



PARALEGAL DIVISION PRESIDENT

Tina Ziegler, ACP

Paralegal Division selects scholarship recipient and Paralegal Member of the Year



Scholarship recipient

Each year, as part of its efforts to further the paralegal profession and support its student members, the Paralegal Division selects individuals to receive

a \$1,000 scholarship to be applied toward tuition and books for their paralegal education. This year, the division selected two recipients — one to receive a scholarship from the division, and the other a scholarship awarded by the Maricopa County Bar Foundation. The scholarship committee carefully reviewed and selected the recipients from submissions, which included a personal statement from each applicant, their school transcripts and letters of recommendation. This year's Paralegal Division scholarship recipient is Kathryn (Kacie) Cannon.

Cannon is the youngest of 12 children and the second child in her family to obtain a college education. Born and raised in Arizona, she graduated from ASU in December 2012 with a bachelor's degree in justice studies. She briefly worked for personal injury and bankruptcy firms after high school and went on to work in various departments at ASU for 13 years before deciding to return to school to obtain her paralegal certificate.

After being unable to have a child of their own, Cannon and her husband had the opportunity to adopt her niece's son. When legal complications arose with the biological father, Cannon conducted legal research to support her case, which resulted in a positive outcome and the adoption of her now 2-year-old son. She was commended for her legal work by the

commissioner handling her case, and this encouragement, coupled with her own desire to work in the legal field, is what motivated her to enroll in a paralegal program. Cannon is attending Phoenix College full time and anticipates receiving her paralegal certificate in May 2016. Her goal is to obtain a government paralegal position.

Our scholarship committee chair, Nichole Stasakovich, will present Cannon with her scholarship at this year's Paralegal Conference on Friday, Oct. 16.



Nilda Jimenez

Paralegal Member of the Year

For the past 12 years, the Paralegal Member of the Year Award has been bestowed on members who have made valuable contributions to the Paralegal

Division including promoting the division, fundraising, mentoring, demonstrating exceptional service through committee work, and assisting the division with its various causes and activities. As president, selecting the recipient of this award is one of the toughest jobs I have, especially this year, as we have an extraordinary group of individuals who have stepped up and worked hard to revitalize the division. But the one who stands out the most is Nilda Jimenez.

Jimenez became a paralegal in 1994. She has held various legal jobs over the years and has experience in personal injury, medical malpractice, civil rights violations and legal malpractice. She currently works in the Lawyer Regulation Department of the State Bar of Arizona. She is a Certified Paralegal and adjunct instructor at Phoenix College, and is working on obtaining her master's degree in justice studies.

Jimenez joined the Division in 2007 and has since held several positions including CLA/PACE review program chair, director and treasurer, as well as being a member of the community outreach committee and several conference committees. She was also a Paralegal Career Day speaker. While she left the board in 2012, Jimenez has remained a member of the division.

During last year's Paralegal Conference, I had the pleasure of sitting next to Jimenez during lunch and asked her to consider rejoining the board this year. Not only did she become a board member, but she also became a co-chair of this year's conference committee and worked diligently with its members to develop the conference theme and topics. When our division president resigned in April, Jimenez stepped up and volunteered to be our new president-elect. She also took over for me as our membership committee chair.

Jimenez is working closely with our conference speakers and vendors to make this year's event a huge success. She is also reaching out to potential members to grow the division. Her continued hard work and dedication to the division make her the perfect choice for this year's Paralegal Member of the Year award. It will be my pleasure to present her with this award at this year's conference. I encourage all paralegals to become more active in the division so they may be eligible to receive this prestigious honor in the future. Congratulations to both of them! ■

Our next board meeting is Tuesday, Oct. 13 at 5:30 p.m. at the MCBA office, 303 E. Palm, in Phoenix. Following the meeting, we will have our Bag Stuffing Pizza Party sponsored by Ottmar & Associates, Inc., to get ready for our conference later that week. If you plan on attending, please RSVP to Tina@hammerman-bultgren.com by Oct. 9.

Supreme Court issues opinion on social media, free speech case



Leon Silver



Rebecca Lumley

By Leon Silver and Rebecca Lumley

Last October, we wrote about the interplay between social media and the First Amendment. And, in particular, we noted that the Supreme Court had granted certiorari in *Elonis v. United States*, a case in which a Pennsylvania man, Anthony Elonis, "threatened" to kill his wife — among other horrible acts — on Facebook. The Court would decide: Is it a crime to make repeated Facebook postings that unintentionally cause reasonable people to feel threatened? The Supreme Court held that it is not. *Elonis v. United States*, No. 13-983, Slip Op. (Jun. 1, 2015).

The Court, in an opinion written by Chief Justice Roberts, explained "a guilty mind is 'a necessary element in the indictment and proof of every crime.'" *Id.* at *10 (quoting *United States v. Balint*, 258 U. S. 250, 251 (1922)). It, therefore, generally "interprets criminal statutes to include broadly applicable scienter requirements, even where the statute by its terms does not contain them." *Id.* (omitting alteration and quoting *United States v. X-Citement Video, Inc.*, 513 U. S. 64, 70 (1994)). Hence, "a defendant generally must 'know the facts that make his conduct fit the definition of the offense,' even if he does not know that those facts give rise to a crime." *Id.* (quoting *Staples v. United States*, 511 U. S. 600, 608, n. 3 (1994)).

An individual who "transmits in interstate ... commerce any communication containing ... any threat to injure the person of another" is guilty of a felony and faces up to five years' imprisonment. 18 U. S. C. §875(c). This statute ... does not indicate whether the defendant must intend that his communication contain a threat. *Id.*

If these rules are, as the Court states, "general," then what are the exceptions? The Court did not explain. It indicated that it might not require a mens rea element if it were not "necessary to separate wrongful conduct from 'otherwise innocent conduct.'" *Id.* at *12 (quoting *Carter v. United States*, 530 U.S. 255, 269 (2000)). But, it did not give an example where it had done so. And, the Court did not decide whether the mens rea element here could be satisfied by reckless conduct. *Id.* at *16-17. It remanded the case to the court of appeals leaving that issue for another day. *Id.* at *16.

Another question raised by *Elonis* but left unanswered was whether the threats law, when applied to speech like Elonis's postings, would violate the First Amendment protection of free speech. Rather, the conviction was overturned based solely on the premise that Elonis was convicted without proof that he knew that what he was writing and that the ordinary meaning of his words would be a threat.

The *Elonis* opinion may have created more questions than answers. Stay tuned. ■

Leon Silver is the co-managing partner of the Phoenix office of Gordon & Rees. Rebecca Lumley is a shareholder at Polsinelli. Both practice in commercial litigation.

PARALEGAL DIVISION CALENDAR

Oct. 11

Race Judicata
(MCBA Paralegal Team –
Walk portion)

Oct. 13

October Board Meeting/Conference
Bag Stuffing Pizza Party

Oct. 16

16th Annual Arizona
Paralegal Conference
(Desert Willow Conference Center)

Nov. 1

Toys for Tots Drive begins

Nov. 9

November Board Meeting

Dec. 9

MCBA Holiday Party

Dec. 14

December Board Meeting
(Toys for Tots Drive ends)

11TH ANNUAL RACE JUDICATA

SUNDAY, OCTOBER 11, 2015

7:00 A.M.

REGISTRATION STARTS AT 6:15

KIWANIS COMMUNITY PARK

EARLY BIRD REGISTRATION \$30

EARLY BIRD ENDS SEPTEMBER 15, 2015



The Paralegal Division is forming a team to participate in the mile walk portion of the 2015 Race Judicata. If you are interested in being part of this team, please sign up through the MCBA website at <http://www.maricopabar.org/?page=2015RACE> and note that you are part of the Paralegal Division Team.