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LEGAL NEWS

A World Away



PHOTO COURTESY OF DLA PIPER

Pictured in the photo above are Matthew Saunders, left, who is a partner in London and head of the firm's international arbitration group, Dr. Gerald Ndika, middle, is the principle of the Law School of Tanzania, and Justice Robert Vincent Makaramba who is the Chief Judge of the High Court of Tanzania, Commercial Division. Judge Makaramba gave opening remarks at the opening ceremony, as did Dr. Ndika.

BY CHRIS GILFILLAN

Mark Nadeau's day would begin on the coast of the Indian Ocean. He'd pass harbors, ships and the occasional embassy.

An unpaved road would lead him into the center of Tanzania's major city, Dar es Salaam, where the vans would pass streets with no curbs, no gutters and houses with no infrastructure.

Entering a walled compound, he would arrive at Tanzania Law School—a multi-storied alabaster structure with windows that flow up to the roof—where he, along with other attorneys from DLA Piper, LLC, taught rooms full of Tanzanian attorneys eager to learn drafting techniques for cross-border international transactions.

That was Nadeau's reality last month as part of DLA Piper's New Perimeter, a program committed to an interdisciplinary approach to aiding countries in their work toward further development, with a special emphasis on cooperation with DLA Piper clients, academic institutions, and NGOs to accomplish their transformational goals.

The program in eastern Africa was organized in part by Tanzania's Supreme Court and the Attorney General in response to the millions of dollars other nations have invested

in the country of more than 45 million people.

"The reason we're there is that the government understands that it has to move to a next level up in terms of sophistication to encourage further and legitimate investment in its country," Nadeau said after returning. "The companies who come there cannot afford to do so if the risk of investment is such that they could lose intellectual property, products, or commodities because there's no legal forum to redress it. People need some sort of certainty in transactions while they deal with each other."

Nadeau said that the classes focused on real-world scenarios—like drafting documents for an offshore oil platform or for extracting natural gas—and how to apply the correct clauses, engage in responses to a request for proposal, and execute the contracts and services for a negotiated resolution.

"The deal here is that this is a nation with a true bent toward legitimacy engaging with companies from all over the world to build the infrastructure and improve services, and, of



Nadeau

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LEGAL NEWS

Southwestern border states lead the nation in immigration cases

BY THE RECORD REPORTER

Data released from the U.S. Courts reported that the Southwestern border courts continued to lead in immigration cases across the nation.

Defendants charged with immigration offenses constitute 27 percent of all federal criminal defendant filings nationwide, a total of 25,328 filings in the fiscal year of 2012. However, just five southwestern border district courts—the district of Arizona, the Southern and Western Districts of Texas, the Southern District of California and the District of New Mexico—account for 74 percent of all defendant filings.

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Cases

Arizona cases commenced by criminal defendants — by offense:

Violent offenses:	
Homicide	32
Robbery	12
Assault	115
Other violent offenses	30

Property offenses:	
Burglary	49
Embezzlement	12
Fraud	555
Forgery and Counterfeiting	20
Other property offenses	4

Drug Offenses:	
Marijuana	2,377
All other drugs	502

Immigration-related offenses:	
Improper reentry by alien	3,145
Other immigration offenses	393

Other offenses:	
Firearms and Explosives offenses	208
Sex offenses	85
Justice System offenses	37
General offenses	31
Regulatory offenses	74
Traffic offenses	3

DLA Piper

Continued from Page 1

course, to extract some of the wealth from the land and the people," said Nadeau. "So the attorneys involved are all learning how to work on international arbitration disputes."

Nadeau was in Tanzania as an active sup-

porter of DLA Piper's New Perimeter pro bono legal support nonprofit, which aims to provide long-term, high-impact legal support to qualifying nonprofit organizations, governments and academic institutions primarily in less developed and post-conflict countries.

While Nadeau said the classes focused on the nuts and bolts of transactions that have a lifespan guided by the document, the benefit of the visit could bring decades of legal sophistication to the country.

"You're taking the legal education that we've been honored to get over the years and trying to leave it like an apple seed," Nadeau said. "You'll never know who you might have impacted. You'll never know exactly what the consequence will be of a particular day or moment in teaching these courses, but you can be hopeful that the word starts to spread and that somebody there [in Tanzania] carries it forward and things get better in that country. In some small way, if we help them along and things get better for those children and women and men that you see sitting in poverty, hallelujah that's a home run."

Nadeau said New Perimeter's mission of bringing legal sophistication to impoverished nations is unique, and that the program also goes to places like Guyana and Mexico. And at the end of the day, he said the benefit is helping people.

"At some level or another, it's important for us to remember and get it through our thick skulls every now and then, just to know how good we've got it. And many of us can complain about so many things in our lives and being here takes you back to the basics. It takes you back to what really matters. And it also goes beyond governments; it goes to people, and that is important."



"The reason we're there is that the government understands that it has to move to a next level up in terms of sophistication to encourage further and legitimate investment in its country."

Mark Nadeau,
DLA Piper, LLC

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ARIZONA COURT OF APPEALS OPINION

Mendota v. Gallegos

The Arizona Court of Appeals affirmed a ruling from the Superior Court of Maricopa County that held that a person who is a "resident" of the same "household" as an insured is covered under a Mendota Insurance Company policy covering uninsured motorists.

In this case, a pair of brothers lived in the same home in Peoria until one of the brothers rented a room at a friend's house. That same brother, Martin, also stayed "five out of seven nights" at his girlfriend's apartment, but continued to have sit-down meals at his Peoria home, where he spent his weekends, did laundry, and received his mail.

During this period where Martin maintained the three living spaces, he applied for an automobile insurance policy, identifying the Peoria home as his residence. The policy covered family members, which were defined as people

"related to [the name insured] by blood, marriage or adoption who is a resident of [the named insured's] household." The policy did not define "resident" or "household"

opinion by Judge Patricia Norris said. "He maintained close, intimate, and familial relationships with Eric and Mother there, and maintained a household with them. Given the totality of the circumstances, the superior court did not abuse its discretion in finding Martin maintained his household at the Peoria home."

The court also reasoned that because the pair saw each other a few times a week and socialized in the house, Eric was a resident of Martin's household.

Mendota also argued that public policy considerations should require an opposite result, and the court disagreed.

"Especially when the phrase 'resident of [the named insured's] household can encompass a variety of arrangements, it is reasonable to expect an insurance company to draft that policy provision with more detail and precision to avoid uncertainty when applied to real-world situations," the opinion said.

The opinion was concurred by Arizona Court of Appeals Judge Andrew Gould and Judge Randall Howe.

Mendota was represented by Bryan Murphy,