



# Arkansas Association of Defense Counsel

July 11<sup>th</sup> 2016

## We Get What We Deserve

By Scott M. Strauss

Have you ever wondered about the logic associated with those people who argue against taxation but gripe when the roads aren't repaired? Despite what some politicians might have us believe, nothing is free. It is axiomatic that everything comes with a price.

As lawyers we belong to many professional organizations. I personally belong to five, not counting those unrelated to the legal profession. One of my partners likely doubles that number. Membership in some of those organizations is perfunctory. Membership in others is social and some, just some, seem to really matter. Given my duties over the last year, I hope one that really matters is the AADC. Given recent events, I am convinced another is the Arkansas Bar Association (Bar).

The Arkansas Bar Association provides many services to us as practicing lawyers and in addition is the face and voice of lawyers in general to the public and frequently to the legislative and judicial branches of government. Given that the Bar shapes the message sent to the Arkansas General Assembly on behalf of lawyers in general, it is important that we as defense lawyers have some say in shaping the message created by the Bar. If we don't participate in Bar leadership and governance, we are the functional equivalent of the citizen who doesn't vote but complains about the Mayor/Governor/President following the election.

We as defense lawyers are collectively guilty (with a few shining exceptions) of failing to participate in Bar governance and consequently, the defense

perspective is given short shrift in formulating the message the Bar delivers to the General Assembly.

On July 5<sup>th</sup>, newly elected president of the Arkansas Bar Association, Denise Hoggard, released the roster of those attorneys on the Bar Association Legislation Committee, the committee tasked with conveying to the General Assembly the take and opinions of "the Arkansas lawyer" to any proposed legislation. From the committee roster below, you will see there are no traditional defense lawyers on this panel. On the other hand, you will see that our plaintiff colleagues have more than ample representation.

Name	Position
Ms. Kristin L. Pawlik	Chair
Representative Mary Lile Broadaway	Committee Rep
Mr. Sterling Taylor Chaney	District C
Mr. Greg R. Giles	Presidential Appt
Mr. Anthony A. Hilliard	President-Elect
Ms. Denise Reid Hoggard	President
Mr. Dustin B. McDaniel	Presidential Appt
Mr. George M. Rozzell	District A
Mr. Aaron L. Squyres	Presidential Appt
Mr. David H. Williams	District B
VACANT	

I make no argument that any of these committee members are incapable or unqualified. Rather, I make the simple point we are all shaped by our own experiences. None of these committee members are shaped by the experience of being a traditional defense lawyer and none of them speak for the defense bar. The makeup of this incredibly important committee is not a homogenous representation of the Bar. Rather, it is a clear cut representation of a single, near unified, set of experiences to the exclusion of others. There is no "opposite side of the coin".

I brought this issue to the attention of our newly elected Bar President and was reminded that the Bar's House of Delegates selects the committee members other than the three slots reserved to the president and one to the president elect. I was told the selections by the House of Delegates reflect the fact there are virtually no traditional defense lawyers in the House of Delegates (thank you Chad Pekron for flying the defense flag). When asked why in making the Presidential selections there was no effort made to represent the underrepresented constituencies, I was told something about the importance of having experienced members on the committee. No consideration was given to representing all points of view. One is left to wonder how one gains experience if one is never in the game.

Do we deserve this result? Perhaps. Our failure as defense lawyers to get involved in Bar Governance is the root of this problem. As one of our more involved members recently stated:

*"The problem remains that AADC types aren't involved in the Bar Association leadership. We are ceding the field."*

*"The real fight AADC needs to be involved in is to get folks on the governing bodies. The solution is the attached nominating petitions - get people to run. There are seven seats on the Board of Governors and twenty-six seats on the House of Delegates up for election early 2017. There are AADC members in each of the Board districts and many of the House districts - there are TEN open seats in Pulaski County."*

My efforts of the last several days have convinced me of two undeniable truths. First, the member quoted above is absolutely correct. The AADC, through its members needs to be involved in leadership positions in the Arkansas Bar Association. Second, as noted in the title to this article We Get What We Deserve and, we deserve a voice in shaping the Bar Association's legislative agenda only when we earn it through that leadership.

As requested by the member quoted above, nominating petitions for Bar leadership are attached for your convenience.



Scott M. Strauss

AADC President 2015-16

**We welcome your articles and thoughts for future editions.**

**We Are Better Together:  
Support The AADC**

**Membership Applications available at <http://www.arkansasdefensecounsel.net/application.php> Please share this with friends and colleagues.**



## Information Regarding 2016-2017 Nomination and Election to the Arkansas Bar Association Board of Governors

### Terms

Governors are elected for a three-year term.

### Governor Responsibilities

The Board of Governors holds three regular meetings each bar year at which all Governors are expected to attend. The meetings are held in April, August, and December and rotate throughout the state with regard to location. Newly elected Governors must:

- 1) Plan to attend an orientation that will be scheduled prior to their taking office.
- 2) Review the Association's *Conflict of Interest Policy* and submit a signed acknowledgement page from that policy. A copy is attached to this nomination petition.

### Election Cycle Timeline

#### March 31<sup>st</sup>

Deadline for submission of completed nomination forms to the Arkansas Bar Association's Secretary

#### April 15<sup>th</sup>

Deadline for mailing of ballots in contested races

#### May 18<sup>th</sup>

Deadline for receipt of signed ballots

### Vacancies

*One Governor to be Elected from each District*

District	Counties
1-BG	Clay, Craighead, Greene, Mississippi
8-BG	Washington
10-BG	Sebastian
12-BG	Pulaski
13-BG	Pulaski
14-BG	Pulaski

*To be eligible for nomination the member must reside in the geographical area for the Governor's position they are seeking and must have served one year in the House of Delegates or have been an Association member for seven years by the time of joining the Board of Governors in June.*

The undersigned members of the Arkansas Bar Association residing in Governor District \_\_\_\_\_ do hereby nominate \_\_\_\_\_, an Association member residing\* in our district, for the Association's Board of Governors. Nomination requires signatures of three Association members in the petitioner's district.

SIGNATURE

PRINTED NAME

COUNTY

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

\*The term "residing" refers to the member's principal place of business, provided that, (a) if the member has no principal place of business or has a principal place of business outside Arkansas, residing shall mean the member's place of abode in Arkansas, or (b) if the member has a place of abode in or has his or her principal place of business in Texarkana, Texas, and the member pays Arkansas in-state membership dues, then the member shall be regarded as having a place of residence in Texarkana, Arkansas.

**Return form to:**  
**Arkansas Bar Association**  
**2224 Cottondale Lane**  
**Little Rock, AR 72202**  
**Fax: (501) 375-4901**

**Questions?**      **Contact Karen Hutchins at khutchins@arkbar.com or by phone at (501) 375-4606 or toll free instate only (800) 609-5668.**



**Arkansas Bar**  
ASSOCIATION

*Tradition. Integrity. Trust.*

## Information Regarding 2016-2017 Nomination and Election to the Arkansas Bar Association House of Delegates

### Terms

Delegates serve a three year term.

### Delegate Responsibilities

Newly elected Delegates must:

- 1) Plan to attend an orientation that will be scheduled prior to their taking office.
- 2) Review the Association's *Conflict of Interest Policy* and submit a signed acknowledgement page from that policy prior to assuming the Delegate position. A copy is attached to this nomination petition.

There are two House of Delegates Meetings annually; one at Annual Meeting in June and another at Mid-Year in January. Delegates should plan to attend both of these meetings. The next meeting of the House of Delegates is scheduled for June 17, 2016 in Hot Springs.

### Election Cycle Timeline

- March 31<sup>st</sup>**     Deadline for submission of completed nomination forms to the Arkansas Bar Association's Secretary
- April 15<sup>th</sup>**     Deadline for mailing of ballots in contested races
- May 18<sup>th</sup>**        Deadline for receipt of signed ballots

### Vacancies (See Back for District Map)

District	Total Number of Delegates Allowed	Total Number of Open Seats 2016-2017
A-1	Five (5)	Three (3)
A-2	Eleven (11)	Four (4)
A-3	Five (5)	One (1)
A-7	One (1)	One (1)
B	Thirty (30)	Ten (10)
C-3	Three (3)	One (1)
C-5	Three (3)	One (1)
C-6	Two (2)	One (1)
C-8	Three (3)	One (1)
C-9	Three (3)	One (1)
C-10	Two (2)	One (1)
C-12	Two (2)	One (1)
C-13	Two (2)	One (1)

The undersigned members of the Arkansas Bar Association residing in Delegate District \_\_\_\_\_ do hereby nominate \_\_\_\_\_, an Association member residing\* in our district, for the Association's House of Delegates. Nomination requires signatures of three Association members in the petitioner's district.

SIGNATURE

PRINTED NAME

COUNTY

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

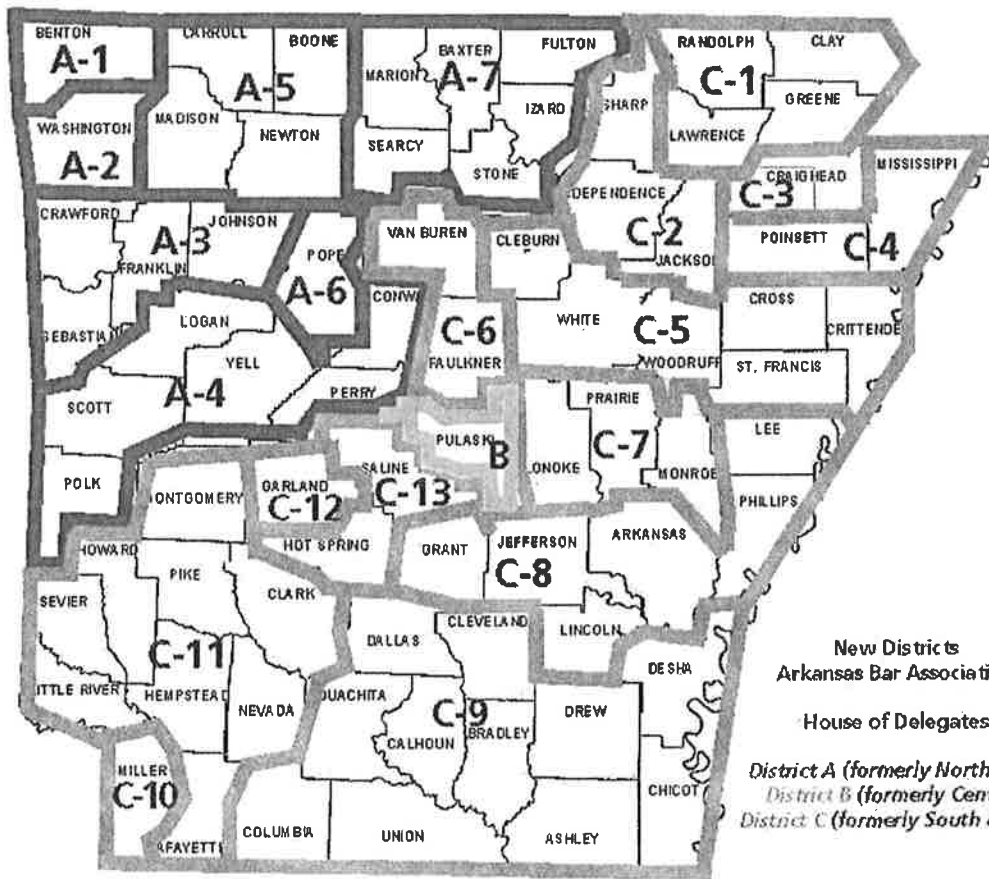
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**New Districts**  
**Arkansas Bar Association**  
**House of Delegates**  
*District A (formerly Northwest)*  
*District B (formerly Central)*  
*District C (formerly South & East)*