

University of Arizona Law Partners with Universidad Nacional Autónoma de México

The University of Arizona James E. Rogers College of Law is partnering with Universidad Nacional Autónoma de México (UNAM) on a first-of-its-kind certificate program teaching Mexican public law and policy in the United States. The courses will be available both online and in-person on the University of Arizona campus. This innovative certification is open to attorneys, judges, scholars, business leaders, and anyone interested in Mexican public law and policy.

The courses will be taught in Spanish by top scholars from UNAM and leading figures in the Mexican legal system, such as Juan Luis González Alcántara, justice of the Supreme Court of Mexico, and José de Jesús Orozco Henríquez, commissioner of the Inter-American Commission on Human Rights.

Course topics will include Mexican constitutional law, human rights, electoral systems, distribution of power, public policy, economic and social regulations, and more.

“We are in a critical moment in U.S.-Mexico relations right now, and we believe this certificate in Mexican public law and policy will equip people to appreciate the complexities and dynamics of the

Mexican legal system. Participants will gain insights to better navigate issues with complex legal landscapes, from trade to immigration to public policy,” said Marc Miller, dean of University of Arizona Law. “This kind of training isn’t available anywhere else, and we’re thrilled to be joining with Mexico’s most elite university to make this program available.”

The certificate program begins in January 2020 and consists of four 7.5-week courses—two offered in the spring 2020 semester and two in the fall 2020 semester. Intermediate Spanish fluency is necessary, though each course will have a bilingual teaching assistant, and all faculty members are bilingual. A legal background is not required. For more information, go to law.arizona.edu.

Participants may enroll in any number of the four courses, and those who complete all four will receive a diplomado (certificate) from UNAM. Current University of Arizona students who attend the courses in person will also receive University of Arizona academic credit for each course.

Learn more about the certificate program in Mexican public law and policy, including course dates and application details, at law.arizona.edu/mexlaw. ■

Q&A LAWYER LIABILITY AND ETHICS



Joseph Brophy

The Ethics of Judicial Relationships

Rule 2.11 of Arizona’s Code of Judicial Conduct identifies situations that disqualify judges in proceedings because their impartiality might reasonably be questioned—including cases implicating some familial and personal relationships—but it is silent with respect to obligations imposed by other relationships. The ABA recently issued Formal Opinion 488 to attempt to clarify what additional circumstances may obligate a judge to recuse himself. Formal Opinion 488 identifies three categories of relationships between judges and lawyers or parties that are relevant under Rule 2.11: (1) acquaintanceships; (2) friendships; and (3) close personal relationships.

An acquaintance is where neither the judge nor the lawyer or party seek contact with the other, but they greet each other amicably when their lives intersect. In such cases, judges are not obligated to recuse themselves.

Friendships, however, present a potentially tougher call. Judicial ethics authorities agree that judges need not disqualify themselves in many cases in which a party or lawyer is a friend. One suspects those ethical authorities would provide cold comfort if a lawyer saw their opposition golfing or having a beer with the judge. A judge should disclose to the other lawyers and parties in the proceeding information about a friendship with a lawyer or party the friendship might be reasonably considered relevant to a possible motion for disqualification. Ariz. R. Sup. Ct. 81, Code of Jud. Conduct, Rule 2.11, cmt. 5. That obligation applies even if the judge believes there is no basis for disqualification. If, after disclosure, a party objects to the judge’s participation in the proceeding, the judge has the discretion to either continue to preside over the proceeding or to disqualify himself or herself. The judge should put the reasons for the judge’s decision to remain on the case or to disqualify himself or herself on the record.

If a judge and a party or their lawyer have a close personal relationship, then the judge must recuse. A close personal relationship is one in which the judge and the attorney share intimate aspects of their personal lives and their families’ lives; for example, they or members of their immediate families share confidences, socialize regularly, vacation together, celebrate significant events in each other’s lives, or share interests that are important to them personally.

Interestingly, Formal Opinion 488 does not mention social media relationships as a basis for a judge’s recusal. The disqualification implications of social media relationships have not yet been presented to many appellate courts. The Florida Court of Appeals held that a criminal defendant’s allegation that a judge was a Facebook friend of the prosecutor assigned to his case would create in a reasonably prudent person a well-found-

ed fear of not receiving a fair and impartial trial. The hostility to judges using Facebook by members of the Florida appellate court is particularly notable. In contrast, in a case in which the judge was friends on Facebook with the father of the victim in a case, the Texas Court of Appeals held that the designation of someone as a friend on Facebook “standing alone” was not sufficient to require disqualification without more information about the nature of the relationship. The Kentucky Supreme Court stated that “it is now common knowledge that merely being friends on Facebook does not, per se, establish a close relationship.” The Supreme Court of Wisconsin has held that accepting a Facebook friend request from a party during litigation and failing to disclose that fact is grounds for the judge’s disqualification.

But fear not, all of you judges who have stopped tweeting and updating your Facebook page just long enough to read this column. Arizona’s Supreme Court Judicial Ethics Advisory Committee has you covered, so you do not have to scour the appellate decisions around the country to determine who can follow you on Twitter. See AZ. Jud. Adv. Op. 14-01. The Arizona Code of Judicial Conduct does not impose a per se disqualification requirement in cases where a litigant or lawyer is a “friend” or has a similar status with a judge through social or electronic networks. However, disclosure of the connection is strongly urged, even if the judge believes there is no basis for disqualification.

For those of you interested in ethically buttering up the judge using social media, generally speaking, lawyers can declare themselves Facebook “fans” of judges, as long as the judge or committee controlling the site cannot accept or reject the lawyer’s listing of himself or herself on the site. ■

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