within 10 days of the meeting.

AMBASSADOR PROGRAM

The ABAIC Ambassador Program pairs experienced members of the Inn with new Inn members to facilitate a new member's introduction into the Inn. Ideally, an ambassador will reach out to his/her assigned new member prior to the new member orientation and attend the orientation with the new member.

Whenever possible, new members will be paired with ambassadors from within their pupillage. A key role of the ambassador is to introduce the new member to his pupillage at the initial kick-off meeting. Ambassadors are encouraged to meet informally with the new member once a month during the initial months of the Inn year. While some ambassadors and new members go on to develop a formal mentor/mentee connection, the Ambassador Program does not require this. Above all the Ambassador Program is intended to be low-stress, light-hearted fun for new members and ambassadors alike.

MENTORSHIP GUIDELINES

Mentoring is Key: Mentoring is a crucial component of our Inn experience. Each pupillage is comprised of different levels of experienced lawyers specifically to provide mentoring within that pupillage. Whether in a pupillage or in a one-on-one mentoring relationship, mentoring generally engenders respect, thoughtfulness, and the passing on of practical wisdom from one colleague to another. Through this process, a mentor may

assume the role of a teacher, an ally, a motivator, and above all, a positive role model. However, mentoring is a two-way street; there are responsibilities on both sides of the relationship. A mentee must have a positive attitude, patience and an eagerness to learn. In good mentoring relationships, the mentors and mentees will learn from each other.

Organic Connections: Every seasoned attorney is encouraged to nurture the younger lawyers (and by “younger,” we mean younger in the practice). Associates and Barristers are encouraged to find a mentor outside their pupillage if their pupillage experience does not provide enough mentorship for them. This search may take some time and effort. Also keep in mind that no one is limited to only one mentor/mentee connection. However, mentor relationships require significant obligations in time and effort; therefore, both mentors and mentees must have an agreement between them about what is expected and what is practical given the demands of our profession.

Judicial Participation: Having Judges participate in the Inn enables our members to engage in valuable bench/bar exchanges regarding legal issues and practice pointers. However, Judges cannot act as mentors to individual Inn members.

Assistance in Finding a Mentor/Mentee: Because members often feel that they give/get enough collective mentoring within their pupillage, or they already provide/receive mentoring within their firms (or from other sources), the Inn does not have a formal mentoring program. However, if after a few meetings you are willing to invest in a mentoring relationship (a mentee has responsibilities too!), let the Counselor know, and she will assist you. Keep in mind that sometimes it takes more than one try, so patience is necessary. We prefer not to adopt dogmatic rules regarding mentorship. There are a few guidelines, however. First, both participants must be willing and able to spend the time and energy necessary to form a meaningful connection. Second, because different mentoring relationships have different goals, the mentor and mentee should set their goals. Generally, a mentoring relationship could include goals such as:

- Contributing to practical legal skills and knowledge.
- Increasing knowledge of legal customs and civility.
- Discovering strengths and weaknesses and employing and addressing both.
- Contributing to and upholding a sense of integrity in the legal profession.

Each person should uphold their end of the bargain. Be considerate of each other’s time. Stay in touch. Seriously consider all advice or suggestions given or received. Demonstrate appreciation. Take the initiative. Provide honest and open feedback to each other. In the end, the quality of a mentoring experience is directly related to what both members put into it. Please contact the Counselor at any time with mentoring questions.

Programming

2019-2020 MEETING AND EVENT SCHEDULE

DATE	EVENT	LOCATION
08/28/19	New Member Orientation (4:30 -5:30 p.m.) Welcome Happy Hour (5:00 - 7:30 p.m.)	Phoenix Country Club
09/11/19	General Meeting (Kick-Off) (5:30 p.m.)	Arizona Country Club
10/16/19	General Meeting (5:30 p.m.)	Arizona Country Club
11/06/19	General Meeting (5:30 pm) - <i>Tucson</i>	Hacienda del Sol
12/12/19	Holiday Party - <i>Tentative</i> (5:30 p.m.)	TBD in Central Phoenix
01/15/20	General Meeting (5:30 pm)	Arizona Country Club
01/22/20	Joint Inn Meeting - <i>Tentative</i> (5:30 p.m. estimated)	TBD
02/12/20	General Meeting (5:30 p.m.)	Arizona Country Club
03/11/20	General Meeting (5:30 p.m.)	Arizona Country Club
TBD	Community Outreach Event (9 a.m. - noon estimated)	TBD
04/15/20	General Meeting (5:30 p.m.)	Arizona Country Club
05/13/20	General Meeting (Final mtg.) (5:30 p.m.)	Arizona Country Club

2019-2020 PUPILLAGES

Pupillage 1

Gan, Hon. Scott	Honorary Master	Judge	Scott_Gan@azb.uscourts.gov
Brown, Steve	Master	Steve Brown & Associates	SBrown@sjbrownlaw.com
Nowak, Trudy	Master	Chapter 7 Trustee	tnowak@bklaws.com
Meda, Alan	Master	Burch & Cracchiolo	ameda@bcattorneys.com
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PRESENTATION GUIDELINES

The Program Committee:

- Anthony Cali (Chair)
- Hon. Daniel Collins
- Tami Johnson
- Cody Vandewerker
- Hon. Madeleine Wanslee

Topics: This year's theme is: "Interdisciplinary Studies: The Sabbatical Enrichment Year." Each presentation should discuss the intersection of bankruptcy law with another area of the law. A list of suggested program topics is included on the following pages of this Manual. Your pupillage, however, is not limited by the list and is encouraged to think outside the box. The pupillages will select the month they are presenting and their general topic (e.g., bankruptcy and intellectual property law) by the end of the Kickoff meeting. Each pupillage will select a topic and communicate it to the Program Committee.

Time: A full program should be *no more than* 1 hour, including all discussion and wrap-up. One pupillage will present at each meeting this year.

Format: This year, we are encouraging each pupillage to use new formats. The pupillages may choose from one of the following formats: (i) skit; (ii) panel discussion; (iii) game show; (iv) great debate/TED talk; and (v) interview style talk show. The pupillages will choose a topic area and a presentation format by raffles held at the Welcome Happy Hour and Kickoff meeting. After each format has been taken, only one pupillage will be able to choose a format that has been chosen previously. You are encouraged to keep the presentations exciting and to have fun. Please remember, however, that this is an educational experience for your audience and should provide opportunities for the entire group to participate. If your pupillage has an idea for a presentation format other than those listed above, please communicate the idea to the Program Committee for its consideration.

Outside Speakers: This year, the Program Committee has already arranged for a speaker from Pupillage 4 for the initial Kickoff meeting. Further speakers are not anticipated, but if you have something special in mind, please contact the Program Committee. Any speakers must be approved in advance by the Program Committee.

Pupillage 4 Case Law Updates: Because Pupillage 4 has a speaker from its pupillage presenting at the Kickoff meeting, each member of Pupillage 4 (other than the Kickoff speaker) will be required to prepare one brief case law update on a new bankruptcy case. The case law updates will be presented at the general monthly ABAIC meetings. The presentations should be very brief - no longer than 5 minutes - and should be accompanied with written materials available for dissemination to the ABAIC. The case law updates should be divided among the Pupillage 4 members over the course of the Inn year, with no more than 2 updates presented at any one meeting.

Pupillage Leaders: At the Kickoff meeting (September 11, 2019), each pupillage will choose a Pupillage Leader (we suggest a barrister for the role), who for the remainder of the year will assume responsibility for: (i) being the key person for communicating with the Program Committee and ABAIC leadership; (ii) scheduling informal pupillage meetings and assigning program tasks; (iii) reporting the progress of the pupillage presentation; (iv) ensuring timely completion and submission of materials in advance of the presentation; and (v) ensuring timely submission of your program to the American Inns of Court national

program library following the presentation. Masters should retain ultimate authority over content, materials, and direction of the presentation process.

Planning/Involvement: Each pupillage develops its own method of planning and implementing the program. Each pupillage member, however, should have some meaningful responsibility with regard to the preparation and presentation of the program, and no one or two members should be saddled with more than their fair share. At various intervals, a Program Committee member liaison may check in with your pupillage to provide information and assistance, if necessary. Any pupillage member not available to participate during the pupillage's scheduled presentation must make a significant contribution during the preparation period, such as drafting portions of the program, handouts, and/or written materials.

Video: If your pupillage desires to present its program through a pre-recorded video, keep in mind that most video presentations do not make the presentation easier or faster. Videos often require additional financial, editing, and time commitment by the pupillage and often have technological and/or audio requirements/snafus that ruin all the hard work invested. A good video can be ineffective if no one can hear what is being presented. If you do choose to present a video, do a run-through ahead of time to ensure your technology works.

Discussion: No matter the format, the key to a program that meets the goals of the Inn is to *engage the members of the Inn in conversation/discussion of the issues*, so Inn members get the benefit of the various levels of experience of the Inn members.

Written Materials: Presentations must be accompanied by written materials, which may be distributed in advance of the meeting or at the meeting. A PDF version of the written materials must be submitted to the Program Chair a week before the date of the presentation. The materials generally do not have to be original content (although original content is strongly preferred), but you must obtain permission from the original author/publisher and properly cite/attribute all non-original portions. Keep in mind that the written materials will be sent to the American Inns of Court along with the program write-up for consideration. The ABAIC website has a full selection of materials submitted in previous years for your review, available at <https://inns.innsocourt.org/for-members/inns/the-arizona-bankruptcy-american-inn-of-court/arizona-bankruptcy-inn-program-materials.aspx>.

Background Materials: Keep in mind that your Inn audience includes new practitioners and other lawyers whose practice areas may not touch upon the program topic (think consumer versus commercial). To ensure that everyone gets the most out of the program, consider providing the relevant statute or a meaningful primer in advance.

Available Technology: The Inn owns a projector that can be connected to a laptop and the in-house speakers at each meeting place; however, each pupillage must bring its own laptop and a backup laptop for emergencies. The Arizona Country Club and Hacienda del Sol both have microphones and an accompanying sound system. Some setups may not be possible, or may require an extra charge, or additional support. Each pupillage is responsible for all costs associated with the presentation of its program and should review (and rehearse) its technological needs in advance of its presentation. Please contact the Program Committee if you have questions regarding available technology.

Awards: All members of the Inn will provide an evaluation on each presentation. At our last meeting in May, the Inn will present prizes to presenters and/or pupillages.

Interdisciplinary Studies: The Sabbatical Enrichment Year

Suggested Topics

Corporate Governance

- **Golden shares and blocking provisions.** Are “golden share” or “blocking member” schemes designed by lenders to prevent the borrower’s voluntary bankruptcy petition enforceable?
- **Chief restructuring officers.** What role does a board of directors/LLC managers have after the Bankruptcy Court employs a chief restructuring officer? How should debtor’s counsel address management conflicts between directors/managers and CROs while in bankruptcy?
- **Obligations of DIP directors and officers.** What ethical and fiduciary obligations are imposed on corporate officers where a debtor files bankruptcy and remains a debtor-in-possession? What obligations exist after the appointment of a chapter 11 trustee?
- **Shareholder rights during a chapter 11.** Can shareholders vote out existing officers/board members during bankruptcy? Can shareholders compel annual meetings? What other protections are offered to shareholders in chapter 11 cases?
- **Breaches of fiduciary duty of officers/manager during bankruptcy.** Where should the company seek redress for breach of duty? Does it make a difference if the officer/manager breaches the duty during the course of a chapter 11 while as a debtor-in-possession? Can shareholders sue derivatively?

Personal Injury

- **Scheduling personal injury claims.** What are the consequences to a debtor who fails to list a personal injury claim in her bankruptcy schedules? Does judicial estoppel apply? Would a debtor’s omission of a personal injury claim be grounds to deny the debtor a discharge? What should counsel do if they discover a personal injury claim that was not listed on the debtor’s schedules?
- **Plaintiff’s side considerations.** What steps should the personal injury plaintiff take to ensure that their case stays alive during a chapter 7 debtor’s bankruptcy? Statute of limitations? Stay relief? Proofs of claim?
- **Nondischargeability claims arising out of personal injury.** Are any of the § 523 grounds implicated by a personal injury suit? If so, does the bankruptcy court have jurisdiction to adjudicate the matter?
- **Exemptions for personal injury settlements.** What are the policy considerations for and against exemptions for personal injury claims? Was Arizona’s failure to include an exemption for personal injury settlements or an oversight?

Real Estate

- **Real estate purchase contracts.** What are the implications if one party to a real estate purchase contract files bankruptcy prior to closing? Is the agreement executory? Can the counterparty demand specific performance? What if the purchase contract is structured as an option to a lease?
- **Evictions and consumer bankruptcies.** What should a lessor consider when a lessee of a residential lease files bankruptcy during an eviction proceeding? Does it matter at what stage in the eviction proceeding the bankruptcy case is filed? How is the automatic stay impacted?
- **Evictions and commercial bankruptcies.** When does a lease terminate under Arizona law and does that affect a debtor’s right to cure? What is the effect of a landlord lockout that occurs prepetition?

- **Real estate sales during bankruptcy.** How should debtor's counsel structure sales under § 363 of the Bankruptcy Code for real property? What should counsel consider when reviewing the real estate purchase agreement?
- **Landlord liens.** Under Arizona law what is the breadth of a landlord lien? Where do landlord liens fall in priority? How are landlord liens treated in bankruptcy?

Agricultural

- **The Perishable Agricultural Commodities Act (PACA) and property of the estate.** Are proceeds of a PACA trust property of the estate? How should the PACA claimant go about getting paid during a debtor's bankruptcy?
- **Liability for breach of PACA trust.** Who is liable for a transfer that breaches the PACA trust? If an individual is liable for breach of PACA trust will the debt be dischargeable if the individual files bankruptcy? Are there defenses?
- **Factoring agreements and PACA.** What is a "commercially reasonable factoring agreement," why does it matter for PACA, and how does that play out in bankruptcy?
- **Chapter 12.** On August 23, 2019, the President signed the Family Farmer Relief Act of 2019 into law. The bipartisan legislation increases the debt limit from approximately three million to ten million dollars. What should Chapter 11 and 13 practitioners know about Chapter 12?

Consumer Causes of Action

- **Fair Debt Collection Practices Act (FDCPA).** What protections are offered by the FDCPA? What is the split of authority regarding whether debtors are allowed a private cause of action under the FDCPA during a bankruptcy proceeding? Does the Bankruptcy Court have jurisdiction to adjudicate FDCPA claims?
- **Real Estate Settlement and Procedures Act (RESPA).** What tools does RESPA offer to borrower to address errors in the serving of their loans or gather an accounting? How should practitioners apply those tools when planning for bankruptcy?
- **Fair Credit Reporting Act (FCRA).** What protections does the FCRA offer? May credit reporting agencies report debts that have been discharged in bankruptcy? If so, what is the appropriate method for reporting discharged debts?

Intellectual Property Law

- Identify and discuss common types of intellectual property and under what laws such rights are created. How broad is the concept of intellectual property?
- Discuss who owns and controls an IP interest. If the IP was developed in-house, what regulations apply to tell us who has the right to use and sell the IP rights. What happens if either the company or the individual later files bankruptcy? Should this be something that is defined in the employment contract?
- What kind of intellectual property issues arise in bankruptcy?
- Discuss whether IP assets that the Debtor uses in its business may be transferred under § 365. Is it executory in nature? Are there any limitations on the broad § 365 right to assume and assign an IP interest?
- How might the inventor of a super secret process or formulae who has granted some form of use of his IP prevent a Debtor or Trustee from transferring that right?
- As a Debtor, are there pros/cons of initiating litigation for patent infringement before/after bankruptcy?

- What are the concerns with regard to a § 363 sale or license of intellectual property during bankruptcy?

International Law

- Give a primer on Chapter 15 – the basic mechanisms of how Chapter 15 works, and when it is used.
- Discuss the historical beginnings of Chapter 15 – why did the relatively short provision of § 304 need to be repealed and supplemented by Chapter 15.
- Discuss jurisdiction and venue within the context of a Chapter 15?
- Discuss the practical use of Chapter 15. What is the purpose of a Chapter 15?
- As a border state, do we see more Chapter 15 filings in Arizona? Discuss, since we are moving toward a global economy, whether Chapter 15 has a significant impact on commerce.
- Discuss advantages or disadvantages to filing the main bankruptcy case either in the United States or in a foreign country.
- Discuss how U.S. Bankruptcy laws are enforced extra-territorially.
- Discuss interesting issues and dilemmas posed by cross-border cases.
- Discuss the relevant cases that deal with cross-border issues.
- What effect if, any, does Brexit have on future cross-border cases?

Securities Law

- Identify the body of law under which securities fall. What is a security under federal or state law, and how does it apply in the bankruptcy field?
- Discuss the historic connection between bankruptcy and securities. Why are securities and bankruptcy related? Another historical connection to discuss might be the Supreme Court Justice who was also the SEC Commissioner and the seminal decisions issued by that Justice.
- Have there been any recent bankruptcy/securities cases that change how we process bankruptcy cases?
- Identify whether securities law is something that applies in all Chapters under the Bankruptcy Code, or is it only in the large Chapter 11 cases where notice must be given to the SEC?
- Discuss whether there is a need to update or modify either securities or bankruptcy law as it relates between the two topics.

Criminal Law

- Discuss the intersection between white collar criminal prosecutions and bankruptcy law.
- What is the scope of the Fifth Amendment privilege in criminal matters (i.e., alleged violations of federal securities laws, FCPA violations, tax fraud, mail and wire fraud and criminal Racketeer Influenced and Corrupt Organizations (RICO) Act claims) and its potential implications for parallel adversary proceedings?
- How might a Debtor's obligation to pay restitution be affected by the automatic stay?
- What is the capacity for fraud victims to recover through criminal restitution orders and the effects on the bankruptcy case? How does bankruptcy treat individuals/entities harmed by fraud?
- Discuss the police or regulatory power exception to the automatic stay.
- Are there competing distribution schemes between bankruptcy and criminal law? How does one reconcile the competing distribution schemes of bankruptcy and criminal law?
- Discuss how bankruptcy courts may rely upon § 105 to enjoin state criminal court proceedings and doing so is not offensive to the Anti-Injunction Act (*See Younger v. Harris*).

- Are there any legal developments or cases that illustrate the potential conflict when criminal law intersects with bankruptcy law?

Admiralty Law

- Discuss the history establishing modern maritime law.
- Explore the similarities and differences between bankruptcy and admiralty – why does the Constitution bestow upon Congress the power to make uniform laws concerning Bankruptcy – is there a relationship to admiralty and how a uniform national law is preferable? The Constitution also gives Congress the right to make laws defining piracy and felonies committed on the high seas, and offences against the law of nations.
- Discuss the law of salvage.
- Play relevant portions of the movie *Amistad* and the *Titanic* documentary. Discuss issues of when companies that own ships and engage in commerce become insolvent.
- Discuss how a lien is perfected on goods being shipped, and what happens to that lien when the ship is lost at sea.

Environmental Law

- Can the government/regulatory agencies continue environmental enforcement/remediation actions against a debtor post-petition?
- Discuss whether a cleanup order under CERCLA is a claim which may be discharged in bankruptcy.
- Can other potentially responsible parties (PRPs) asserts claims against a debtor to recover some of the future cleanup costs debtors otherwise would have been responsible for under environmental remediation statutes such as CERCLA?
- Can a debtor or trustee abandon property that has been contaminated under Section 554 of the Bankruptcy Code?
- Are claims for cleanup costs afforded administrative priority?
- Can contaminated property be sold in bankruptcy free and clear of all environmental remediation claims under Bankruptcy Code Section 363?

Employment Law

- Can Directors and Officers be held personally liable for violations of the WARN Act?
- What exceptions justify shortening the notice requirements under the WARN Act?
- Do violations of the WARN Act become administrative claims or are they treated as general unsecured claims?
- How are union contracts handled in bankruptcy? What is required for a debtor to reject a collective bargaining agreement?
- Can a pension plan be rejected in bankruptcy? If so, how?
- How are Pension Benefit Guaranty Corporation claims handled in bankruptcy, including unfunded benefit liabilities claims, PBGC liens, and minimum funding contribution claims? Discuss controlled group liability for liabilities to the PBGC.

Indian Law

- Discuss whether Indian tribes are eligible for bankruptcy protection? If not, discuss whether they should be.

- Is a corporation organized under tribal law a "corporation" for purposes of the Bankruptcy Code?
- Discuss sovereign immunity issues with respect to Native American tribes and bankruptcy.
 - o Can tribal immunity be waived? If so, how?
- Can an adverse party, such as a trustee, bring suit against a tribe in bankruptcy court?

Energy

- Do bankruptcy courts have exclusive jurisdiction over purchase-power agreements in energy/utility cases?
- What constitutes an "action or proceeding by a governmental unit . . . to enforce such governmental unit's . . . regulatory power" under 11 U.S.C. 362(b)(4)?
 - o Could a regulating agency seek to disenfranchise a regulated utility post-petition?
- Can a debtor seek to enjoin a regulating agency's regulatory action under Bankruptcy Code Section 105?
- Can a regulating agency place limits on a regulated utilities franchise under either 362(b)(4) or 1129(a)(6)?
- Discuss sovereign immunity considerations when states and regulating agencies appear in utility bankruptcy cases.

Healthcare

- A huge segment of our country's GDP is based in healthcare so describe the healthcare economic landscape and trends which will exert pressures on certain kinds of businesses.
- Discuss certain things about healthcare economics that are unique to this space and what bankruptcy lawyers should know before they take on representation in a healthcare bankruptcy.
- Insurance and government pay sources are crucial to a healthcare organization. Describe these special systems and focus on how these sources can make or break a reorganization.
- Describe the kinds of bankruptcies that occur in the healthcare world and the special or unique challenges they face.
- Bring in a healthcare ombudsman, a healthcare CRO, a healthcare lender, etc. to highlight the complexity of their roles and how this really is a special arena.

Constitutional Law

- Recent U.S. Supreme Court decisions have started to question principles of *stare decisis*. Discuss this issue and what it may mean in the bankruptcy world.
- Discuss Article III vs. Article I authority and jurisdiction.
- Constitutional mootness as compared to other forms of mootness and what mootness is an important concept in confirmed chapter 11 plans.
- How does one go about getting a constitutional issue, which relates to bankruptcy, to be heard by the Supreme Court? Discuss certiorari, and the kinds of cases where the Court is likely to grant cert.
- Are there other constitutional issues that we see or should know about in the bankruptcy practice?

Arbitration

- Review existing case law on when a contract with an arbitration clause must stay in bankruptcy or has been sent to arbitration.

- Review recent U.S. Supreme Court cases which have addressed the intersection of the Federal Arbitration Act and other statutory regimes (e.g. NLRB).
- Discuss trends in recent U.S. Supreme Court arbitration opinions.
- Discuss policies behind the Bankruptcy Code and whether such policies are useful in informing a court on whether a matter should be resolved in bankruptcy or should be sent to arbitration.
- Identify numerous scenarios that can highlight the tension between Bankruptcy Code and the FAA.
- Take a position on which kinds of cases must be resolved in bankruptcy and why.
- Discuss the threat to bankruptcy reorganizations or liquidations if certain types of matters must be sent to arbitration.

Marijuana

- Identify the scope of the Federal Controlled Substance Act.
- Survey the marijuana laws around the U.S. and identify trends.
- Discuss the medical marijuana statutory structure in Arizona.
- Discuss bankruptcy cases around the U.S. where there is some element of marijuana impacting the bankruptcy case.
- Discuss the banking and economic issues surrounding the marijuana business.
- Identify alternatives to bankruptcy proceedings.

Receiverships

- Recap the statutes and rules pertaining to state and federal court receiverships.
- Discuss the types of cases that end up in receiverships.
- Draw parallels between bankruptcy and receivership proceedings.
- Discuss pro and cons of receiverships vs bankruptcy proceedings in given scenarios.
- Are there tools in receiverships that are missing from the bankruptcy toolbox.

Family Law

- What constitutes a Domestic Support Obligation (DSO); current case law and trends.
- Discuss division of business in divorce; DSO or equalization?
- Automatic Stay: what can superior court do and not do during a bankruptcy. Civil vs. criminal contempt.
- Explore dischargeability of family court obligations - different treatment in 7 and 13.
- Discuss how bankruptcy law can inform drafting divorce settlements.
- Family court attorneys' fees: how are they treated in bankruptcy?

Tax Law

- Discuss alternatives to bankruptcy to resolve tax debt.
- Review requirements of dischargeability of income taxes.
- Tips and Tricks for interacting with the IRS and ADOR.
- Discuss treatment in bankruptcy of non-income taxes such as property taxes, employment taxes, city business taxes or franchise taxes.
- Discuss tax liens and bankruptcy tools to deal with them.

Probate Law

- Explore if probate estates or executors can file bankruptcy and which chapters.
- Discuss inheritances and timing and how/when can be property of the estate.
- Review consequences and options upon death of a debtor.
- Survey federal and AZ exemptions related to Inherited IRAs, life insurance and property.

SPECIAL EVENTS

The Special Events Committee organizes the New Member Orientation and Welcome Happy Hour in August, the party bus to Tucson for the November meeting, and the holiday party in December. The Special Events Committee is also in charge of fundraising, with the goal of ensuring that member dues do not increase. The Special Events Committee also organizes at least one community service event every year (this year's will be in the spring) to encourage our members to give back to those less fortunate and to create stronger bonds among members. Our friends and family are also invited to participate in our community service events, because their presence enriches our shared experience.

The Executive Committee has previously received feedback about the possibility of connecting our community outreach with pro bono legal services. ABAIC is proud that our members are committed to pro bono service and encourages all members to become and stay involved with organizations such as the Volunteer Lawyers' Project, the Bankruptcy Court Self Help Center, and other organizations providing pro bono legal services. However, the Inn has investigated what such a day of service entails, and logistically, it is simply not feasible given our numbers. Plus, pro bono service would exclude our families and friends, which is one of the best parts of the community service events.

The Inn will continue to serve our community in non-legal ways because we have found it is a great way for our members to connect, outside of the office and in a more relaxed atmosphere. Getting to know each other in a different context is a great way to foster relationships among our members.

PUPILLAGE TOURNAMENT

This year we are excited to announce that there will be an ABAIC Pupillage Tournament. Pupillages are encouraged to give themselves a name that incorporates a bankruptcy concept or judge. Pupillages will be awarded points for things that occur on a monthly basis, such as attending meetings, submitting a timely RSVP, pupillage get-togethers outside of general meetings, and participation during presentations. In addition, each month will have a designated challenge, such as taking pro bono cases, fundraising, and attending the holiday party and other special events. Tami Johnson will be our Pupillage Tournament Chair. There may be additional opportunities to receive bonus points, at the discretion of the Executive Committee, the President, the Pupillage Tournament Chair, and/or the Special Events Chair.* At the end of the year, the pupillage with the most points will be awarded the Pupillage Tournament Cup, along with additional prizes.

* Congratulations. If you have actually read to this point, you can win Tournament points for your pupillage. The first three members to email the Inn President and Tournament Chair with the subject line "Pupillage Tournament" and identify the page number of the Membership Manual where this sentence is located will be awarded points for their pupillage (in an amount to be determined).

PART THREE
Foundational Documents



Organizational Charter No. 435
Issue Date May 25, 2011

The Arizona Bankruptcy American Inn of Court
in
Phoenix, Arizona

***PROPER APPLICATION HAVING BEEN MADE** to the Board of Trustees of the American Inns of Court Foundation for a Charter to establish, organize and operate a participating Inn of the American Inns of Court Foundation; and*

***THE BOARD OF TRUSTEES HAVING DETERMINED** that the existence of such an American Inn of Court would serve the best interests of the legal profession and advance the cause of the American Inns of Court throughout the nation,*

***NOW, THEREFORE,** the above named American Inn of Court is hereby chartered and granted authority to establish, organize and operate an American Inn of Court as follows:*

To adopt local American Inn of Court Bylaws, policies and procedures consistent with this Charter, and with Foundation Articles of Incorporation, Bylaws and other guidelines provided by the Board of Trustees of the Foundation;

To use the American Inn of Court and the Foundation name, service mark, seal and copyrighted materials as long as the American Inn of Court is in good standing and the use is in accordance with conditions established from time to time by the Foundation;

To advance the cause and pursue the objectives of the American Inns of Court as hereinafter set forth.

Article I Objectives

The objectives of this American Inn of Court are as follows:

1. To establish a society of judges, lawyers, legal educators, law students and others, to promote excellence in legal advocacy in accordance with the Professional Creed of the American Inns of Court;
2. To foster greater understanding of and appreciation for the adversary system of dispute resolution in American law, with particular emphasis on ethics, civility, professionalism and legal skills;
3. To provide significant educational experiences that will improve and enhance the abilities of lawyers as counselors and advocates and of judges as adjudicators and judicial administrators;
4. To promote interaction and collegiality among all legal professionals in order to minimize misapprehensions, misconceptions and failures of communication that obstruct the effective practice of law;
5. To facilitate the development of law students, recent law school graduates, and less experienced lawyers as skilled participants in the American court system;
6. To preserve and transmit ethical values from one generation of legal professionals to the next; and
7. To build upon the genius and strengths of the common law and the English Inns of Court and to renew and inspire joy and zest in legal advocacy as a service worthy of constant effort and learning.

Article II Organization

1. **Nature of Organization.** This American Inn of Court shall be and remain chartered and affiliated with the American Inns of Court Foundation and shall be an unincorporated association composed of judges, practicing lawyers, law school educators, recent law school and law students who accept an invitation to membership, described.
2. **Governing Body and Officers.** The officers of this American Inn of Court shall be a President, a Counselor, a Secretary/Treasurer or Secretary and Treasurer and such other officers as the Masters of the Bench (“Benchers”), by majority vote of those present at a meeting duly called for that purpose, may deem necessary. The President and Counselor must be selected from among the Masters of the Bench and shall be elected by vote of a majority of the Benchers present at a meeting called for that purpose. All other officers may be selected from any category of membership and shall be elected by majority vote of all members present at a meeting called for that purpose. Whenever possible, either the President or the Counselor should be a judge. The officers, and such other members as may be selected by majority vote of those present at a meeting duly called for that purpose, shall constitute an Executive Committee.
 - a. *Terms of Office.* The term of each office shall be established by this American Inn of Court. Officers may succeed themselves.
 - b. *Duties of the Officers.* The Officers shall be responsible for the general operation of the American Inn of Court in accordance with this Charter, any Bylaws adopted by this

American Inn of Court and by the Articles of Incorporation, Bylaws, Policies and Directives of the American Inns of Court Foundation, including the Officer Manual.

- c. *Duties and Authority of the Executive Committee.* The Executive Committee, acting by majority vote of its members, shall:
 1. Take such action as may be necessary to carry out or assist the officers in carrying out the responsibilities imposed by this Charter, any Bylaws adopted by this American Inn of Court and by the Articles of Incorporation, Bylaws, Policies and Directives the American Inns of Court Foundation;
 2. Determine the size of each membership category in the American Inn of Court;
 3. Establish, collect and remit local and national membership dues assessments as described hereinafter;
 4. Appoint a representative to attend the national leadership conference of the American Inns of Court Foundation; and
 5. Confer and terminate memberships in this American Inn of Court; and perform such other duties as may facilitate proper operation of the organization.
3. **Relationships with Courts.** This American Inn of Court shall be and remain outside the jurisdiction of the courts but shall endeavor to work in close cooperation with the trial and appellate courts. Federal, state, and local trial and appellate judges will enjoy full participation in the organization.

Article III Membership

1. **National Membership in the American Inns of Court Foundation.** Each person who is an active member of this American Inn of Court is also a member of the American Inns of Court Foundation. An inactive or former member of this American Inn of Court may, upon application and payment of dues, be granted national membership in the American Inns of Court Foundation.
2. **Invitations to Membership.** Membership in this American Inn of Court shall be conferred upon those accepting invitations extended by the Executive Committee. The Executive Committee's discretion in extending invitations to membership is absolute and non-reviewable. Invitations may be extended on the basis of recommendations made to the Executive Committee by any member of the American Inn of Court or in response to written application filed with any officer. Membership shall not be denied to any person on account of race, creed, religion, sex, age, disability, or national origin.
3. **Maximum size of this American Inn of Court.** Total active membership should not exceed the number of people who can participate regularly in programming, discussions and other activities of the Inn. Local conditions vary, but experience has shown that active membership of more than about eighty (80) often detracts from the active participation that is crucial to the Inn experience. Members shall be given suitable certificates of their membership in this American Inn of Court. Membership in any category may be terminated in the sole discretion of the Executive Committee.
4. **Designation of Categories of Active Membership.** There are four categories of active membership in an American Inn of Court: (1) Masters of the Bench ("Benchers"); (2) Barristers; (3) Associates; and (4) Pupils. Membership in this Inn of Court shall consist of

Benchers, Barristers and either Associates or Pupils or a combination of Associates and Pupils, as determined by the Executive Committee.

- a. Masters of the Bench (Benchers). Membership as Masters of the Bench or “Benchers” may be held by judges, lawyers and law teachers who have demonstrated superior character, ability, and competence as advocates. Retention of status as a Master of the Bench is contingent upon reasonable active participation in the American Inn of Court, periodically reviewed by the Executive Committee. Benchers may serve indefinitely but must serve continuously for at least five (5) years before being eligible for election to emeritus status. Any Bencher granted emeritus status may be invited to serve again in an active capacity.
 - b. Barristers. Active membership as Barristers may be held by attorneys who have some experience but who do not yet qualify as Masters of the Bench and who have demonstrated good character and a desire to improve and refine their skills as advocates.
 - c. Associates. Membership as Associates shall be held by lawyers who are recent law school graduates but who do not yet meet the American Inn of Court’s minimum experience requirement for Barristers.
 - d. Pupils. Membership as Pupils shall be held by persons who are law students.
5. **Designation of Categories of Inactive Membership.** The Executive Committee may confer Emeritus and Honorary memberships as follows:
- a. Emeritus Members. Emeritus membership may be conferred upon active Masters of the Bench on the basis of long and distinguished service to the American Inn of Court.
 - b. Honorary Members. Honorary membership may be conferred upon individuals, whether they are lawyers or not, on the basis of distinguished service to the bench or bar, furtherance of American Inn of Court objectives or other noteworthy achievements.
 - c. Honorary and Emeritus Masters of the Bench shall be under no obligation to pay dues, attend meetings or participate in other programs of this American Inn of Court but shall enjoy all privileges of active membership except right to vote.

Article IV Finances

1. Financial matters for this American Inn of Court shall be managed and controlled in accordance with policies and directives established by the American Inns of Court Foundation and this Charter.
2. The Executive Committee is empowered to levy and collect assessments in the form of dues in amounts which it may deem appropriate in order to conduct its meetings and otherwise meet its operating needs. It shall also collect from each of its active members, such amount as is assessed by the American Inns of Court Foundation as national membership dues. Failure to pay assessments and dues within a reasonable time and after reasonable notice may be considered by the Executive Committee as a ground to terminate membership of the person in default.
3. The Executive Committee shall remit annually to the American Inns of Court Foundation that portion of dues which corresponds to the number of active members of the American Inn of Court.
4. The fiscal year of the American Inn of Court, for financial reporting purposes, shall be the same as the fiscal year of the American Inns of Court Foundation.

Article V

Meetings and Activities

1. **Schedule for Meetings.** The Executive Committee shall designate the dates for the commencement and termination of the operative year. Meetings shall be held at least six times per year at such times as the Executive Committee may determine.
2. **Content of Meetings.** The main themes and subject matter of regular meetings shall be practical legal skills, with emphasis on ethics, civility, professionalism and excellence in the practice of the profession. Programs should present, demonstrate, teach, and explain the principles, skills, techniques, and relationships involved in the courtroom and in activities preliminary to courtroom appearances and should involve critique and questions from the membership of the American Inn of Court. These meetings shall be designed to assist members in better discharging their duties to clients and society. Programs should ordinarily be presented by previously assigned pupillage groups.

Article VI

Pupillage Groups

As an American adaptation of the pupillage system, which is basic to the English Inns of Court, each Barrister, Associate and Pupil will be assigned to work with a Master of the Bench (who is a practicing attorney) during meetings and at other times throughout the year. At least one (1) Active Benchers who is a practicing attorney, one (1) Barrister, one (1) Associate, and one (1) Pupil, appropriate to the membership composition of the American Inn of Court, shall comprise the pupillage group. Each pupillage group shall be assigned to a Master of the Bench who is a judge, who shall exercise general supervision over the group assigned to him or her and shall monitor the group's attendance at meetings, encourage its meaningful participation at meetings and at scheduled pupillage events, and oversee presentation of assigned meeting topics. All Active Benchers should strive to make contact with Barristers, Associates and Pupils between scheduled American Inn of Court meetings to advise them about the practice of the profession.

Article VII

Other American Inns of Court

This American Inn of Court shall promote or cooperate in the establishment of similar American Inns of Court in the same or different localities of the state or elsewhere to more widely achieve the objectives of the American Inns of Court Foundation.

Article VIII

Adoption of Local American Inn of Court Bylaws and Amendment and Interpretation of Charter

This American Inn of Court is authorized to adopt Bylaws that are not inconsistent with this Charter. Any such Bylaws must be submitted to and approved, in writing, by the Board of Trustees of the American Inns of Court Foundation. This Charter may be amended only with the written approval of the Board of Trustees of the American Inns of Court Foundation following a two-

thirds vote of the American Inn of Court members present at a meeting called and reasonably noticed for such purpose, or upon written consent of at least two-thirds of such membership. Any question as to the interpretation of this Charter or the meaning of any of its terms shall be resolved by the Board of Trustees of the American Inns of Court Foundation.

Article IX

Revocation of Charter

This Charter may be revoked by the Board of Trustees of the American Inns of Court Foundation upon the occurrence of anyone or more of the following events: (1) the American Inn of Court does not become organized and operational within one year of the issuance of said Charter; (2) conduct on the part of the American Inn of Court which jeopardizes the tax exempt status of the American Inns of Court Foundation; (3) violation of the provisions of this Charter; (4) conduct on the part of the American Inn of Court which subjects the American Inns of Court to public ridicule, scorn or opprobrium; or (5) violation of the Articles of Incorporation, Bylaws, or Policies of the American Inns of Court Foundation.



***Bylaws of the
Arizona Bankruptcy American Inn of Court
Amended June 2017***

**Article I
General**

Section 1.1 Purpose. The purposes of The Arizona Bankruptcy Inn of Court are set forth in its Organizational Charter issued by the American Inns of Court Foundation.

Section 1.2 Principal Location. The Arizona Bankruptcy Inn of Court principal meeting place shall be located in the city of Phoenix, Arizona, with membership statewide.

**Article II
Organization**

Section 2.1 The Executive Committee. The Executive Committee is composed of the officers of the Inn, the chairs of the various committees formed by the Executive Committee, and such other members, in good standing, appointed by the Executive Committee. The duties of the Executive Committee and its members are set forth within the Organizational Charter, these Bylaws, and as further established by the Executive Committee. The Executive Committee shall ensure that the Inn complies with all federal and state requirements related to the Inn's organizational status.

To serve as a committee chair, that member must have previously served on a committee, preferably on that particular committee. Whenever possible, an officer should have previously served on a committee. To serve as president or vice president, a member must have previously served on the Executive Committee, except for a member of the Judiciary who may hold any position for the allowed term of office as determined by the Executive Committee.

The immediate past president is expected to sit on the Executive Committee as a member at large for a term of one year to assist the Executive Committee and provide continuity of leadership for the Inn.

Section 2.2 The Officers. The officers of the Inn shall be president, vice president, secretary, treasurer, or secretary/treasurer, and such other officers as the Executive Committee deems necessary. The Executive Committee shall propose a slate of officers to be ratified by the masters. The officers serve a one year term, or as otherwise established by the Executive Committee. The

vice president will succeed to the position of president. If the vice president is unwilling or unable to serve as president, then the position of president will be determined through election and by a majority vote of masters present at a meeting duly called for that purpose.

Section 2.3 Committees. The Executive Committee may establish standing and ad hoc committees from time to time from among active members of the Inn, and may change or discontinue committees.

The Inn currently has the following standing committees: Membership Committee, Program Committee, and Special Events Committee. Among such other duties as may be assigned by the Executive Committee, the duties of each committee are as follows:

Among such other duties as may be assigned by the Executive Committee, the duties of each committee are as follows:

Membership Committee - The Membership Committee shall solicit and review applications and make recommendations for membership, oversee compliance with attendance policies, and assign members to Pupillage Groups. The Membership Committee shall update and maintain annual and permanent membership rosters of active and alumni members of the Inn, including current contact information and membership category of each member.

Program Committee - The Program Committee shall oversee, develop, and approve program topics for Inn meetings, announce program structure and theme for the year, supervise and consult with Pupillage Teams as necessary while they develop the details of their programs, oversee submitting programs to National; and generally direct the educational component of the Inn.

Special Events Committee - The Special Events Committee will oversee the planning, coordination and execution of extraordinary events throughout the course of the Inn year. Such events may include new member orientation, community outreach projects, and social events.

The Officers shall appoint committee members and chairs of the committees, who shall serve one-year terms, or as otherwise directed by the Executive Committee, and may succeed themselves only twice.

Committees may create ad hoc sub-committees, as appropriate.

Section 2.4 Pupillages. Pupillages fulfill the mission of mentoring and collegiality, and enhance membership of the Inn. The Membership Committee shall assign each active member to a Pupillage and the assignments shall be approved by the Executive Committee. Each Pupillage shall select a team leader with approval by the Program Chair. The Pupillages shall be reconstituted annually.

Article III Membership

Section 3.1 Active Members. The Arizona Bankruptcy American Inn of Court has the following classifications of active members:

- A. Masters of the Bench** - lawyers with at least 15 years of bankruptcy experience;
- B. Barristers** - lawyers with 6 to 14 years of bankruptcy experience; and
- C. Associates** - lawyers with 5 or less years of bankruptcy experience.

Associates and Barristers shall be eligible for re-classification by the Membership Committee once they attain the required bankruptcy experience and upon ratification by the Masters.

Once a member is selected to active membership status within the Inn, there is no term limit placed upon any individual member or classification of membership, subject to the provisions of these Bylaws (including the Inn attendance policy). Masters, Barristers, and Associates are expected to serve a minimum three-year term, running from July 1 through June 30, or as otherwise directed by the Executive Committee.

Members resigning from the Inn must provide the Chair of the Membership Committee with written notice of their intent to become inactive. The notice should indicate whether the member would like to become an Alumni or be considered for Emeritus status.

Section 3.2 Inactive Members.

A. Alumni Members. A member in good standing who wishes to relinquish membership may become a member of the Inn's Alumni Association.

B. Pupils. Upon Membership Committee approval, law students may be accepted as non-voting members of the Inn.

C. Emeritus Membership. Emeritus membership is reserved for those Masters who have demonstrated a long and distinguished service of no less than five years to the American Inns of Court.

D. Honorary Membership. Honorary Membership may be conferred upon individuals, regardless of whether they are lawyers, on the basis of distinguished service to the bench or bar, or in furtherance of American Inns of Court objectives.

The Executive Committee may confer Emeritus and Honorary memberships as set forth in the Organizational Charter. Alumni, Emeritus, and Honorary Members are under no obligation to attend meetings or other programs of the Inn, or to pay regular dues, but will be required to pay costs for the meetings they attend.

Section 3.3 Procedures for Selection of Members in the Inn. Members shall be chosen by the Membership Committee from eligible lawyers in good standing with the State Bar of Arizona (or the bar in which the attorney is licensed if a government attorney) and ratified by the Masters at an annual meeting (the "Annual Meeting"). Active members must remain current in their dues. The composition of membership of the Inn shall be approximately eighty (80) active members.

The Inn's membership shall be comprised of approximately one-third (1/3) each of Masters of the Bench, Barristers, and Associates. The Membership Committee will administer the application and selection process of new members pursuant to the following general procedures:

The Annual Meeting may be held and conducted by any manner deemed appropriate by the Executive Committee to conduct Inn business. Masters may make valid decisions by voting by mail, facsimile, electronic mail, or other means when deemed necessary by the Executive Committee or the President.

A. Applications.

1. When appropriate to fulfill the membership needs of the Inn, the Membership Committee shall distribute an application form.
2. The Membership Committee shall evaluate each of the applications timely submitted and select the new member slate and any status changes in membership ("Member Slate").

B. Ratification Process.

1. At least 10 business days prior to the Annual Meeting of Masters, the Membership Committee shall e-mail to each of the Masters the Committee's recommendations for the Member Slate. Each Master will have the opportunity to comment on the proposed Member Slate before it is submitted to the Masters for ratification. All comments should be directed to the Membership Chair. The Membership Committee may, in its sole discretion, modify the Member Slate prior to submitting it to Masters for ratification.
2. Five business days prior to the Annual Meeting, the Committee will e-mail the final Member Slate to the Masters. Each Master present at the Annual Meeting or responding to an email calling for ratification shall cast his or her vote on each Slate.
3. In the event that the Member Slate is disapproved, the Committee shall reconvene and revise it as appropriate. Thereafter, the revised Member Slate shall be resubmitted to the Masters for approval or disapproval, and this process shall continue until a new Member Slate is approved.

Article IV
Meetings and Attendance

Section 4.1 Meetings. General meetings shall be held at least eight times per year at such times as the Executive Committee may determine.

Section 4.2 Content of Meetings. The main themes and subject matter of general meetings shall be determined by the Program Committee, with emphasis on professionalism, ethics, civility, and excellence. Programs should present, demonstrate, teach and explain the principles, skills, techniques, and relationships in and out of the courtroom and should involve critique and questions from the members. Programs may be presented by outside speakers in accordance with requirements established by the Executive Committee.

Section 4.3 Attendance. Members are expected to attend all meetings. The Membership Committee will monitor attendance and submit the names of those active members who have three absences to the Executive Committee, who may contact the member to discuss their absences. In the event another absence occurs, the member may be dropped from the membership rolls and all dues will be forfeited, in the discretion of the Executive Committee. Termination due to violation of the attendance policy does not exclude consideration of future membership. Emeritus and Honorary Members are not subject to the attendance requirements.

Article V Voting and Elections

Section 5.1 Masters. Each Master is entitled to one vote on all matters submitted to the Masters. Masters may do so by voting by mail, facsimile, electronic mail, or other means. Every act done or decision made by a majority of the voting Masters shall be regarded as the act of all the Masters.

Section 5.2 Executive Committee. Each member of the Executive Committee shall be entitled to one vote on all matters submitted to the Executive Committee. In the event of a tie, the President shall have the deciding vote. A simple majority of Executive Committee members shall constitute a quorum to transact business. Every act done or decision made by a majority of the members shall be regarded as the act of the entire Executive Committee. The Executive Committee may make valid decisions by voting by mail, facsimile, electronic mail, or other means when deemed necessary by the Executive Committee or the President.

Section 5.3 Elections. The nomination and election of all officers shall be conducted in accordance with these bylaws, the Organizational Charter, and as further directed by the Executive Committee.

Section 5.4 Vacancies. When an officer or committee chair vacancy occurs, it shall be filled by the Executive Committee for the remaining term. The person filling the vacancy remains eligible to serve a subsequent full term in that position.

Article VI Fiscal Matters Section

Section 6.1 Fiscal Year. The Inn's fiscal year is the same as the American Inns of Court Foundation's fiscal year, which is from July 1 to June 30 of each year.

Section 6.2 Dues. Dues shall be in an amount consistent with the Organizational Charter and shall be levied by the Treasurer each September. Failure to pay assessments and dues prior to the third meeting of the Inn year and after reasonable notice may be considered by the Executive Committee as grounds to terminate membership of the person in default.

Section 6.3 Expenses. The Inn may pay reasonable expenses incurred by Executive Committee members for such things as attendance at state, regional, or national events of the American Inns of Court Foundation. The Inn may retain and pay an administrator, if necessary.

Article VII
Adoption and Amendments

Section 7.1 Adoption. The Inn adopts these Bylaws by a majority of the Masters and after being submitted to and approved in writing by the Board of Trustees of the American Inns of Court Foundation.

Section 7.2 Amendments. Amendments to these Bylaws may be made by a majority of the Master of this Inn and must be submitted to and approved in writing by the Board of Trustees of the American Inns of Court Foundation.