

**APPLICATION FOR NOMINATION TO
JUDICIAL OFFICE**

**SECTION I: PUBLIC INFORMATION
(QUESTIONS 1 THROUGH 65)**

PERSONAL INFORMATION

1. Full Name: **RAYMOND ARTHUR HANNA**
2. Have you ever used or been known by any other name? **NO** If so, state name:
3. Office Address: **168 South 2nd Avenue, Yuma, Arizona 85364**
4. How long have you lived in Arizona? What is your home zip code?
Since 1960, except for military service, 85364
- v. Identify the county you reside in and the years of your residency.
Yuma since 2018; Yavapai from 1992 – 2018.
6. If nominated, will you be 30 years old before taking office? yes no
If nominated, will you be younger than age 65 at the time the nomination is sent to the Governor? yes no
7. List your present and any former political party registrations and approximate dates of each:
1977-1992 Democrat
1992-2010/12 Republican
2010/12-2018 Independent
2018-Present Democrat

(The Arizona Constitution, Article VI, § 37, requires that not all nominees sent to the Governor be of the same political affiliation.)

8. Gender: **Male**

Race/Ethnicity: **Caucasian/Hispanic**

EDUCATIONAL BACKGROUND

9. List names and locations of all post-secondary schools attended and any degrees received.

United States Naval War College Newport, R.I. (Attachment 1- A)
1986-1987 Non- Resident Program International Law Program

University of Arizona, Tucson, AZ 1984-1986 J.D.

Arizona State University, Tempe, AZ 1983-1984 B.S.

Pima Community College, Tucson, AZ 1977-1979 A.A.S.

10. List major and minor fields of study and extracurricular activities.

Political Science and International Law

11. List scholarships, awards, honors, citations and any other factors (e.g., employment) you consider relevant to your performance during college and law school.

I have worked since I was sixteen years old. My first job was walking and chasing racing Greyhounds at the Greyhound Track in Amado, Arizona. During High School, I also worked evenings at the Rio Rico Inn to pay for flying lessons. During the summer, I also worked at Chamberlain Manufacturing in Nogales, Arizona, where we manufactured garage door openers.

I became a licensed airplane pilot during High School and obtained my helicopter rating immediately after High School. I completed an Associates of Applied Science program at Pima Community College within two years of High School while working full time as a night baker. I joined the United States Navy immediately after completing the program at Pima College.

While on active duty, I completed two Mediterranean Cruises aboard the USS Forrestal CV-59, working in Mission Planning of the ship's Intelligence Center. This job included briefing flight crews and plotting radar and missile

threats. My limited aviation experience assisted me in serving the flight crews and preparing their briefings and flip charts. During our second cruise, I received a Letter of Commendation from Rear Admiral J.E. Service, USN for my efforts assisting a Special Chief of Naval Operations collection project against Soviet reconnaissance satellites. (Attachment 1 - B)

Before the end of our second cruise, I cross-decked to the USS Coronado, AGF-11 to be assigned to the staff of Commander Middle East Force stationed in Manama, Bahrain. This was a great opportunity to serve in the Middle East when there were less than one hundred service members then attached to the support unit in Bahrain. This assignment included assisting the Admiral's Intelligence Officer in weekly briefings, drafting Intelligence Reports and working with the French Fleet. I received a Navy Achievement Medal from Rear Admiral C.E. Gurney III, USN for my service as the Administrative Assistant to the COMIDEASTFOR Force Intelligence Officer. (Attachment 1 – C)

After fulfilling my remote tour in Bahrain, I was stationed in NORAD as a Navy Intelligence Specialist assigned to the Cheyenne Mountain Complex. This Joint Service Group created the daily Space and Missile Report for NORAD. During the last two years of my active duty in the United States Navy, I was able to complete an additional 30 credits from the University of Arizona and Arizona State University to be applied toward a Bachelor of Science degree. I received the Joint Service Commendation Medal from General James V. Hartinger, Commander in Chief NORAD, for my service as a Warning Intelligence Noncommissioned Officer, the Cheyenne Mountain Complex, Colorado Springs, Colorado. (Attachment 1 – D)

After separating from the United States Navy, I completed my undergraduate degree with one additional year at Arizona State University and while working afternoon as a runner for a Phoenix law firm and driving an airport shuttle at night. I completed my law school at the University of Arizona in two and a half years, passing my first bar exam and was back on active duty in the United States Navy in Rota, Spain before the majority of my class graduated law school. After returning to active duty, I received my second Navy Achievement Medal for my duties while assigned to the U.S. Naval Legal Service Office Detachment, Rota, Spain. (Attachment 1 – E)

During law school I received a CLEO Scholarship – Counsel for Legal Education Opportunity and used my Veterans benefits to graduate with no student debt. During my second year of law school I also served as a CLEO Teaching Assistant at the University of Utah. Before and after graduating law school, I have had the opportunity to contribute personally and financially to the CLEO program.

Because of my prior experience as a helicopter pilot, during law school I also had the opportunity to assist Attorney James Cunningham in several serious personal injury cases involving police helicopter accidents. I was able to locate the source of written communications between the aircraft manufacturer and repair stations in which “unapproved” main rotor modifications were found to be the culprit of numerous disabling accidents.

During law school I also served Internships with Southern Arizona Legal Aid and the Santa Cruz County Attorney’s Office. The Internship with Southern Legal Aid was particularly satisfying as my current service with Community Legal Services as the Yuma Representative.

PROFESSIONAL BACKGROUND AND EXPERIENCE

12. List all courts in which you have been admitted to the practice of law with dates of admission. Give the same information for any administrative bodies that require special admission to practice.

Supreme Court of Illinois	May 7, 1987
Supreme Court of Arizona	May 2, 1992
United States District Court of Arizona	June 1, 1992
United States Court of Appeals 9th Circuit	June 23, 1992
United States Supreme Court	September 18, 1992
United States District Court of Alaska * Limited Pro Hac Vice around 2000	
*Pro Bono representation of 3 hunters charged with Lacy Act crimes.	

13. a. Have you ever been denied admission to the bar of any state due to failure to pass the character and fitness screening? **No.** If so, explain.
- b. Have you ever had to retake a bar examination in order to be admitted to the bar of any state? **No.** If so, explain any circumstances that may have hindered your performance.

14. Describe your employment history since completing your undergraduate degree. List your current position first. If you have not been employed continuously since completing your undergraduate degree, describe what you did during any periods of unemployment or other professional inactivity in excess of three months. Do not attach a resume.

EMPLOYER	DATES	LOCATION
Yuma County Public Defender	07/01/2018 - Present	Yuma, Arizona

Brown Hanna & Mull PLLC 01/01/2009 - 06/31/2018 Yuma, Arizona
Raymond A. Hanna, P.C. 05/07/1992 – 12/31/2008 Prescott, Arizona
Studying for bar results 01/01/1992 – 05/06/1992 Arizona
United States Navy 01/01/1987 – 12/31/1991 Newport, R.I.
Rota, Spain & Great Lakes, IL

15. List your law partners and associates, if any, within the last five years. You may attach a firm letterhead or other printed list. Applicants who are judges or commissioners should additionally attach a list of judges or commissioners currently on the bench in the court in which they serve.

Brown Hanna & Mull, PLLC 2009-2018

John G. Mull, 1570 Plaza West Drive, Prescott, AZ 86303 928 445-6827
Clint A. Brown, 1570 Plaza West Drive, Prescott, AZ 86303 928 445-6827

Office of the Yuma County Public Defender 2018 – Present

Michael Breeze, Yuma County Public Defender (928) 817-4600
Cynthia Brubaker, Deputy Yuma County Public Defender
Richard Parks, Deputy Yuma County Public Defender
Antonio Bustamante, Deputy Yuma County Public Defender
Jose Padilla, Deputy Yuma County Public Defender
Robert Trebilcock, Deputy Yuma County Public Defender
Olin Hale, Deputy Yuma County Public Defender
William Knopf, Deputy Yuma County Public Defender
Theodore Abrams, Deputy Yuma County Public Defender
Joshua Tesoriero, Deputy Yuma County Public Defender

16. Describe the nature of your law practice over the last five years, listing the major areas of law in which you practiced and the percentage each constituted of your total practice. If you have been a judge or commissioner for the last five years, describe the nature of your law practice before your appointment to the bench.

For the first three years of the last five years of my law practice, I worked with two remarkable lawyers in Prescott, Arizona. I focused on criminal law and wrongful death. My law partner John Mull focused on domestic relations and business law and my law partner Clint Brown focused on Wills Trusts and Estates and Guardianships. The criminal law portion of my practice constituted about 50 % of my practice and the personal injury/wrongful death portion constituted about 50% of my law practice. I represented persons charged with criminal offenses and several dozen family members in wrongful death cases.

For the last two years of the last five years of my law practice I have accepted an assignment with the Yuma County Public Defender. I serve as the Chief Deputy to Yuma County Public Defender, Michael Breeze. This has been a wonderful experience and I have the support of my Department Head in this application. Although we do fewer trials than twenty years ago, as Mr. Breeze's Chief Deputy, I also have oversight responsibility of the Appellate Section of our office.

17.....List other areas of law in which you have practiced.

Over the past nearly three decades, I have represented numerous funeral homes in Arizona. This included not only Buy-Sell Agreements, FTC/OSHA compliance and Business Law matters. On occasion, I have appeared before the State Board of Funeral Directors and Embalmers.

18. Identify all areas of specialization for which you have been granted certification by the State Bar of Arizona or a bar organization in any other state.
None.

19. Describe your experience as it relates to negotiating and drafting important legal documents, statutes and/or rules.

Having previously represented numerous funeral homes in the State of Arizona, I have drafted remedial plans for funeral directors appearing before the Arizona Board of Funeral Directors and Embalmers, in lieu of discipline. I also drafted a number of Buy Sell Agreements.

As a Deputy Public Defender I have drafted numerous documents related to The Arizona Rules of Criminal Procedure, such as Motions to Suppress and regarding Arizona Rules of Evidence, Rule 404 Character Evidence. I believe Trial Judges and Appellate Judges appreciate clear, concise pleadings. To that end, in drafting legal documents it is important to use words that are deliberate and sentences clearly project a message.

20. Have you practiced in adversary proceedings before administrative boards or commissions? **YES**. If so, state:
a. The agencies and the approximate number of adversary proceedings in which you appeared before each agency.
b. The approximate number of these matters in which you appeared as:

Sole Counsel: **Six** State Board of Funeral Directors and Embalmers

Chief Counsel: _____

Associate Counsel: _____

21. Have you handled any matters that have been arbitrated or mediated? **Yes**
If so, state the approximate number of these matters in which you were involved as:

Sole Counsel: **Several dozen Personal Injury cases subject to arbitration.**

Chief Counsel: _____

Associate Counsel: _____

22. List at least three but no more than five contested matters you negotiated to settlement. State as to each case: (1) the date or period of the proceedings; (2) the names, e-mail addresses, and telephone numbers of all counsel involved and the party each represented; (3) a summary of the substance of each case; and (4) a statement of any particular significance of the case.

1) **State of Arizona v. L.M, CR2020-00274 (2020) Div 5 Honorable Roger Nelson**

2) **Karolyn Kaczorowski, Deputy Yuma County Attorney (928) 817-4300
Karolyn.kaczorowski@yumacountyaz.gov**

3) **This case involved an allegation of “downloading” pornographic images of minors.**

4) **Because this case was charged under Chapter 35.1 Sexual Exploitation of Children, it among the most serious cases charged. That being true, it is incumbent for the parties to recognize that the act of “downloading” the image is different than the greater and more harmful acts of “producing” and “distributing” and this difference is one non-statutory reason to deviate from a presumptive term. While we start with the proposition that all people are created equally, it is clear that some Defendants have limited insight and intelligence. Both a prosecutor and defense attorney should be vigilant in asserting any mental deficiencies a Defendant may have such as low socialization an intelligence.**

1) **State of Arizona v. CDP, CR2018-00634 2018-2019**

Division 5 Honorable Roger Nelson Yuma Superior Court

2) **Jim Eustace, Deputy Yuma County Attorney. (928) 817-4300
Jim.eustace@yumacountyaz.gov**

**Joshua Tesoriero, co-counsel Deputy Yuma County Public Defender
(928) 817-4600 joshua.teroriero@yumacountyaz.gov**

3) **Vehicular Manslaughter, involving two elderly victims.**

4) **This case was significant as it called for the use of an Accident Reconstructionist by both the State and Defense regarding the allegation of the speed of the Tow Truck driven by the Defendant. In this case, an accident reconstructionist who is able to “reduce” the speed of the Defendant’s vehicle is very important in the determination that he was 1) negligent, 2) reckless, or 3) extremely indifferent to human life.**

- 1) State of Arizona v. E.F.A. CR2019-00721 (2019)
- 2) Stephen Kiholm, Deputy Yuma County Attorney (928) 817-4300
Steven.kiholm@yumacountyaz.gov
- 3) This case involved theft of means of transportation of two different vehicles.
- 4) This case is significant as it ultimately required a restitution hearing.

23. Have you represented clients in litigation in Federal or state trial courts? **Yes**
If so, state:

The approximate number of cases in which you appeared before:

Federal Court:	Less than 6 criminal cases About 100 Bankruptcy cases
State Courts of Record:	Over 2000 cases
Municipal/Justice Courts:	Over 200 cases

The approximate percentage of those cases which have been:

Civil:	20% Approximately
Criminal:	80% Approximately

The approximate number of those cases in which you were:

Sole Counsel:	95%
Chief Counsel:	_____
Associate Counsel:	5%

The approximate percentage of those cases in which:

You wrote and filed a pre-trial, trial, or post-trial motion that wholly or partially disposed of the case (for example, a motion to dismiss, a motion for summary judgment, a motion for judgment as a matter of law, or a motion for new trial) or wrote a response to such a motion:	15%
You argued a motion described above	15%
You made a contested court appearance (other than as set forth in the above response)	5%
You negotiated a settlement:	90 to 95 %

The court rendered judgment after trial:	5 to 10 %
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A jury rendered a verdict:	Over 150 cases
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The number of cases you have taken to trial:

Limited jurisdiction court	- 100
Superior court	+ 150
Federal district court	
Including military trials.	- 6
Jury	over 150 cases

Note: If you approximate the number of cases taken to trial, explain why an exact count is not possible.

In the 1990's I tried about one jury trial a month for over ten years. When I first applied with the Commission on Appellate Court Appointments in the early 2000's, I documented over 100 felony jury trials. When I applied again several years later (I believe in 2003 and 2007) I documented over 150 felony jury trials. Over the years, I am confident that I have also tried three to ten limited jurisdiction misdemeanor trials a year over the past three decades.

The disappearance of the jury trials was the subject of my last President's Message, A Grave Challenge, in the Arizona Attorney magazine. (Attachment 2 - J) Depending on the type of cases, the ethical rules governing retention guidelines vary greatly. Some cases, such as Capital cases, require lawyers or their successors, to keep files forever, or at least as long as the file might be necessary for appellate or federal habeas corpus proceedings. Other cases, files can be held for as little as two years. To complicate matters further, most lawyers have varying retention agreements in their fee or engagement agreement.

24. Have you practiced in the Federal or state appellate courts? **Yes** If so, state:

The approximate number of your appeals which have been:

Civil: One Published Opinion

**Meineke v. Twin City Fire Ins. Co
181 Ariz. 576, 892 P.2d 1365
(Ariz. Ct. App. 1994)**

Criminal: **Two Special Actions related to Capital cases**

Other: **As a part of my duties of the Chief Deputy of the Yuma County Public Defender, I have some oversight authority over appellate cases.**

The approximate number of matters in which you appeared:

As counsel of record on the brief: **3**

Personally in oral argument: **2**

25. Have you served as a judicial law clerk or staff attorney to a court? **No** If so, identify the court, judge, and the dates of service and describe your role.
26. List at least three but no more than five cases you litigated or participated in as an attorney before mediators, arbitrators, administrative agencies, trial courts or appellate courts that were not negotiated to settlement. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency and the name of the judge or officer before whom the case was heard; (3) the names, e-mail addresses, and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case.
- 1) **State of Arizona v. P.S. CR2014-00685 (2014-2017)**
 2) **Yuma Superior Court, Honorable Maria Elena Cruz**
 3) **Karolyn Kaczorowski, Prosecutor, (928) 817-4300**
Karolyn.kaczorowski@yumacountyaz.gov
David Tate, Prosecutor (928) 817-4300
David.tate@yumacountyaz.gov (928) 817-4300
Bill Fox, Co-Counsel (928) 817-4664
Bill.fox@yumacountyaz.gov
- 4) **This was a Capital murder case involving the death of 6 individuals.**
 5) **As a Capital case, the Arizona Supreme Court requires special safeguards on the appointment of two counsel, defense investigators and the trials are divided into three sections, a) guilty/not guilty, b) aggravation, and 3) mitigation.**
- 1) **State of Arizona v. KDB CR2018-01146 (2018-19)**
 2) **Yuma Superior Court, Honorable Brandon Kinsey**
 3) **Andrew Orozco, Prosecutor (928) 817-4300**
Andrew.orozco@yumacountyaz.gov
- 4) **This was a drug possession case.**
 5) **This case is significant in that it is important for the parties to recognize how draconian sentencing can become if a defendant has prior convictions.**
- 1) **State of Arizona v. A.S. CR2018-00417 (2018-2019)**
 2) **Yuma Superior Court, Honorable David Haws**
 3) **Dallin Marcy, Prosecutor, (928) 817-4300**
Dallin.marcy@yumacountyaz.gov
- 4) **This was a drug transportation case.**
 5) **This case was significant as the traffic stop by CBPO stop of a vehicle was challenged under the Fourth Amendment of the United States Constitution and Article II, Section 8 of the Arizona Constitution.**

27. If you now serve or have previously served as a mediator, arbitrator, part-time or full-time judicial officer, or quasi-judicial officer (e.g., administrative law judge, hearing officer, member of state agency tribunal, member of State Bar professionalism tribunal, member of military tribunal, etc.), give dates and details, including the courts or agencies involved, whether elected or appointed, periods of service and a thorough description of your assignments at each court or agency. Include information about the number and kinds of cases or duties you handled at each court or agency (e.g., jury or court trials, settlement conferences, contested hearings, administrative duties, etc.).

While I have never served as a judicial officer, occasionally I have arbitrated smaller personal injury cases subject to arbitration. I don't have any records regarding these cases.

28. List at least three but no more than five cases you presided over or heard as a judicial or quasi-judicial officer, mediator or arbitrator. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) the names, e-mail addresses, and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case.

None. Not applicable.

29. Describe any additional professional experience you would like to bring to the Commission's attention.

My desire to serve on the Arizona Court of Appeals is a natural extension of my public service in the United States Navy, the State Bar of Arizona, Community Legal Services, and my current service with the Office of Yuma County Public Defender.

My commitment to indigent defense is also equal to my past commitment to our nation and the State of Arizona. While I have not always worked for a governmental agency, I have been committed representing indigent clients for over thirty years. We are diverse community and our appellate bench should be equally diverse. Service as a Public Defender, is as important as that of a Prosecuting Attorney, and is equally important to our concept of justice. Our Court system would be well served by a former dedicated Public Defender serving on the Court of Appeals.

Additionally, the opportunity to support the Arizona Bar Foundation as well as Community Legal Services is an equally important professional experience as it validates the legal professions commitment to equal justice, and supports the necessary philanthropic aspects of the legal profession; (that we *cannot* force members to pay for), including Law Day as well as Educational Programs for Students including Moot Court.

BUSINESS AND FINANCIAL INFORMATION

30. Have you ever been engaged in any occupation, business or profession other than the practice of law or holding judicial or other public office, other than as described at question 14? **No** If so, give details, including dates.
31. Are you now an officer, director, majority stockholder, managing member, or otherwise engaged in the management of any business enterprise? **YES** If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service.

Manager, El Hajj LLC, Shriner group affiliated with Ancient Arabic Order of the Nobles of Mystic Shrine, which is an offshoot Masonic organization. I also served on the Mexico City Hospital Board in 1999 and 2000 before my duties on the State Bar of Arizona required my presence on Thursdays and on Fridays when I had been travelling to Mexico City.

El Hajj LLC, is a fraternal club, which encourages members to support the Shriners Hospitals and the transportation of children and their families to one of nineteen orthopedic hospitals and three burn centers in North America. I am a Past President of the Arizona Chapter and have served as Phoenix's El Hajj, LLC Manager since 2000. My duties have been largely to serve as the LLC's representative and point of contact for the Arizona Corporation Commission. The day to day management of El Hajj LLC, is handled by our elected officers and members.

Do you intend to resign such positions and withdraw from any participation in the management of any such enterprises if you are nominated and appointed? **Yes, I intend to turn these duties to another member.** If not, explain your decision.

32. Have you filed your state and federal income tax returns for all years you were legally required to file them? **YES, I have all my tax returns since I turned sixteen years old.** If not, explain.
33. Have you paid all state, federal and local taxes when due? **Yes** If not, explain.
34. Are there currently any judgments or tax liens outstanding against you? **No** If so, explain.
35. Have you ever violated a court order addressing your personal conduct, such as orders of protection, or for payment of child or spousal support? **No** If so, explain.

36. Have you ever been a party to a lawsuit, including an administrative agency matter but excluding divorce? **Yes** If so, identify the nature of the case, your role, the court, and the ultimate disposition.

I have been named in as a Defendant in three lawsuits, two of which were former clients.

- A) **Doug Boldt v. Raymond Hanna** CV2005-1187 Yavapai County Superior Court
Mr. Bolt is a former death penalty client who accepted a plea agreement in which the death penalty was dismissed. Sometime after being remanded to prison, Mr. Boldt filed a lawsuit against me which was dismissed under a Rule 12(b) motion (Failure to State a Cause of Action) The Defendant's Motion was granted by a Maricopa County Superior Court Judge Glenn Davis
- B) **James Dippre v. Raymond Hanna** CV2011-09019J Prescott Justice Court.
An individual recently released from the Department of Corrections sued me in 2011 in the Prescott Justice Court. His lawsuit was also dismissed under a Rule 12(b) motion (Failure to State a Cause of Action).
- C) **Perolis v. Kai Hanna** CV2014-01006 Yavapai Superior Court
I was named as a Defendant in my adult son's personal injury lawsuit under the Family Purpose Doctrine. My Umbrella policy settled the matter before trial and I was dismissed as a Defendant

37. Have you ever filed for bankruptcy protection on your own behalf or for an organization in which you held a majority ownership interest? **No** If so, explain.
38. Do you have any financial interests including investments, which might conflict with the performance of your judicial duties? **No** If so, explain.

CONDUCT AND ETHICS

39. Have you ever been terminated, asked to resign, expelled, or suspended from employment or any post-secondary school or course of learning due to allegations of dishonesty, plagiarism, cheating, or any other "cause" that might reflect in any way on your integrity? **No**. If so, provide details.
40. Have you ever been arrested for, charged with, and/or convicted of any felony, misdemeanor, or Uniform Code of Military Justice violation? **No**
If so, identify the nature of the offense, the court, the presiding judicial officer, and the ultimate disposition. **Not Applicable**

41. If you performed military service, please indicate the date and type of discharge. If other than honorable discharge, explain.

U.S. Navy May 31, 1979- May 31, 1983 Intelligence Specialist Honorable

U.S. Navy January 1, 1987 Dec. 31 1991(approx.) LT, JAGC, USNR Honorable

42. List and describe any matter (including mediation, arbitration, negotiated settlement and/or malpractice claim you referred to your insurance carrier) in which you were accused of wrongdoing concerning your law practice.

None

43. List and describe any litigation initiated against you based on allegations of misconduct other than any listed in your answer to question 42.

None

44. List and describe any sanctions imposed upon you by any court. **None**

45. Have you received a notice of formal charges, cautionary letter, private admonition, referral to a diversionary program, or any other conditional sanction from the Commission on Judicial Conduct, the State Bar, or any other disciplinary body in any jurisdiction? **No** If so, in each case, state in detail the circumstances and the outcome.

46. During the last 10 years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by federal or state law? **No** If your answer is "Yes," explain in detail.

47. Within the last five years, have you ever been formally reprimanded, demoted, disciplined, cautioned, placed on probation, suspended, terminated or asked to resign by an employer, regulatory or investigative agency? **No** If so, state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) and contact information of any persons who took such action, and the background and resolution of such action.

48. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? **No** If so, state the date you were requested to submit to such a test, type of test requested, the name and contact information of the entity requesting that you submit to the test, the outcome of your refusal and the reason why you refused to submit to such a test

49. Have you ever been a party to litigation alleging that you failed to comply with the substantive requirements of any business or contractual arrangement, including but not limited to bankruptcy proceedings? **No** If so, explain the circumstances of the litigation, including the background and resolution of the case, and provide the dates litigation was commenced and concluded, and the name(s) and contact information of the parties.

PROFESSIONAL AND PUBLIC SERVICE

50. Have you published or posted any legal or non-legal books or articles? If so, list with the citations and dates.

I wrote the President's Message once a month in the Arizona Attorney between July 2009 and June 2010. The subject usually focused on upcoming rule changes, lawyer lifestyles and benefits offered by the State Bar of Arizona. The Arizona Attorney is a magazine created by the State Bar of Arizona for its members. (Attachments 2 A – J)

51. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge? **Yes** If not, explain.
52. Have you taught any courses on law or lectured at bar associations, conferences, law school forums or continuing legal education seminars? **Yes** If so, describe.

I taught Business Law and Aviation Law at Embry Riddle Aeronautical University in Prescott, Arizona. I also taught the first three years for the Professionalism Course Committee for the State Bar of Arizona.

53. List memberships and activities in professional organizations, including offices held and dates.

Have you served on any committees of any bar association (local, state or national) or have you performed any other significant service to the bar? **Yes** List offices held in bar associations or on bar committees. Provide information about any activities in connection with pro bono legal services (defined as services to the indigent for no fee), legal related volunteer community activities or the like.

**Board of Governors, State Bar of Arizona 2001-2011, District Two
Yavapai County**

President, State Bar of Arizona 2009-2010;

Arizona Judicial Council 2009 – 2010;

...

Lawyer Representative, Ninth Circuit Judicial Conference 2003-2004;

Participated in 9th Circuit Conference & Continuing Education for federal judicial officers in Kauai, Hawaii in 2003.

Co-Chaired Conference in 9th Circuit Conference & Continuing Education for federal judicial officers in Monterey, California in 2004

Arizona Bar Foundation - Next Generation Foundation Fellow

**Member, Arizona Supreme Court Committee on Character and Fitness
2012-2013**

Board Member, Community Legal Services, 2018 Yuma Position

Yuma County Bar Association; Member 2018 – Present

Over thirty years, I have routinely volunteered for Law Day events and Veteran Stand-downs. I have also handled dozens of pro bono cases over the years.

Provide information about any activities in connection with pro bono legal services (defined as services to the indigent for no fee), legal related volunteer community activities or the like.

While serving as President of State Bar of Arizona, I worked closely with Honorable Lawrence Winthrop and Attorney George Lyons (both Foundation Past Presidents) to encourage all State Bar of Arizona Board Members to become New Generation Fellows of the Arizona Foundation for Legal Services and Education (formerly the Arizona Bar Foundation). The monetary contribution exemplifies a member willingness to promote programs advanced by the Arizona Bar Foundation.

More importantly, both labor and monetary contributions further solidifies a lawyer's commitment to advance the interest of "A Lawyer's Creed of Professionalism of the State Bar of Arizona" and Arizona Supreme Court Rule 31, that strongly suggest that "in addition to my responsibilities as a lawyer include a devotion to the public good".

The Bar Foundation, assists the Courts and the public not only through education but by improving the image of the law community and assisting those of modest means. I have always endeavored to fulfill this responsibility by serving and supporting affordable legal services for the indigent and those of modest means.

...

Lawyers can also express their commitment to a devotion to the public good by serving High School Mock Trial, Law Day forums and Veterans Stand-Downs. Veterans Stand-Downs was the subject of my April 2010 Arizona Attorney President's Message. (Attachment 2 – H). I have regularly participated in Law Day and Veteran's Stand-Downs for the past thirty years.

54. Describe the nature and dates of any relevant community or public service you have performed.

In 2012 through 2014, I served on the Board of Trustees for Aztlan Masonic Lodge, Prescott, Arizona. I have been a Life Member of Aztlan Temple before demitting and remitting from my Tucson Lodge and my French Military Lodge.

In 2000, I served as President of my Shrine Unit, El Zaribah Temple, Phoenix, Arizona which supports the transportation of children and families to 19 Orthopedic and Burn Centers in North America. I am a Life Member of El Zaribah Temple.

I am also a Past Member of the Board of Governors, Mexico City Shriners Hospital 2000-2003. During this time, I escorted numerous Shriners from the State of Arizona to visit and support our Mexico City Hospital, the busiest of our nineteen orthopedic hospitals.

I have been a Life Member of VFW Post 541, Bucky O'Neill, 202 North Arizona, Prescott, Arizona, the oldest continuously running Post in Arizona since 1992. I have held no office in the local or national VFW Organization.

55. List any relevant professional or civic honors, prizes, awards or other forms of recognition you have received.

Letter of Commendation, from J.E. Service, Rear Admiral, U.S. Navy for assistance in Special CNO collection project against Soviet reconnaissance satellites. (Attachment 1 - B)

Navy Achievement Medal, from Rear Admiral C.E. Gurney III, for service as the Administrative Assistant to COMIDEASTFOR Force Intelligence Officer. (Attachment 1 – C)

Joint Service Commendation from General James V. Hartinger, USAF, for service to NORAD SPACECOM, Colorado Springs, Colorado as a Warning Intelligence Noncommissioned Officer. (Attachment 1 - D)

...

Navy Achievement Medal from Rear Admiral W.L. Schachte USN for service as Judge Advocate from 1988 to 1990, in which I travelled over 55,000 miles to represent over 120 Sailors and Marines throughout Europe, the Mediterranean, Africa and the Middle East. (Attachment 1 – E)

Professionalism Award, Yavapai County Bar Association, 2012-2013.

56. List any elected or appointed public offices you have held and/or for which you have been a candidate, and the dates. **None**

Have you ever been removed or resigned from office before your term expired? **No** If so, explain.

Have you voted in all general elections held during the last 10 years? **Yes** If not, explain.

57. Describe any interests outside the practice of law that you would like to bring to the Commission's attention

I am a licensed airplane and helicopter pilot. I fly a classic Cessna 140 taildragger that is almost 75 years old. I am building a Van's RV7A Experimental Aircraft.

Yuma has 365 days of flying weather a year and provides wonderful fishing in the Colorado River. For about eight months a year, it provides the best weather available in the State of Arizona. In the summer it is pretty hot!

HEALTH

58. Are you physically and mentally able to perform the essential duties of a judge with or without a reasonable accommodation in the court for which you are applying? **Yes**

...

ADDITIONAL INFORMATION

59. The Arizona Constitution requires the Commission to consider the diversity of the state's population in making its nominations. Provide any information about yourself (your heritage, background, life experiences, etc.) that may be relevant to this consideration.

My mother was a first generation native of the United States and virtually all of her immediate family are from Mexico. Arizona has a very diverse landscape and community. Any cultural or language ability I achieved growing up in Santa Cruz County, practicing law in Yavapai County and now Yuma County, has only helped my law practice. Lawyers, like medical providers, must communicate on several levels. The same can be said of those serving in the military. While serving in the Persian Gulf, although I am not fluent in French I was given a French/English dictionary to assist me in communicating with the French Navy. While serving in Spain, virtually none of the Spanish spoken in northern Mexico was of any practical use in Spain. Still, lawyers and public servants must persevere and serve their community, whether it be for national security interests or an indigent client.

The lessons I have learned the past forty years, is the need for lawyers to constantly be learning and adapting to the changing environment. The most memorable clients over the past thirty years have been my Apache and Navajo clients. I have served clients throughout Arizona's fifteen counties including Graham and Greenlee County in both civil and criminal matters.

As a dedicated Public Defender, I have right skill set to serve the State of Arizona and the Court. Adherence to The Rules of the Supreme Court of Arizona are particularly important in the selection of judicial officers. Specifically, Rule 31, Regulation of the Practice of Law, which includes "A Lawyer's Creed of Professionalism of the State Bar of Arizona" is so important to the lifestyle of a lawyer that many lawyers frame this Creed and display it in their offices. In addition to outlining our obligations to clients, opposing counsel and their counsel, and the courts and other tribunals, lawyers should include a devotion to the "public" good. All lawyers selected to serve as judicial officers must demonstrate this devotion by representing worthy causes including those unable to pay for legal services.

Arizona Supreme Court Rule 32, Organization of the State Bar of Arizona, solidifies my commitment to the Supreme Court of Arizona. The Supreme Court of Arizona maintains under its direction and control a corporate organization known as the State Bar of Arizona. The mission of the State Bar of Arizona includes serving and protecting the public with respect to

legal services and access to justice. I have endeavored to solidify my commitment to the Supreme Court of Arizona by devoting over a decade of my service toward the administration of the State Bar of Arizona. To this end, naturally I believe that all members and judicial officers should be committed to the mission of the Supreme Court of Arizona and the administration of justice.

I also believe that members and judicial officers should have some outside commitment to our community. For this reason, I have devoted myself to assist in the Shriners Hospital, in particular, the Mexico City Hospital, the busiest of the nineteen orthopedic hospitals and our local Shriner Temple, El Zaribah. The three hospitals in our region include Los Angeles, Salt Lake City and Mexico City. Our local chapters are charged with the responsibility of providing outpatient clinics and transportation for patients and families to these three hospitals.

60. Provide any additional information relative to your qualifications you would like to bring to the Commission's attention.

While I have applied three times prior, I am still very much committed to the mission of serving as a judicial officer. I was unable to reapply for over the past decade because of appointment on two Capital cases and the commitment that I made to that appointing agency. Likewise, when I was a member of a small firm in Prescott, Arizona, I was unable to reapply as I had a personal commitment to my law partners which included a mortgage on our building and a financial commitment to the firm's success.

Now that I am employed as the Chief Deputy for Yuma County Public Defender, Michael Breeze, I am able to again apply with his full support. Out of County judicial openings happen less frequently. With great health, I hope to serve the State of Arizona and the judicial system for a number of years.

I believe that lawyers from different backgrounds can assist the court. Civil Plaintiffs and Defense attorneys as well as Criminal Prosecution and Defense Attorneys can both assist the courts. As a member of the State Bar who has handled both civil and criminal matters I have something unique to offer the Court. As a Public Defender who also accepted appointments for almost thirty-three years, I have a background that can assist the court.

Having just passed my flight physical, I am in great health and anticipate and hope to work as long as possible, contributing to the State of Arizona and the Arizona Court of Appeals.

61. If selected for this position, do you intend to serve a full term and would you accept rotation to benches outside your areas of practice or interest and accept assignment to any court location? **Yes** If not, explain.
62. Attach a brief statement explaining why you are seeking this position.
(Attachment 3 – A)
63. Attach two professional writing samples, which you personally drafted (e.g., brief or motion). **Each writing sample should be no more than five pages in length, double-spaced.** You may excerpt a portion of a larger document to provide the writing samples. Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample may be made available to the public on the commission’s website. **(Attachment 4 A & B)**
64. If you have ever served as a judicial or quasi-judicial officer, mediator or arbitrator, attach sample copies of not more than three written orders, findings or opinions (whether reported or not) which you personally drafted. **Each writing sample should be no more than ten pages in length, double-spaced.** You may excerpt a portion of a larger document to provide the writing sample(s). Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample may be made available to the public on the commission’s website. **Not Applicable**
65. If you are currently serving as a judicial officer in any court and are subject to a system of judicial performance review, please attach the public data reports and commission vote reports from your last three performance reviews. **Not Applicable**

**-- INSERT PAGE BREAK HERE TO START SECTION II
(CONFIDENTIAL INFORMATION) ON NEW PAGE –**

ATTACHMENT 1 (A/B/C/D/E)

Filing Date: August 31, 2020
Applicant Name: RAYMOND A. HANNA
Page 29

United States Naval War College

NEWPORT, RHODE ISLAND



ESTABLISHED 1884

This is to certify that
Ensign Raymond A. Hanna, JAGC, U. S. Naval Reserve
has completed the graduate level nonresident curriculum in
International Law
offered by the College of Continuing Education
Naval War College

16 October 1987

David Clark

DIRECTOR
DATE

Commander Battle Force Sixth Fleet



LETTER OF COMMENDATION

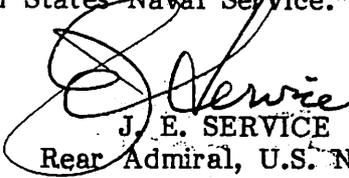
The Commander Battle Force Sixth Fleet takes pleasure in commending

RAYMOND ARTHUR HANNA
INTELLIGENCE SPECIALIST SECOND CLASS
UNITED STATES NAVY

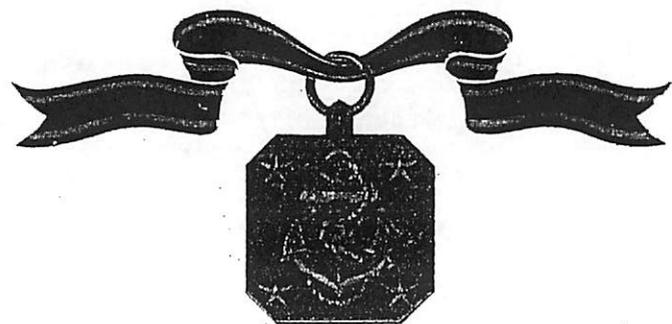
for service as set forth in the following

CITATION:

"For professional achievement in the superior performance of his duties in USS FORRESTAL (CV 59) while deployed to the Mediterranean from 18 March 1981 to 11 June 1981. During this period Petty Officer HANNA was tasked to assist in a special Chief of Naval Operations collection project against Soviet reconnaissance satellites. Although he had little prior experience in this area, he quickly grasped the significance of this endeavor and carried out his assignment in a thoroughly professional manner. Petty Officer HANNA'S strict attention to detail as well as his insistence upon accuracy contributed significantly to an outstanding collection effort. His performance during high interest operations of tactical significance to the Sixth Fleet and the United States demonstrated his knowledge, enthusiasm and ability. Petty Officer HANNA'S outstanding professionalism and loyal devotion to duty reflect greatly upon himself and uphold the highest traditions of the United States Naval Service."


J. E. SERVICE
Rear Admiral, U.S. Navy

EXECUTIVE CORRESPONDENCE



DEPARTMENT OF THE NAVY

THIS IS TO CERTIFY THAT
THE SECRETARY OF THE NAVY HAS AWARDED THE

NAVY ACHIEVEMENT MEDAL

TO

INTELLIGENCE SPECIALIST SECOND CLASS RAYMOND A. HANNA, UNITED STATES NAVY

FOR

PROFESSIONAL ACHIEVEMENT FROM 12 JUNE TO 28 OCTOBER 1981

GIVEN THIS 9TH DAY OF DEC 19 82



John Leh
SECRETARY OF THE NAVY

DO NOT WRITE ON THIS COVER AS IT IS INTENDED FOR RE-USE
RETURN IT WITH THE FILE COPIES TO ORIGINATING OFFICE

1-C



COMMANDER MIDDLE EAST FORCE

The Secretary of the Navy takes pleasure in presenting
the NAVY ACHIEVEMENT MEDAL to

INTELLIGENCE SPECIALIST SECOND CLASS

RAYMOND A. HANNA

UNITED STATES NAVY

for services set forth in the following
CITATION:

For professional achievement in the superior performance of his duties while serving as the Administrative Assistant to the COMIDEASTFOR Force Intelligence Officer from 12 June to 28 October 1981. Petty Officer Hanna was a superb contributor to the command's overall intelligence effort. Reporting aboard without the benefit of being a contact relief, he was able to quickly grasp both the essentials and the subtleties of his new job. Midway through his tour, Petty Officer Hanna greatly assisted in a reorganization of the division's files and publication library. Throughout his tour, he was responsible for the preparation of a major portion of the command's Rainform reporting and accomplished this with both efficiency and expertise. Much of the information included in these reports came to the command in French, and, although not a French Linguist, Petty Officer Hanna willingly learned and researched French Naval terms to be able to do this reporting without supervision. He very capably substituted for the division officer at morning Intelligence Briefings when called upon and was commended by the Commander in this regard. As further evidence of his poise, organizational talents and versatility, Petty Officer Hanna, on short notice, prepared and delivered a briefing on the United Arab Emirates prior to the flagship's visit to Abu Dhabi. Petty Officer Hanna's exceptional professional ability, initiative and loyal dedication to duty throughout reflect great credit upon himself and the United States Naval Service.



For the Secretary of the Navy,

C. E. Gurney III
C. E. GURNEY III

Rear Admiral, United States Navy
Commander Middle East Force



DEPARTMENT OF DEFENSE

THIS IS TO CERTIFY THAT THE SECRETARY OF DEFENSE
HAS AUTHORIZED THE AWARD OF THE

JOINT SERVICE COMMENDATION MEDAL

TO INTELLIGENCE SPECIALIST SECOND CLASS RAYMOND A. HANNA
UNITED STATES NAVY

FOR MERITORIOUS SERVICE
21 APRIL 1982 TO 31 MAY 1983

GIVEN UNDER MY HAND THIS 17TH DAY OF JUNE 1983

NORTH AMERICAN AEROSPACE DEFENSE COMMAND
COMMAND OR OFFICE

James V. Hartinger
JAMES V. HARTINGER
General, USAF

Commander in Chief
For The SECRETARY OF DEFENSE



CITATION

TO ACCOMPANY THE AWARD OF THE
JOINT SERVICE COMMENDATION MEDAL

TO

INTELLIGENCE SPECIALIST SECOND CLASS RAYMOND A. HANNA 526-37-1073
UNITED STATES NAVY

Intelligence Specialist Second Class Raymond A. Hanna, United States Navy, distinguished himself by meritorious service from 21 April 1982 to 31 May 1983, while serving as a Warning Intelligence Noncommissioned Officer, Strategic Warning Division, Directorate of Operational Intelligence, Deputy Chief of Staff, Intelligence, Headquarters North American Aerospace Defense Command, Cheyenne Mountain Complex, Colorado.

During this period, Petty Officer Hanna made significant contributions in the analysis of the strategic threat to North America. His exceptional knowledge, motivation and skill contributed significantly to the accomplishment of the command mission.

By his exemplary performance of duty, Petty Officer Hanna has reflected great credit upon himself, the United States Navy and the Office of the Secretary of Defense.



DEPARTMENT OF THE NAVY

THIS IS TO CERTIFY THAT
THE SECRETARY OF THE NAVY HAS AWARDED THE

NAVY ACHIEVEMENT MEDAL

(Gold Star in lieu of the Second Award)

TO

*Lieutenant Raymond A. Hanna
Judge Advocate General's Corps, United States Naval Reserve*

FOR

PROFESSIONAL ACHIEVEMENT DURING THE PERIOD JANUARY 1988 TO NOVEMBER 1990

1-11
GIVEN THIS 11th DAY OF February 19 91



A handwritten signature in black ink, appearing to read "W. L. Schachte, Jr.".

W. L. SCHACHTE, JR.
RADM, JAGC, U.S. Navy
Commander, Naval Legal Service Command



DEPARTMENT OF THE NAVY
NAVAL LEGAL SERVICE COMMAND
200 STOVALL STREET
ALEXANDRIA, VA 22332

IN REPLY REFER TO

The Secretary of the Navy takes pleasure in presenting the
NAVY ACHIEVEMENT MEDAL (Gold Star in lieu of the Second Award)
to

LIEUTENANT RAYMOND A. HANNA
JUDGE ADVOCATE GENERAL'S CORPS
UNITED STATES NAVAL RESERVE

for service as set forth in the following
CITATION:

For professional achievement in the sustained superior performance of his duties as defense counsel and legal assistance attorney while attached to the U.S. Naval Legal Service Office Detachment, Rota, Spain, from 21 January 1988 to 8 November 1990. Carrying out the mission of his command, often at significant personal sacrifice, LT Hanna traveled more than 55,500 miles throughout Europe, the Mediterranean, Africa and the Middle East, to represent more than 120 sailors and Marines at courts-martial and administrative discharge boards. His people-oriented, problem-solving legal assistance to hundreds of clients, as well as his active professional leadership in programs of the Family Service Center and the Chaplains' Officer, were significant enhancements to the quality of life of military personnel at Rota, Spain. Lieutenant Hanna's devotion to duty, initiative, and professional excellence throughout reflected great credit upon himself, and were in keeping with the highest traditions of the United States Naval Service.

For the Secretary of the Navy,

A handwritten signature in black ink, appearing to read "W. L. Schachte, Jr.", is written over the typed name.

W. L. SCHACHTE, JR.
RADM, JAGC, U.S. Navy
Commander, Naval Legal Service Command

ATTACHMENT 2 (A – J)

Filing Date: August 31, 2020
Applicant Name: RAYMOND A. HANNA
Page 30



Community First

“Some people believe with great fervor preposterous things that just happen to coincide with their self-interest.”

—Judge Frank Easterbrook,
in *Coleman v. Commissioner of Internal Revenue*,
791 F.2d 68, 69 (7th Cir. 1986)
(and quoted in several subsequent court decisions)

In the near future, attorneys with no discipline record who have been practicing for more than five years in a jurisdiction accepting reciprocal reciprocity will be able to petition for admission on motion in the State Bar of Arizona.

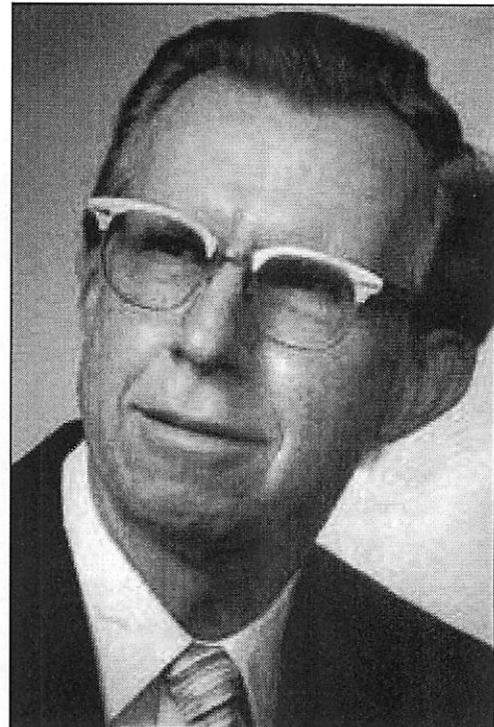
It is a shame that this opportunity was not available to Pennsylvania attorney Harold Wolfinger, who moved to Arizona in 1948. Under the then-existing laws of the State of Arizona, Harold had to live in this state for one year *before* he was even eligible to take the Bar Exam here. During that year, Harold worked as a reporter for the *Prescott Messenger*. Without question, serving as a news reporter did make Harold a better lawyer, but he was unable to exercise his true profession of practicing law for more than a year.

Harold displayed the best qualities of an outstanding lawyer, serving as the President of the State Bar of Arizona the same year men first walked on the moon. I had the pleasure of observing Harold practice law well into his senior years. He was the consummate gentleman, exemplifying characteristics of honesty, integrity and competence. Most important, he enjoyed helping people, and the community truly benefited by having such a man in the legal profession.

That Arizona history is extremely relevant as we approach 2010, when admission on motion will go into effect in our own state.

Notwithstanding that new admittees will be required to complete a course of study on Arizona law and to comply with a review by the Arizona Supreme Court Committee on Character and Fitness, many Arizona attorneys have embraced the firmly held belief—which just happens to coincide with their self-interest—that all attorneys should be required to take the Bar Examination. Most attorneys have opposed the concept of allowing seasoned out-of-state attorneys to waive into the Arizona State Bar without taking the Arizona Bar Exam.

I have a healthy respect for tradition, but a strong dislike for unnecessary obstacles. I hope the new rules allowing admission on motion for seasoned lawyers with no discipline record is an example of positive change in the Arizona legal landscape. The citizens of Arizona can benefit from having experienced, ethical attorneys from other jurisdictions represent their interests. In addition, our members will have the



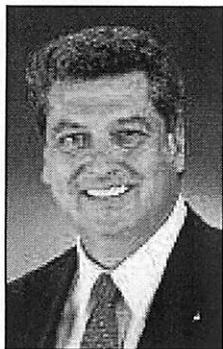
Harold Wolfinger, 1914-2008
State Bar President 1969-70

added benefit of mutual reciprocity to states that will offer admission on motion to Arizona lawyers.

In the upcoming year, the State Bar of Arizona also will have the opportunity to examine the existing discipline system—which has been described as too slow, too silent and too soft—and to make recommendations to possibly revamp it as needed. Although I do not necessarily agree with all of the above, your Board of Governors will be examining the discipline system of Colorado for possible improvements that might be made to the Arizona plan.

While it might not be possible for a diverse group of lawyers to unanimously agree on recommending any changes to the existing disciplinary system, it will be an opportunity for well-placed lawyers to decide if their own firmly held convictions just happen to coincide with their own self-interest. Members and the public can be assured that the Character and Fitness Committee is a very active one, and that attorneys from other jurisdictions will not be able to practice here if there are discipline matters in their background.

We will do our best to serve our members and the State of Arizona. 



Ray Hanna



Streamlining Discipline

"You want to make enemies, try to change something." —Woodrow T. Wilson, 28th President

The Arizona Supreme Court recently established the Attorney Discipline Task Force. Recognizing that considerable improvements have been made over the past decade, the Task Force will be charged with drafting a petition to amend the current discipline system rules. To a large degree, it has been asked to incorporate the best practices from the Colorado attorney discipline system.

Of specific interest to our members, the intake process at the State Bar of Arizona will be modified to allow intake attorneys to divert more cases. This should **REDUCE** the number of cases that actually proceed to formal discipline and allow the more serious matters to receive **MORE** attention. The proposed system will allow intake attorneys to have the authority to dismiss matters if there was no misconduct; to offer diversion if misconduct is minor; or to assign matters to a trial attorney if the alleged misconduct falls outside diversion guidelines or a Respondent rejects a diversion offer.

Members of the Attorney Discipline Task Force will include the State Bar of Arizona's new Chief Bar Counsel, **Maret Vessella**. Maret is a veteran attorney with 15 years' experience in prosecuting attorney discipline cases. The Chief Bar Counsel oversees the State Bar's Lawyer Regulation Department, which helps ensure that 16,000 attorneys permitted to practice in Arizona meet professional conduct standards and that Arizonans are protected from potential harm by unethical attorneys.



Maret Vessella

Maret has worked at the State Bar for more than a decade and previously worked at the Supreme Court of Pennsylvania's Office of Disciplinary Counsel.

Murder or treason excepted, especially when an ethical violation does not result in harm to the client or court, diversion is often available. In an environment where members' rights are streamlined, it is still possible to get lawyers to buy into the amended discipline system. Members who are offered diversion

for minor infractions; who have not harmed clients or the profession; who actively and meaningfully participate in diversion, should be rewarded with confidentiality and the elimination of a permanent record. Respondents' counsel and respondents also will be more willing to embrace and accept assistance if they know that their participation with diversion—including MAP/LOMAP and CLE designed to improve legal skills and management proficiency—will be rewarded with the knowledge that they can truly put the matter behind them, and that their good name will not be scarred with a permanent record. This is particularly true when diversion is designed to make the good lawyer great!

These changes are on the horizon and outlined in Supreme Court Administrative Order 2009-73 (see below). The Task Force will draft and file, not later than December 2009, a petition consistent with the Court's strategic directions. The proposed amended system also will make the discipline system even more independent from the State Bar of Arizona's Board of Governors. This is a desirable attribute that should be appreciated by numerous authorities as well as complainants and respondents. Naturally, the public and State Bar members will have a comment period before any new discipline system is adopted.

Making the system more independent, more predictable and faster is a benefit to all Arizona attorneys. A protracted discipline process is harmful to both complainants and respondents.

These changes are consistent with and will complement the improvements in the disciplinary system over the last decade. American statesman and philosopher Benjamin Franklin advised, "When you're finished changing, you're finished." The State Bar of Arizona is your voice in these changes and this process. For this reason, an integrated bar association is even more relevant and necessary. 



Ray Hanna

LAWYER DISCIPLINE IN TRANSITION

To read the Arizona Supreme Court's Administrative Order 2009-73, go to www.supreme.state.az.us/orders/admorder. More information on the Attorney Discipline Task Force: www.myazbar.org/SecComm/TF/LR



Diverse Streams of Talent

"The power I exert on the Court depends on the power of my argument, not on my gender."

—Sandra Day O'Connor

The Arizona Women Lawyers Association will celebrate its 30th anniversary on Friday, November 6, 2009. It is especially fitting that we celebrate the success of women lawyers in our community within the Gila River Indian Community, which will also complement AWLA's theme of community inclusion.

Since law school, I have had the pleasure of enjoying AWLA functions and believe that the advancement and success of women lawyers represents the advancement of the entire legal profession. AWLA represents one of many voluntary bar associations that provide a means of community inclusion in the Arizona legal community.

In researching the background of women lawyers in Arizona, I contacted a childhood neighbor, Sara Ann Bailey, also of Santa Cruz County. Although I did not know it, she was a founding member of the Arizona Women Lawyers Association. After being admitted to the State Bar in 1965, she had a diverse practice, which continued long after I joined the Arizona Bar. The term "trail-blazer" fits her well. Sara has always had an independent and self-starting streak that made her a pioneer, not only as a rancher but also as a lawyer. When I called Sara, she was unable to speak for too long because she was in the middle of removing Palo Verde trees from her Tubac ranch.

I recently had the pleasure of meeting with a number of lawyers at the State Bar of Arizona's Bar Leadership Institute. This innovative program is headed by I. Godwin Otu, the State Bar's first Diversity Director. The Institute is aimed at increasing Bar leadership and community involvement among diverse attorneys, especially within underrepresented populations. Corporate sponsors who generously support the Bar Leadership Institute include, but are not limited to, Arizona Public Service, Jennings Strouss & Salmon, the Arizona Asian American Bar Association, Greenberg Traurig, Lewis

and Roca, Perkins Coie Brown & Bain, and Quarles & Brady.

The mission of the Arizona Bar Leadership Institute is to foster the professional growth and enhance the leadership skills of a diverse group of Arizona attorneys by increasing participation and visibility of historically underrepresented groups. Without question, the success of this program has been enhanced by our corporate sponsors.

The State Bar of Arizona's Diversity Department also has established a diversity pipeline initiative to supplement other pipeline programs. The Bar has multiple relationships to enhance efforts to open the profession to many people. They include ASU's Sandra Day O'Connor College of

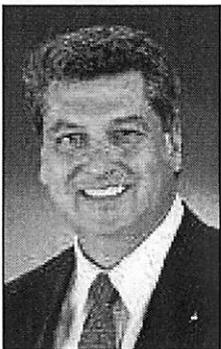
Law; the Arizona Foundation for Legal Services & Education; and the National Hispanic Bar Association, through multi-level mentoring programs organized by ASU law professor Charles Calleros. And this past summer, the State Bar diversity pipeline initiative jointly hosted a two-day law camp with ASU's Indian Legal Program, attended by about 60 people. A collaboration with the Phoenix School of Law also is being planned.

As a State Bar association, we best serve ourselves when

we serve the public first. Members of previously underrepresented populations represent diverse groups within the Arizona population. When all levels of our bar and bench accurately reflect the demographics of law schools, and when our law schools accurately mirror our population, we will have best served the public. 

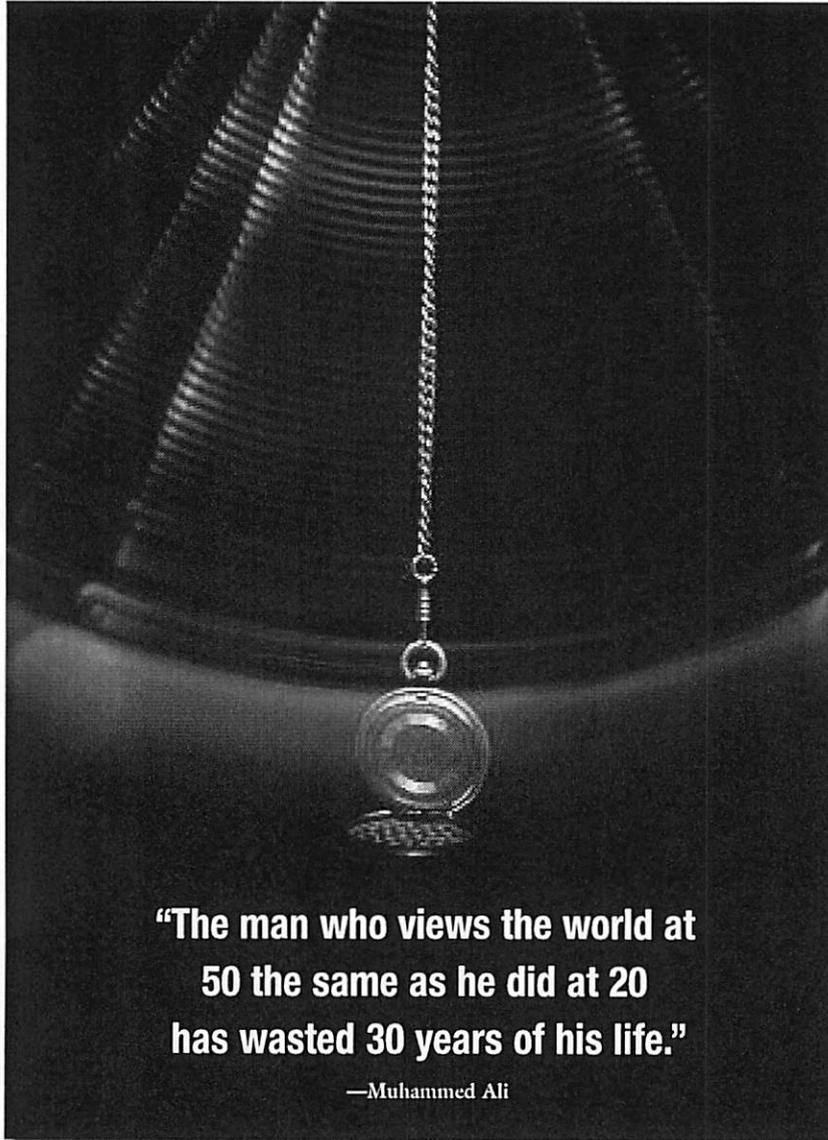


Bar Leadership Institute grads, 2009



Ray Hanna

2-C



"The man who views the world at 50 the same as he did at 20 has wasted 30 years of his life."

—Muhammed Ali

task as "1" (extremely urgent), "2" (very important) and "3" (necessary) will make the practice of law more enjoyable and predictable. In addition, checking off the completion of these tasks provides a sense of accomplishment and sets benchmarks for success.

The benefits of a week-at-a-glance calendar cannot be duplicated with an electronic day-planner or Blackberry. The ability to plot out your year will allow for a healthy appropriation and appreciation for family, fitness and recreation. On my week-at-a-glance, before the year begins, I block out vacations, and my children's spring and fall breaks. I also block out my medical and dental appointments. (This year, I have my first colonoscopy to look forward to!) The week-at-a-glance also provides a playground to daydream and fantasize in between court appearances.

Finally, it is necessary to learn to say "No" to matters that may interfere with your professional and personal goals.

Though it is important to be involved in your community, it is better to do a wonderful job on one project rather than a mediocre job on several projects. It is equally important to set goals in your day-planner. For the last decade, I have outlined yearly goals that have ranged from the installation of crown molding to how many times I will hike the Grand Canyon. Time and good health may be among the most important commodities that a lawyer possesses.

Benjamin Franklin advised, "Dost thou love life? Then do not squander time, for that's the stuff life is made of." Take time to enjoy your life and those around you. 

The Fullness of Time

Many lawyers find themselves stretched for time in an economy that requires attorneys to do more with less to stay competitive. That is why it is wise for lawyers to develop good time-management habits.

I am 50, I have an AARP card, and I had radial keratotomy (RK) surgery 15 years ago. Although I hope that I see the world differently now than I did 30 years ago, there are still 1,440 minutes in a day, and about 29,020 days in an 80-year lifetime. It is important to make the most out of every minute and every day.

When I was in the United States Navy nearly 30 years ago, I was sent to a time-management seminar. All time-management programs will advise of the importance of making "to-do" lists and prioritizing your schedule and scheduling your priorities. The demands of a law practice highlight the importance of these priorities. Making a list every day that prioritizes



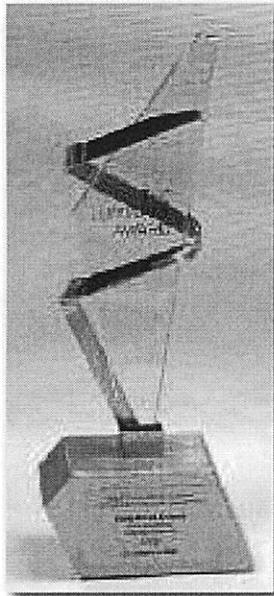
Ray Hanna



Points of Reference

“All of us living in the world today need points of reference—even models to follow.” —Thomas S. Monson

Today, every one of us faces challenges, many of them brought on by the economy. Whether we are young or old, a new member of the State Bar of Arizona or a partner at a large law firm, we are trying to move past some struggle, be it personal or professional. In that struggle, we all need points of reference to aim our ambitions and role models to emulate. Recently, it occurred to me that the State Bar of Arizona is currently serving as points of reference for others.



2009 Luminary Award

For example, the State Bar has launched the Diversity Pipeline Project, with the Phoenix School of Law, to encourage South Phoenix students to pursue attendance at law school. Practicing attorneys and law students will mentor Cloves C. Campbell Sr. Elementary School students. Those seventh- and eighth-graders will go on field trips to courtrooms, law firms and other legal employers. And the State Bar will track their progress over time.

Sonia Nayeri, who has a law practice in Mesa, was one of the attorneys who recently visited with those students. She recalls that years ago, an attorney visited her elementary school; that visit was an important part in leading her

down the road to law school. And today, she wants to provide the same sort of encouragement to South Phoenix students. Nayeri is an attorney who best exemplifies the Lawyer's Creed of Professionalism, which requires that, in addition to fulfilling the obligations as a lawyer, attorneys also must have a devotion to the public good.

In another State Bar department, points of reference have been recognized on a national level. The National Association of Bar Executives, which is an affiliate of the American Bar Association, recently presented the State Bar with 2009 Luminary Awards for Excellence. The awards honor ARIZONA ATTORNEY magazine and a 75th anniversary booklet, *A History of the State Bar of Arizona 1933-2008*. The awards acknowledge the high caliber of work and

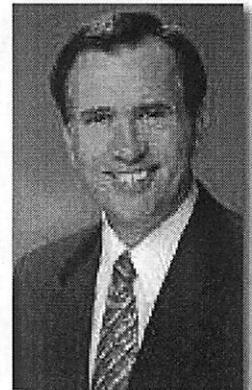
service that our staff provides our members and the public.

“These award winners represent the best in their fields nationwide, so they and their associations can be proud of this special recognition,” said Barry

Kolar, Assistant Executive Director of the Tennessee Bar Association and Chair of the Luminary Awards Committee.

The State Bar recently gained another point of reference when it hired Rick DeBruhl to serve as Chief Communications Officer. DeBruhl has served as a reporter/anchor for Channel 12 KPNX-TV since 1978. He has earned three Rocky Mountain Emmys. He also has received awards from the Arizona Press Club and the Arizona Associated Press. We are very excited to have a media professional with such extensive experience lead our communications with the news media, public, business and legal communities.

We all benefit from points of reference. At the State Bar of Arizona, we are pleased that we can serve as leaders, whether by fostering a program such as the Diversity Pipeline Project, or by striving to create excellent products and services for our members. And we all benefit from role models such as Sonia Nayeri and Rick DeBruhl, who convey the qualities that make a good organization great. 



Rick DeBruhl



Ray Hanna

Z-E



Things You Can Learn From a Dog

Never pass up the opportunity to go for a joyride;
 Allow the experience of fresh air and wind in
 your face to be ecstasy;
 When a loved one comes home, always run
 and greet them;
 Eat with gusto and enthusiasm;
 When you're happy, dance around and wag
 your entire body;
 On hot days, drink lots of water and lie under
 shady trees;
 When someone scolds you, forgive quickly;
 Be loyal.

—Author Unknown



©CHRISTOPHER MARGIETTI

Recently, you may have read news stories about a Jacksonville, Florida, judge who seeks to help man—and woman—with the assistance of man's best friend.

Judge Emmet Ferguson thinks legal matters would go far more smoothly if there was a dog in every courthouse across the country.

"Dogs put smiles on people's faces," he told the *ABA Journal*. "And there usually aren't a lot of smiles in a courthouse."

Many would probably support any idea that reduces the tension in a system where parties are at odds. As the story says, animals can help to calm witnesses and crime victims. And when the nervous person is a child, the animals can be even more effective.

Before you dismiss the notion as unconventional or less than professional, you should know that 13 states have—or are trying to get—courthouse dog programs. One example is in Washington State, where prosecutor Ellen O'Neill-Stephens has sought to introduce dogs in criminal and civil contexts.

"A dog can be a bridge between the defendants and prosecutors," the founder of Courthouse Dogs told the *ABA Journal*.

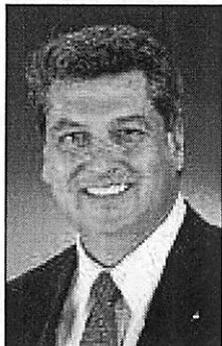
Closer to home, I can tell you that having a dog curled up at your feet in the law office can have great benefits to your practice. We always had a dog in our both of our offices in downtown Prescott. On several occasions, as I officed above Arizona's oldest funeral home, the presence of a gentle dog was welcomed by families coming to a family visitation. My current dog "Hannah," aka Baby Girl, was rescued and would likely have been destroyed. She is probably half Golden Retriever and half Australian Shepherd. Many senior lawyers,

such as Yuma Attorney Jeff Richards and his canine companion "Counselor," have greeted clients for years.

The Animal Law Section of the State Bar of Arizona is comprised of lawyers and non-lawyer members who might prosecute or defend animal abuse cases. Members also may represent a business that is involved in ranching. All of the section members love animals and believe in their ethical treatment. This section is yet another opportunity where the State Bar of Arizona can help you develop your law practice or make it more enjoyable.

How a person treats an animal says a lot about that person. Even if you cannot bring a pet to your office, you may find that stress disappears if you can manage to emulate the giving and patient spirit of the dog. And remember the old truism about that loyal companion:

"If you are able to start the day without caffeine and you are able to relax without liquor, if you can understand when loved ones are too busy to give you time and if you can take criticism and blame without resentment—then you are probably the family dog." 🐾



Ray Hanna



Calling Leaders to Service

When I was elected to the State Bar of Arizona's Board of Governors in 2000, I was cycling off as a Representative to the Mexico City Shriners Hospital. Mexico City has the busiest of the 19 Shriners Orthopedic Hospitals. All newly initiated Shriners are asked to visit a hospital within one year of initiation.

Members of the State Bar of Arizona have a golden opportunity to renew their commitments by becoming a member of the "Next Generation of Fellows."

The mission of the Shriners Hospitals is to provide the highest quality care to children with orthopedic and burn injuries without cost to the patient or family. Hospital representatives are required to cover their own travel and lodging expenses and to contribute in a meaningful way to the hospital's mission. I was on the facilities committee, which was charged with helping maintain a very old building before the newer state-of-the-

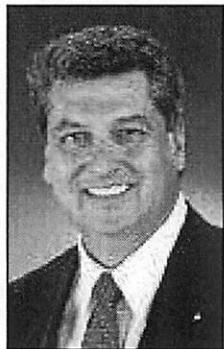
art hospital was build near the football stadium. That old Mexico City hospital was in a historic district close to Leon Trotsky's compound and Frida Kahlo's little blue house.

Members of the State Bar of Arizona commit to support legal services for the defenseless and oppressed when they take the oath of admission to the Bar. After joining the Board of Governors, I quickly became a Fellow of the Arizona Bar Foundation (now called the Arizona Foundation for Legal Services & Education) to help fulfill my commitment to providing access to justice to Arizona's most needy. Then and now, lawyers I respect and admire made the same commitment to legal services and education.

Members of the State Bar of Arizona have a golden opportunity to renew their commitments by becoming a member of the "Next Generation of Fellows." For a contribution of \$1,000 (which can be pledged as \$200 per year for five years), Arizona lawyers may, for a five-year period, be a member of that next generation, joining the legacy of Arizona's Founding Fellows. This is a substantial but realistic contribution, based on the average lawyer's income.

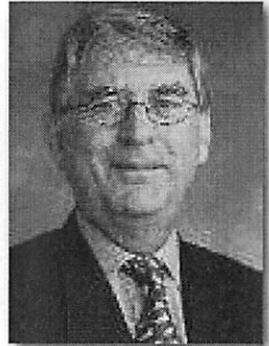
Programs administered through the Foundation include:

- Lawforkids.org
- Kids Voting Arizona
- Lawforseniors.org
- Azlawhelp.org
- Modest Means & Legal Learn Contact Center



Ray Hanna

GEORGE LYONS,
President,
Board of Directors,
Arizona Foundation
for Legal Services
& Education



- Mock Trial
- Arizona Teen Court
- We the People
- Project Citizen
- Law Related Academy
- CSI Arizona
- Legal Service Project for DV Survivors
- Bankruptcy Hotline
- Arizona Civic Coalition

Programs partially funded by the Foundation also include:

- Community Legal Services
- DNA-People's Legal Services
- Southern Arizona Legal Aid
- Florence Immigration Project
- The Never Again Foundation
- Chrysalis Shelter
- Defenders for Children
- Medical Legal Partnerships
- William E. Morris Institute for Justice

It is hard not to appreciate the value of these programs for the children and residents of the State of Arizona. More important, becoming a part of the Arizona Foundation for Legal Services & Education will fulfill your commitment to access to justice, will make you feel better, and will speak loudly of your commitment to serving Arizona's most needy.

Please visit the Foundation's Web site (www.azflse.org) and consider joining their mission in 2010. Becoming a member of the Next Generation of Arizona Fellows will enrich your life now and in the future.

The Future is Now!



Serving Those Who Have Served

Any man who may be asked in this century what he did to make his life worthwhile...can respond with a good deal of pride and satisfaction, "I served in the United States Navy." —John F. Kennedy, 35th President of the United States

I am most proud of my eight years of service in the United States Navy. Individually, I never did anything truly remarkable, but I had the opportunity to be a small part of a great organization who collectively did great things. I served as an Intelligence Specialist the first four years, and as a Judge Advocate after law school. Although I served on two combatant naval vessels, my service in Europe, the Middle East and Africa was enjoyable and represented an opportunity to appreciate the world. My military service inspired me, allowed me to commit to a legal education, and led me to believe that all things are possible in this great nation.

Recently, 15 volunteer attorneys helped approximately 115 homeless veterans with tax and family law matters.

Much has changed in nearly 50 years. We have not had a draft for military service for a generation. The Armed Forces are now nearly fully integrated. Men and women of all ethnic and religious backgrounds work side by side. Our military has progressed to become the world's best educated, trained and skilled military force. Nevertheless, it is a small percentage of women and men who carry the burden of defending our nation. It is an even smaller percentage of those individuals who carry out the most dangerous and difficult tasks of the United States military.

Land, air and sea services periodically have "stand-downs," typically to address and brainstorm safety concerns. Often, a stand-down is ordered in response to a crisis or number of accidents that should seldom, if ever, occur. They are therapeutic and remedial in nature and designed to preserve life and avoid unnecessary danger.

Recently, 15 volunteer attorneys of the State Bar of Arizona helped approximately 115 homeless veterans with tax and family law matters during the 2010 Arizona StandDown. This version of the stand-down—homeless veteran resource fairs—is held throughout the country and represents a positive place where lawyers can offer their skills to assist the small percentage of individuals who have carried the burden of defending our nation. The StandDown is an opportunity for a veteran to receive services, without red

tape, in a friendly and safe environment.

What is truly unique is the number of concerned governmental agencies that attend and participate in the StandDown. The Arizona Department of Veterans Services, Arizona Department of Economic Security, the Social Security Administration and the Arizona Department of Motor Vehicles were just a few of the agencies present. Many of the veterans received assistance clearing their criminal matters in various courts. Others got help with outstanding fines and warrants with City of Phoenix Courts. Many simply needed help and had questions about filing taxes, child support arrears or modifications, divorce and bankruptcy.

More than 800 homeless veterans received free medical care, mental health assistance, showers, haircuts, job assistance, housing assistance, free eyeglasses, pet care, fresh clothing and more at the event held at the Veterans Memorial Coliseum. The veterans slept and ate at the coliseum for a weekend. Most important, they received respect for their service to our nation. I cannot think of a more fitting place to assist our veterans. Several of the volunteer attorneys have personally served in the military or are married to a service member.

The State Bar's new Military Legal Assistance Committee, chaired by retired Army Brigadier General Gregg Maxon, toured Arizona's StandDown to gather ideas on how to help veterans and military personnel. This new committee represents one of many that members of the State Bar of Arizona can join to carry out their commitment to serve the public good.

This new committee—and all Arizona lawyers who step up to do good—earn our praise and our thanks. 



Ray Hanna

2-11



Coulrophobia:

The abnormal or exaggerated fear of clowns.
—Wikipedia

Courthouse Humor

After leaving the United States Navy, I was a Circus Clown in Chicago for nearly a month. There are different types of Clowns, including the traditional Whiteface (showman and intelligent), Auguste (Prankster) and Tramp (Hobo), which is uniquely an American depression creation. I didn't advertise my Clown membership much for nearly two decades, as it could impact on my credibility and future as an attorney.

I now fully realize that having a good sense of humor and being able to communicate with people on all levels are two secrets to happiness and a full life. Naturally, the Clown's Creed demands that you NEVER humiliate the audience, and that if anyone must be embarrassed, it should be the Clown, preferably the "Auguste" Clown. After all, Rodeo Clowns put themselves at risk to free the downed rider.

OverheardInCourt.com is a site dedicated to the memory of U.S. District Court Judge Jerry Buchmeyer, of the Northern District of Texas, who passed away last fall. He wrote "et cetera," a long-running, much-loved column in the *Texas Bar Journal*. Take a few moments and share a laugh at these excerpts.



Ray Hanna, left, and friend in front of a St. Patrick's Day-green Chicago River.

Now, That Is Love!

During arraignment hearing, the courtroom was getting a little warm because of the number of people in the room, so the judge ordered the courtroom door be left open. A woman was outside the door and started having a very loud conversation on her cell phone. She seemed very upset. The courtroom became very quiet as everyone listened to her. The following was heard:

Woman: "You're a frickin' liar. That's all, just a frickin' liar. I don't have time for you! I am not going to listen to you anymore. You are driving me insane! You are such a fricking liar."

At that point the judge motioned for the Bailiff to tell the women to quiet down and that the court was in session.

Women to Bailiff: Oops, I am sorry.

Women to person on phone: Listen, I gotta go to the court. Remember that you are a frickin' liar, though. I love you, but I gotta go, mom.

Did I Really Ask That?

Q: (by prosecutor): And you could tell that the injuries were sustained before death and not as a result of the autopsy?

A: (by medical examiner): Yes, because the body does not bruise after death.

Q: And you do not perform autopsies on living people?

A: No, that's considered bad form.

Can You Spell That?

Q: Do you have any children, ma'am?

A: Yes, I have one daughter.

Q: And what is her name?

A: Kenyati.

Q: Could you spell that for our Court Reporter?

A: (pause) You know, I never did know how to spell that just right.

From A Court Reporter

Q: You said earlier that your dad has changed since the accident.

A: Yes.

Q: Can you tell us exactly how your dad has changed?

A: My dad used to be able to do everything. He was really smart. He could do several things at once. He could multi-task. Since the accident, he hasn't been able to do that.

Q: You mean, he's more like a man now?

(Side-note: The attorney was a man, and laughter followed.)

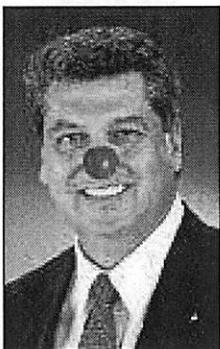
To Tell A Lie

Judge (to a young witness): Do you know what would happen to you if you told a lie?

Witness: Yes, I would go to hell.

Judge: Is that all?

Witness: Isn't that enough?



Ray Hanna

An Honest Drunk

Defendant was charged with an open-container violation. The judge asked the 56-year-old man how long he had been an alcoholic. Defendant said since he was probably 14. The judge wanted to know if he had ever tried to quit drinking, and knew that he had been arrested the night before.

The following exchange took place:

Judge: "What's the longest time that you have ever quit drinking?"

Defendant: Judge, that would be yesterday and today.





A Grave Challenge

**What would you say when they come to take away your
Constitutional religious freedom?**

**Tell the Tort reformers "No" when they come to take away your
Constitutional right to a trial by jury.** —Douglas B. Levy, Tucson Lawyer

Despite charges and political attacks among our State's leadership, this has been a fairly uneventful year. I have traveled throughout rural Arizona reviewing proposed changes to the discipline system and speaking to members in every county in Arizona. The proposed changes will make attorney discipline fair, timely and predictable. More important, making the initial probable cause determination independent from the leadership of State Bar of Arizona will make attorney discipline more transparent to the public—and will allow lawyers to remain the only self-regulating profession.

**The jury trial is the final
check by the citizens....**

**Attacks to the jury
system—rather than
attacks on judicial
independence—remain
the greatest danger to
our profession.**

My monthly President's Message has focused on a variety of topics, including the State Bar of Arizona's Bar Leadership Institute, Military Legal Assistance Committee, and Animal Law Section, and how much animals enrich our lives. I've also written on the golden opportunities that exist to assist the Arizona Foundation for Legal Services and Education.

For the most part, these are not controversial topics, and they reflect well on the legal profes-

sion. Because of the outstanding work of the staff of the State Bar of Arizona, even in a statewide environment of economic peril, the Bar is financially sound.

The year has provided some surprises.

We are now living in an environment in which the leadership of our State has determined that citizens will no longer be required to undertake the additional educational component previously required to carry a concealed firearm. You might take some slim comfort in knowing that citizens will not be able to carry a concealed weapon in a bar or restaurant without the previously required educational component. As a gun owner, I always felt that the education component was important not for the right to possess a firearm, but to "carry" a concealed weapon in public set-

tings. Sadly, for some of our State's leaders, education is not valued, even when firearms are concerned.

Challenges to the rule of law include ongoing attacks on the independence of the judiciary and the right to trial by jury. As attorneys, we are duty-bound to resist "unfair" attacks on an independent judiciary. This does not mean the current process of selecting judges—in which there is no legislative confirmation and where judges never stand for election—should never be the subject of honest debate. In fact, reasonable minds have advanced worthy reasons why judges should be subject to confirmation, reconfirmation and even a vote of Arizona citizens.

There is an even greater challenge to the rule of law in our immediate future. That challenge will be evidenced by attacks on the right to trial by jury.

The right to a jury trial is a faceless concept many lawyers avoid or rarely experience in their practice. To many lawyers, the jury trial represents a boatload of work in which they must first recognize the weaknesses in their own cases. In fact, jury trials do represent obstacles to a happy marriage and to a polite practice. For these reasons, attacks to the jury system—rather than attacks on judicial independence—remain the greatest danger to our profession.

Any calculated and deliberate move to destroy or hamper the right to trial by jury remains the greatest challenge to the rule of law. The jury trial is the final check by the citizens on the executive, legislative and judicial branches of government.

As my final act as President of the State Bar of Arizona, I ask you, our members, to actively resist any attempt to limit the rights to trial by jury. ☐



Ray Hanna

ATTACHMENT 3 (A)

**Raymond A. Hanna
389 South 2nd Avenue
Yuma, Arizona 85364
(928) 388-5397**

August 27, 2020

**Chairman Chief Justice Robert Brutinel
Arizona Supreme Court
Commission on Appellate Court Appointments
Human Resources Department
1501 West Washington, Suite 221
Phoenix, Arizona 85007**

Dear Chief Justice Brutinel and Commission Members:

This letter to express my desire in seeking appointment to the Arizona Court of Appeals. Attached is my original application with all attachments and a .pdf version of the application. (Enclosures One and Two)

I have previously applied three times for this position and have been unable to make application for over a decade because of commitments to my previous law firm and partnership in Prescott, Arizona. I am now employed as the Chief Deputy to Michael Breeze, the Yuma County Public Defender and I have his support in this application for appointment.

With a background in both civil and criminal practice, I hope to make a significant contribution to the Arizona Courts. I also have a substantial background carrying out the mission of both the Supreme Court of Arizona and the State Bar of Arizona.

Sincerely,

Ray A. Hanna

ATTACHMENT 3 (A)

**Filing Date: August 31, 2020
Applicant Name: RAYMOND A. HANNA
Page 32**

ATTACHMENT 4 (A & B)

1 MICHAEL A. BREEZE, ESQ.
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7 E-mail: Public.Defender@yumacountvaz.gov

8 RAY HANNA, ESQ.
9 STATE BAR NO. 014182
10 ATTORNEY FOR DEFENDANT

11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

12 IN AND FOR THE COUNTY OF YUMA

13 STATE OF ARIZONA,

14 Plaintiff,

15 vs.

16 Defendant.

Cases No. S

DIV.FOUR

HON. DAVID HAWS

**DEFENDANT'S MOTION TO SUPPRESS
(EVIDENTIARY HEARING REQUESTED)**

17 NOW COMES DEFENDANT, J, by and through counsel undersigned,
18 and moves this Court to suppress all evidence seized and statements obtained on the grounds that
19 was detained and arrested on March 22, 2018, without reasonable suspicion or probable
20 cause, pursuant to the Fourth Amendment of the United States Constitution, and Article II, Section
21 8 of the Arizona Constitution AFTER a warrantless GPS tracking device was placed on his vehicle
22 on March 21, 2018. Consequently, any evidence seized and statements obtained must be
23 suppressed. The attached Memorandum of Points and Authorities provides further support for this
24 motion.

25 RESPECTFULLY submitted this 25th day of June, 2019.

26
27 _____
28 Ray Hanna, Esq.
Deputy Public Defender

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I. FACTS:

On March 21, 2018, [redacted] was contacted at the San Luis Port of Entry after he was referred to a secondary inspection. CBP agents located an empty non-factory compartment located in the dash area of 2006 Mercury.

Without a search warrant, a GPS tracker was placed onto the vehicle and [redacted] was released. The vehicle was monitored via GPS and the vehicle was tracked as it travelled into California stopped at a residence in the San Fernando Valley area in California.

Investigator [redacted], [redacted] was informed the installation of the MTD on the Target Vehicle at the San Luis Port of Entry and tracking of the Target Vehicle for a short period of time without first obtaining a warrant complied with Fourth Amendment requirements for vehicle tracking devices and searches occurring at the international border.

On March 22, 2018, at approximately 1500, the vehicle was observed via GPS to be traveling eastward toward the State of Arizona. A Search Warrant for the GPS tracker was never obtained. Further surveillance was conducted on the vehicle in the Calexico, California area and was maintained until the vehicle reached Yuma, Arizona.

Surveillance continued and was maintained until a Yuma County Sheriff's Office Sergeant stopped the vehicle for a purported civil traffic violation in the area of W. Highway 95 and S. Avenue G. A narcotics detection alerted to the vehicle, although no narcotics were located. Search of the vehicle utilizing a camera scope confirmed a compartment located in the dash area.

The vehicle was towed to the San Luis Port of Entry pending service of a search warrant. The Auto Search Warrant occurred after government agents used the GPS tracking device to follow Defendant's vehicle to the San Fernando Valley. A Search Warrant was ultimately obtained and executed resulting in the discovery of 4 packages of U.S. currency.

1 II. LAW AND ARGUMENT:
2

3 THE GOVERNMENT PLACED A GPS DEVISE ON THE VEHICLE OF TABAREZ AND HIS
4 VEHICLE IN VIOLATION OF THE FOURTH AMENDMENT/
5

6 A traffic stop of a motor vehicle is a “seizure” for purposes of the Fourth Amendment. U.S. v.
7 Cortez, 448 U.S. 411 (1981), State v. Gonzalez-Gutierrez, 187 Ariz. 116, 927 P.2d 776 (1996)
8

9 When Officers make traffic stops based on facts that neither constitute a violation of the law
10 nor constitute reasonable grounds to suspect the driver has committed an offense, they run afoul of
11 the Fourth Amendment requirement that they possess objectively reasonable grounds for the
12 intrusion. United States v. Mariscal, 285 F.3rd 1127 (9th Cir. 2002), United States v. Lopez-Soto,
13 205 F3d 1101 (9th cir. 2000) The Fourth Amendment protects against unreasonable searches and
14 seizures. Under this standard, the officer must possess “a particularized and objective basis for
15 suspecting the particular person stopped of criminal activity.” Id.

16 In United States v. Jones, 132 S.Ct. 945 (2012), the United States Supreme Court decided
17 the issue of whether the attachment of a Global Positioning System (GPS) tracking device to an
18 individual’s vehicle, and subsequent use of that device to monitor the vehicle’s movements on
19 public streets, constitutes a search or seizure within the meaning of the Fourth Amendment.

20 In the instant case, agents placed a GPS tracker on Defendant’s vehicle on March 21, 2018
21 BEFORE any warrant was obtained. They tracked this vehicle from Arizona into the State of
22 California, all the way up to the San Fernando Valley. Agents further tracked this vehicle from a
23 home in the San Fernando Valley to Calexico to the State of Arizona. At some time on March 22,
24 2018, a warrant was obtained and executed AFTER surveillance was turned over to the Yuma
25 County Narcotics Task Force. The eventual civil traffic stop ONLY occurred AFTER agents were
26 able to track Defendant and his vehicle by placing the GPS device on his vehicle without a warrant.
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III. CONCLUSION.

In the instant case, much time and geography transpired between the placing of the GPS Tracker on March 21, 2018 and the stop on the evening of March 22, 2018. United States v. Jones, 132 S.Ct 945 (2012) provides no “good faith” exception to the warrant requirement and the State may not rely on a supervening civil traffic stop a day later, after tracking the vehicle throughout the Arizona and California in violation of the Fourth Amendment.

The resulting search and seizure was illegal and accordingly, any evidence seized must be suppressed.

Ray Hanna
Deputy Yuma County Public Defender

Copy of the foregoing delivered
This 25th day of June 2019, to:

- Honorable David Haws
Presiding Judge
Yuma County Attorney
- Robert Severson, Deputy Yuma County Attorney
- Ray Hanna, Deputy Public Defender

By: _____

PD

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YUMA COUNTY SUPERIOR COURT
PUBLIC DEFENDER

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8 RAY HANNA, ESQ.
9 STATE BAR NO. 014182
10 ATTORNEY FOR DEFENDANT

11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

12 IN AND FOR THE COUNTY OF YUMA

13 STATE OF ARIZONA,
14 Plaintiff,
15 vs.
16 Defendant.

Cases No. S1400CR201800417
DIV.FOUR
HON. DAVID HAWS
DEFENDANT'S MOTION TO SUPPRESS
(EVIDENTIARY HEARING REQUESTED)

17 NOW COMES DEFENDANT, *Ray Hanna* by and through
18 counsel undersigned, and moves this Court to suppress all evidence seized and statements obtained
19 on the grounds that M *[redacted]* was detained and arrested without reasonable suspicion or probable
20 cause, pursuant to the Fourth Amendment of the United States Constitution, and Article II, Section
21 8 of the Arizona Constitution. Consequently, any evidence seized and statements obtained must be
22 suppressed. The attached Memorandum of Points and Authorities provides further support for this
23 motion.

24 RESPECTFULLY submitted this 23rd day of January, 2019.

25 *Ray Hanna*
26 Ray Hanna, Esq.
27 Deputy Public Defender

28  COPY
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APR 25 2019
MLC

1 I FACTS:

2 On March 23, 2018, United States Border Patrol Agent S. Gatewood was driving northbound
3 on Avenue 20E near County 7th Street, when he encountered a blue Honda Accord that Officer.
4 Nismark reported seeing enter Dome Valley. The Dome Valley area is a route from west to east
5 through Yuma County that by-pass the Interstate 8. It would add time to a normal commute.
6

7 The officer reported that the single male passenger appeared to be "laid back low in the
8 driver's seat" and that "the driver appeared relaxed but turned his head away from my direction as
9 we met at the intersection of County 7th and Avenue 20E". (Off. Gatewood Form I44, page 3 of 5)

10 A short while later the vehicle exited Dome Valley on the southeastern side and the officer called
11 the checkpoint at mile marker 17 and requested for a K-9 to head to his direction due to the unusual
12 and suspicious behavior of the driver. The officer effected a traffic stop at approximately 1142
13 hours on Old 80 near Avenue 23E. (Off. Gatewood form I44 page 4 of 5)

14 The K-9 officer arrived at 1203 hours (Off. Delgado I44, page 1 of 1) Numerous items of
15 counterband were uncovered, and [redacted] was turned over to local authorities for investigation
16 and prosecution.
17

18 II. LAW AND ARGUMENT:

19 THE POLICE CONDUCTED A WARRANTLESS ILLEGAL STOP AND SEARCH OF
20 SANDER AND HIS VEHICLE BASED ON LELSS THAT REASONABLE SUSPICION OR
21 PROBABLE CAUSE TO BELIEVE THAT THIS MAN HAD COMMITTED A CRIME.

22 A traffic stop of a motor vehicle is a "seizure" for purposes of the Fourth Amendment. United
23 States v. Cortez, 448 U.S. 411 (1981), State v. Gonzalez-Gutierrez, 187 Ariz. 116, 927 P.2d 776
24 (1996) Officers need reasonable suspicion that the driver has committed an offense. Berkemer v.
25 McCarty, 468 U.S. 420, 104 S.Ct.3138 (1984)

26 ...
27
28

1 When Officers make traffic stops based on facts that neither constitute a violation of the law
2 nor constitute reasonable grounds to suspect the driver has committed an offense, they run afoul of
3 the Fourth Amendment requirement that they possess objectively reasonable grounds for the
4 intrusion. *United States v. Mariscal*, 285 F.3rd 1127 (9th Cir. 2002), *United States v. Lopez-Soto*,
5 205 F3d 1101 (9th cir. 2000) The Fourth Amendment protects against unreasonable searches and
6 seizures. Under this standard, the officer must possess “a particularized and objective basis for
7 suspecting the particular person stopped of criminal activity.” *Id.*

8
9 In this case, the officers do not even assert a purported traffic violation. In fact, the only
10 factual bases alluded to in the detaining officer’s I44 was the seating position of the driver, that he
11 turned his head away from the officer, and that this route (which takes longer) by taking this route
12 allows “smugglers can continue their illegal activity with little, to no presence of law enforcement”
13 (Off. Gatewood Form I44 page 3)

14
15 Although generally speaking the subjective motives of an officer do not invalidate an
16 otherwise lawful traffic stop [not even alleged to have occurred here] (*Whren v. United States*, 517
17 U.S. 806, 116 S.Ct. 1769 (1996)), officer’s ulterior motives for the stop would be relevant to the
18 officer’s credibility on the threshold question of whether he had actually witnessed a traffic
19 violation. Arizona rules of evidence explicitly permit such an inquiry, *Ariz. R. Evid. 607, 17*
20 *A.R.S., State v. Ramos*, 108 *Ariz.* 36 (1972).

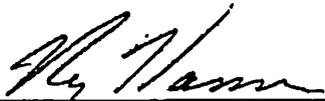
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22 In *State v. Maldonado*, 64 *Ariz.* 471, 793 P.2d 1138 (App. Div. 2 1990), the Court held that
23 vehicle stop by Border Patrol Agents was not reasonable where their suspicions were based on make
24 and cleanliness of the vehicle, nationality of the occupants, their clothing, lack of conversation
25 between occupants, and the driver’s avoidance of eye contact with the officer. The Arizona
26 Supreme Court has held that an investigatory stop must be based on particularized or founded
27 suspicion and does not include a weighing of the officer’s “unparticularized suspicions or hunches”
28

1 about a suspect or situation. A hunch is not enough. A stop based on the officer's hunch and little
2 more than the person's race or ethnic background is illegal and unconstitutional. Id. How a person
3 sits in an automobile and turning his head away from officers is even less reasonable suspicion.

4 While the detention of N from 1142 to 1203 when the K-9 officer arrived is also
5 an objectively unreasonable time, but the initial detention is without either reasonable suspicion or
6 probable cause.

8 III. CONCLUSION.

9 In the instant case, the stop mid-day, Friday, March 23, 2018, Officer Gatewood stopped
10 for sitting low in his automobile and turning his head away from him, in an area that
11 bypassed the I-8 Checkpoint, that had little, to no presence of law enforcement. The stop was illegal
12 without reasonable suspicion or even a purported traffic violation. Accordingly, any evidence
13 seized based on this impermissible seizure, must be suppressed.

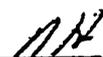
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15 
16 _____
17 Ray Hanna
18 Deputy Yuma County Public Defender

19 Copy of the foregoing delivered
20 This 30th day of January 2019, to:

21 Honorable David Haws
22 Yuma County Attorney

23 Dallin C. Marcy, Deputy Yuma County Attorney

24 Ray Hanna, Deputy Public Defender

25 By: 

26
27
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