



PINAL COUNTY
wide open opportunity

Offer and Acceptance

Pinal County
Finance Department
31 N. Pinal St.
Bldg. A
P.O. Box 1348
Florence, AZ 85132

OFFER AND ACCEPTANCE FORM

TO PINAL COUNTY:

The undersigned hereby offers and agrees to furnish the material, service, or construction in compliance with all terms, conditions, specifications, and amendments in the Solicitation.

Authorized Signature _____ Member Title _____

Fredda Bisman _____ 3/29/2016 _____
Printed Name Date

Company Name Telephone _____
1850 N. Central Ave. Suite 1400 _____
Address City, State, Zip Phoenix, Az 85004

For clarification of this offer, contact:

Name: Fredda Bisman Phone: 602.285.5047 Fax: 602.285.5100

Email: fbisman@dickinsonwright.com

ACCEPTANCE OF OFFER (For Pinal County Use Only)

The offer is hereby accepted and the Responder is now bound to sell or provide the materials, services, or construction as indicated by the Purchase Order or Notice of Award and based upon the solicitation, including all terms, conditions, specifications, amendments, etc. and the Offer as accepted by Pinal County.

The contract is for: Specialty Legal Services

This contract shall henceforth be referenced to as Contract No. ROQ-151721. The Offeror is cautioned not to commence any billable work or to provide any material or service under this contract until Offeror receives an executed purchase order or notice to proceed.

Awarded this 1st day of June 2016.

Todd House _____ Chairman _____
Name (Print) Title Signature

Approved as to form: _____
Pinal County Attorney's Office



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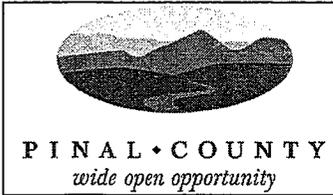
OFFER AND ACCEPTANCE FORM – Page 2

By signing the previous page of the Offer and Acceptance Form, Responder certifies:

- A. The submission of the bid did not involve collusion or other anti-competitive practices.
- B. The Responder shall not discriminate against any employee or applicant for employment in violation of Federal Executive Order 11246.
- C. The Responder has not given, offered to give, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the Submittal.
- D. The Responder certifies that it complies with Executive Order 12549 related to Federal Government Debarment and Suspension (see 4-7)
- E. The Responder certifies that the individual signing the bid is an authorized agent for the Responder and has the authority to bind them to the contract.

Dickinson Wright PLLC
Firm

Authorized Signature



ROQ – 151721
Specialty Legal Services

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Florence, AZ 85132

PROFESSIONAL SERVICES CONTRACT

This Contract for Professional Services (the "Contract") is made as of the latest date beneath the executions appearing at the end of the Contract, by and between:

("Contractor"), with its principal place of business at (address)

AND

Pinal County ("County"), with its principal place of business at 31 North Pinal Street, Florence, AZ 85132.

SECTION 1. PURPOSE AND SCOPE

1. Contractor will furnish to the Customer by this Contract Professional Service(s) listed in the Statement of Work of the ROQ.
2. All pricing quoted in Schedule A: Pricing Supplement is valid for the term of the Contract.

SECTION 2. TERM

This Contract is effective from the date on which it is executed and will remain in effect for one year with four automatic one year renewal periods unless earlier terminated by mutual Contract of the parties.

SECTION 3. PRICING AND PAYMENT TERMS

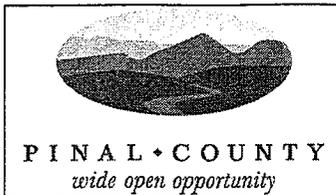
All pricing and terms associated with this professional service requested are specified on Schedule A of the Supplement.

SECTION 4. INSURANCE

Without limiting any of the Contractor's liabilities or other obligations, Contractor shall provide and maintain the insurance coverage listed in Section 7 of the Special Terms and Conditions, as well as the coverage listed below. Such coverage shall remain in full force and effect until obligations under this Contract are satisfied. At a minimum the professional liability insurance shall be kept in force at least two years after final payment to Contractor.

1. Professional Liability insurance covering errors and omissions arising out of the work or services performed by Contractor or any such person employed by him with a minimum limit of not less than One Million Dollars each claim.

All insurance shall be maintained with responsible insurance carriers qualified to do business within the State of Arizona.



ROQ – 151721
Specialty Legal Services

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Excepting the worker's compensation coverage, insurance certificates shall endorse Contractor as insured and Customer, its officials, employees and agents as additional insured and shall stipulate that the insurance afforded Contractor shall be primary insurance and that any insurance carried by Customer, its officials, employees or agents shall be excess and not contributory insurance to that provided by Contractor.

Certificates of insurance acceptable to Customer shall be issued to Customer prior to commencement of the Project as evidence that policies providing the required coverages, conditions and limits are in full force and effect. Such certificates shall contain provisions that coverage afforded under the policies will not be canceled, terminated or materially altered until at least thirty (30) days prior written notice is given to the Customer.

SECTION 5. SUBCONTRACTOR INSURANCE

In addition to insurance coverage required of Contractor, as set forth above, Contractor shall require insurance coverage in the same amounts from its Subcontractors on behalf of the Customer and Subcontractor shall comply with the paragraph entitled "Insurance" above, except certificates of insurance shall be issued and delivered to Customer prior to Subcontractor's performance under this contract.

SECTION 6. INDEMNIFICATION

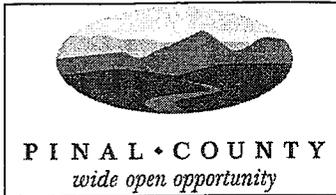
In addition to the requirements in Section 6.2 of the Uniform Terms and Conditions, Contractor shall indemnify, defend, save and hold harmless Customer, its officials, employees and agents, from any and all claims, demands, suits, actions, proceedings, loss, costs and damages of every kind and description, including attorney's fees, litigation expenses and/or arbitration expenses, which may be brought or made against or incurred by Customer on account of loss of or damage to any property or for injuries to or death of any person, caused by, arising out of, or contributed to, by reason of any omission, professional error, fault, mistake or negligent act, whether active or passive, of Contractor, its employees, agents or representatives or Subcontractor, their employees, agents or representatives in connection with or incident to the performance of Contractor's employees and/or its Subcontractor's employees, or claims under similar such laws or obligations. Such indemnity shall not be limited by reason of remuneration of any insurance coverage herein provided. Such indemnity shall be required by Contractor from its Subcontractors on behalf of the Customer. Every provision of this indemnification paragraph shall survive the termination of this Contract.

SECTION 7. NOTICE OF CLAIM

Contractor is required to notify Customer of any claim filed against Contractor or Contractor's insurance company arising from services performed under this Contract within thirty (30) days of such filing.

SECTION 8. CLAIMS/LIMITATION OF ACTION

No action shall be maintained by Contractor, its successors or assigns, against Customer on any claim based upon or arising out of this Contract or out of anything done in connection with



ROQ – 151721
Specialty Legal Services

Pinal County
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31 N. Pinal St.
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P.O. Box 1348
Florence, AZ 85132

this Contract unless such action shall be commenced within one year of the termination of this Contract.

SECTION 9. CANCELLATION OR TERMINATION OF CONTRACT

The County may cancel or terminate this Contract as set forth in Sections 3.6, 3.15, 4.5 and 9 of the Uniform Terms and Conditions.

SECTION 10. INCORPORATION OF UNIFORM GENERAL TERMS AND CONDITIONS

The Contractor agrees that the county's Uniform General Terms and Conditions for this ROQ are incorporated herein as if they were recited in full. If the Contractor takes exception to any such Terms and Conditions, such exception is fully explained on Response Form 1 and is subject to acceptance in writing by the County.

SECTION 11. DISPUTE RESOLUTION

Any disputes between the Customer and Contractor shall be resolved under the Pinal County Purchasing Code's Contract Dispute Process. In the event of litigation over the performance of this Contract, the prevailing party shall be entitled to attorney's fees and costs incurred during the course of litigation. This Contract shall be governed by the laws of the State of Arizona. In the event of a suit filed by either Contractor or the Customer under this Contract, the venue of such suit shall be the Superior Court of the State of Arizona in and for the County of Pinal, Florence, Arizona.

SECTION 12. MISCELLANEOUS

- a) **Assignability.** This contract is non-assignable in whole or in part by either party without the written consent of both parties.
- b) **Authority of Signatory.** The individuals signing this Contract and any supplements, warrant that they have been duly authorized and vested with the power to do so on behalf of their entity.
- c) **Beneficiaries.** This Contract shall inure solely to the benefit of Contractor and Customer, and shall create no rights in any other person or entity.
- d) **Comparable Treatment.** All of the prices, terms, warranties and benefits granted by Contractor herein are comparable to or better than the equivalent terms being offered by Contractor to any similar situated customer.
- e) **Exhibits, Plats, Riders and Addenda.** All plats, riders, exhibits or addenda, if any, affixed to the Contract are a part hereof.
- f) **Force Majeure.** Neither party shall be deemed in default for any delay or failure to have fulfilled its obligations under this Contract due to causes beyond its control.



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ROQ – 151721
Specialty Legal Services

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- g) **General Compliance with Laws.** Contractor is required to comply with all applicable federal and state laws and local ordinances and regulations.
- h) **Headings.** The headings for each paragraph of this Contract are for convenience and reference purposes only and in no way define, limit or describe the scope or intent of said paragraphs or of this Contract nor in any way affect this Contract.
- i) **Incorporation of Documents.** All documents referred to in this Contract are hereby incorporated by reference into the Contract.
- j) **Independent Contractor.** Contractor acknowledges that it is an independent Contractor; that it alone retains control of the manner of conducting its activities in furtherance of the Contract; that it as well as any persons or agents as it may employ are not employees of the Customer; and that neither this Contract, nor the administration thereof, shall operate to render or deem either party hereto the agent or employee of the other.
- k) **Retention of Records.** The Contractor and any Subcontractor shall keep and maintain all records related to the Contract as set forth in Section 3.2 of the Uniform Terms and Conditions.
- l) **Severability.** If any part of the Contract shall be adjudged by any court of competent jurisdiction to be invalid, such judgment will not affect or nullify the remainder of the Contract.
- m) **Survival.** Not as a waiver of any remedies either party may be entitled to under this Contract, the "Indemnification", "Retention of Records", and "Dispute Resolution" provisions will survive the termination of the Contract.
- n) **Time of Essence.** Under the authority of the Contract, both parties understand that time is of the essence.
- o) **Waiver.** Waiver of any of the terms of this Contract shall not be valid unless it is in writing and signed by all parties. The failure of either party to enforce the provisions of this Contract or require performance by opponent of any of the provisions shall not be construed as a waiver of such provisions or affect the right of either party to thereafter enforce the provisions of the Contract. Waiver of any breach of the Contract shall not be held to be a waiver of any other or subsequent breach of the Contract.
- p) **Governing Law.** This Contract shall be governed by and construed in accordance with the laws of the State of Arizona as further described in Section 5-1 and 5-2 of the Uniform General Terms and Conditions.



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ROQ – 151721
Specialty Legal Services

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MODIFICATIONS to this Contract shall be in writing and signed by both parties.

IN WITNESS WHEREOF, the parties have executed this Contract for Professional Services as of the 1st day of June, 2016.

CONTRACTOR

Dickinson Wight PLLC

By: Shreddy Resine

Title: MEMBER

Date: 5/2/16

PINAL COUNTY

Todd House
Todd House, Chairman
Board of Supervisors

Date: 6/1/16

ATTEST:

Sheri Cluff
Sheri Cluff
Clerk of the Board

Approved as to Form:

Chris Keller
Chris Keller, Deputy County Attorney





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SCHEDULE A: PRICING SUPPLEMENT

The hourly rate of \$ See Below will be the rate for all authorized and approved Specialty Legal Services under this contract. This rate will include all costs associated with these services. (NOTE: Respondent may provide a table of costs based on expertise of employee i.e. Senior Partner, Partner, Senior Associate or Of Counsel, Associate, Paralegal, Administrative Support.)

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

Services	Hour Rate
Litigation	\$ 290
Non-Litigation	\$ 240



Responder's Checklist

Pinal County
Finance Department
31 N. Pinal St.
Bldg. A
P.O. Box 1348
Florence, AZ 85132

RESPONDERS CHECKLIST

	Yes/No
Did you sign your Offer sheet? <i>See Page 33 & 34 of this solicitation.</i>	
Did you acknowledge all addendums, if any? <i>See page 30. Any addendums would be posted on the Pinal County website on the Bids/Proposals page of the Finance/Purchasing Department.</i>	
Did you complete all required Response Forms? <i>Any Response forms would be posted on the Pinal County website on the Bids/Proposals page of the Finance/Purchasing Department.</i>	
Did you include your W-9 Form? <i>See page 31 of this solicitation.</i>	
Did you include any necessary attachments?	
Is the outside of your sealed submittal marked with the Solicitation #, Due Date and Time? <i>See page 1 for this information.</i>	NA
Did you include one original and the required number of copies? <i>See page 1 for the quantity.</i>	NA
Did you follow the order for submissions of documents? <i>See Section 3.4 – Offer format in the Special Instructions of this solicitation.</i>	
Did you include proof of insurance(s) if requested?	

	Response Form 1 ROQ-151721 Specialty Legal Services	Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132
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Responder Name: *Responder Response*

Responders shall complete the following Response Form, indicating their responses in the spaces provided. Additional pages may be added so long as they are clearly referenced in the spaces provided.

Please note: Any exception to the terms and conditions of the ROQ will not be accepted. Compliance to Terms and Conditions has been identified as an evaluation criterion for this solicitation.

Acceptability of Responses

Offers that do not include fully completed copies of Response Forms 1 and 2 may cause the entire offer to be deemed unacceptable and therefore non-responsive. Forms with incomplete or unacceptable responses will also be considered non-responsive.

1 Responders Profile

- 1.1 Provide the name of the person who will be the primary Respondent and the address for the primary servicing office. Please also include a resume for major assistants or staff.

Firm Name: Dickinson Wright PLLC

Mailing Address: 1850 N. Central Ave. Suite 1400

City: Phoenix AZ 85004 State: _____ Zip Code: _____

Representative Name: Fredda Bisman Member Title: _____

Phone Number: 602.285.5047 Fax Number: 602.285.5100

Email Address: fbisman@dickinsonwright.com

- 1.2 Provide the number of years local servicing office has been working with County/State Agency Clients.

30+ years

- 1.3 How many years of experience does the local Respondent have: 25+ years

- 1.4 How many years of experience does the key employee have: 30+ years

- 1.5 Will a Business Liaison be assigned to our account? Yes No

If yes, identify who: Fredda Bisman

	Response Form 1 ROQ-151721 Specialty Legal Services	Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132
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Liaison Phone: 602.285.5047

Liaison Email Address: fbisman@dickinsonwright.com

How many years of experience does Liaison have handling public entity clients? 25+ years

2 Areas of Practice

Respondent shall indicate the areas of practice they meet the mandatory requirements for (see Section 2.1 of Statement of Work).

Area of Practice	Check Yes or No	
	Yes	No
Appellate Practice	X	
Attorney conduct and professionalism	X	
Bond and disclosure counsel		X
Collections and bankruptcy	X	
Commercial transactions and litigation	X	
Construction litigation	X	
Contractual liability defense	X	
Election and voter registration law	X	
Eminent domain and relocation	X	
Environmental law		X
Federal and State taxation matters	X	
General governmental practice (open meetings, public records, etc.)	X	
General litigation	X	
Health care, including public health and managed care	X	
Housing	X	
Immigration law	X	



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**Response Form 1
ROQ-151721
Specialty Legal Services**

Pinal County
Finance Department
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Infrastructure design	X	
Insurance contracts	X	
Intellectual property	X	
Labor law and enforcement	X	
Land use	X	
Legislative matters	X	
Medical malpractice	X	
Mental Health	X	
Planning and zoning	X	
Probate litigation	X	
Property tax appeals, tax lien sales and foreclosures, Treasurer's matters	X	
Public contracts and procurement	X	
Public official liability	X	
Public fiduciary		X
Real estate transactions	X	
Road design, construction or maintenance liability	X	
Section 1983 civil rights defense	X	
Special taxing district law	X	
Tort liability	X	

	Response Form 1 ROQ-151721 Specialty Legal Services	Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132
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3 References

Please list a MINIMUM of three (3), preferably five (5), clients for whom you have performed services similar to the Statement of Work in this solicitation.

1. Company Name: Town of Queen Creek
Address: 22308 S. Ellsworth Rd. Queen Creek, Arizona 85242
Contact Person: Gail Barney | Mayor
Phone: _____ Email Address: _____
Project Name: _____

2. Company Name: Maricopa Integrated Health System
Address: 2601 E. Roosevelt, 2nd Fl. Admin Bldg | Phoenix, Arizona 85008
Contact Person: Louis Gorman, Esq. | District Counsel
Phone: 602.344.5011 Email Address: _____
Project Name: _____

3. Company Name: City of Scottsdale
Address: 3939 Drinkwater Blvd. | Scottsdale, Arizona 85251-4468
Contact Person: Bruce Washburn, Esq. | City Attorney
Phone: 480.312.2548 Email Address: _____
Project Name: _____

4. Company Name: City of Litchfield Park
Address: 214 W Wigwam Blvd. | Litchfield Park, Arizona 85340
Contact Person: Thomas L. Schoaf | Mayor
Phone: 602.254.5941 Email Address: _____
Project Name: _____

5. Company Name: City of Apache Junction
Address: 300 E. Superstition Blvd. Apache Junction, Arizona 85219-2825
Contact Person: R. Joel Stern, Esq. | City Attorney
Phone: 480.474.2604 Email Address: _____
Project Name: _____

 <p>PINAL COUNTY <i>wide open opportunity</i></p>	<p>Response Form 1 ROQ-151721 Specialty Legal Services</p>	<p>Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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4 Prior Experience

Please provide examples of projects previously conducted that are related to the work described in the ROQ. Description should include the client name, description of the type of work performed, approximate date the work was completed and the professional staff who participated. (Additional pages may be used if necessary)

Please See Attachment 1

5. Resumes

Please provide resumes for each professional who will assist in providing services or be a member of the project team. Resumes must include qualifications and experience of each professional. (Additional pages may be used if necessary)

Please See Attachment 2

End of Response Form 1 for ROQ - 151721 Specialty Legal Services

Appellate Practice

Dickinson Wright's Phoenix attorneys have substantial experience in civil appellate practice, both state and federal. Members of the firm regularly handle appeals before the Arizona Court of Appeals, the Arizona Supreme Court, the Ninth Circuit Court of Appeals, and the Bankruptcy Appellate Panel. Members of the Firm have also appeared in various other state and federal courts including The United States Supreme Court. We have successfully represented litigants in appellate matters involving a wide variety of legal issues including real property law, contract law, public law (including referenda, election matters and public works construction), condemnation, construction, family law, commercial transactions and bankruptcy.

Attorneys

Anne L. Tiffen
Gary L. Birnbaum
Michael S. Rubin
Michael R. Scheurich

Resumes for all attorneys can be found in **Attachment 2**.

Representative Matters

Client	Description	Date Completed	Attorney
U-Haul Co. of California	California Court of Appeals proceeding in class action business practices and employment law cases.	2013 (est.)	Gary L. Birnbaum Andrew L. Pringle Bradley A. Burns Vail Cloar
Maricopa County Special Health Care District	v. Arizona Public Integrity Alliance	Petition for Review pending in Arizona Supreme Court	Gary L. Birnbaum Andrew L. Pringle Bradley A. Burns Vail Cloar
City of Tempe	Flour Mill development agreement/litigation	On-going	Gary L. Birnbaum Anne L. Tiffen Andrew L. Pringle

Collections and Bankruptcy

Dickinson Wright has a well-established practice in bankruptcy law, secured and unsecured debt collection, and creditors' rights. The firm has extensive experience in representing institutional and private lenders, trade creditors, and creditors' committees in collection matters, bankruptcy proceedings, informal work-outs, receiverships, and reorganizations. The firm's clients have included financial institutions, leasing and lending companies, manufacturers, real estate developers, contractors, property owners, retailers, wholesalers, health care providers, and insurers. Members of the firm have represented creditors and debtors on trials and administrative proceedings in the United States Bankruptcy Court, in other state and federal courts, and before the Bankruptcy Appellate Panel.

Attorneys

Carolyn Johnsen
William Novotny
Kathryn Sanchez
Robert Shull

Client	Description	Date Completed	Attorney
Court-appointed in more than 25 state and regional cases in the last 10 years	Industries include real estate, hospitality, healthcare, manufacturing and retail	2005-2016	Carolyn Johnsen
Represented lenders in numerous real estate cases			
Liquidating trustee in several cases	Tasked with recovering assets and distributing proceeds to creditors		Carolyn Johnsen

Commercial Transactions and Litigation
General Litigation
Contractual Liability Defense
Attorney Conduct and Professionalism
Tort Liability
Section 1983 Civil Rights Defense
Insurance Contracts
Probate Litigation

Our trial lawyers are highly regarded for their aggressive strategy, tactics and stand-up advocacy that produces winning results in the courtroom. The firm's Litigation Group represents both plaintiffs and defendants in complex litigation, personal injury and wrongful death, insurance coverage disputes, professional and medical malpractice, claims against the government, including Section 1983 civil rights defense, and probate litigation

Our litigation practice and the trial lawyers who comprise it have received the highest recognition for excellence from national, regional and local organizations and publications, including:

- American College of Civil Trial Mediators
- American College of Trial Lawyers
- American Law Institute
- Benchmark Litigation®
- Best Lawyers in America®
- Chambers & Partners USA®
- College of Labor and Employment Lawyers
- International Society of Barristers
- Litigation Counsel of America
- National Defense Research Institute
- Southwest Super Lawyers®

In addition, our attorneys advise individuals and businesses (including insurance companies) on coverage questions involving general, public liability, property, automobile, construction, professional liability and title insurance policies, as well as fidelity and surety bonds. We also frequently assist in matters relating to responsibilities of insurers and their agents, including prosecuting and defending actions for declaratory relief, bad faith and breach of fiduciary duty.

Our attorneys are often called upon to render coverage opinions and to handle coverage litigation regarding all types of insurance, including automobile liability, comprehensive general liability, professional liability, excess/umbrella liability and health benefit coverage policies. Our insurance and personal injury attorneys frequently represent health insurers and third party administrators in defending bad faith claims arising under ERISA, as well as insurance companies in disputes with excess carriers. In the professional liability area, we have been retained by a number of the country's

largest insurers to represent many of the State's largest law firms in professional negligence cases. Our practice in this area extends to the representation of accountants, engineers and health care providers in professional negligence/malpractice actions as well.

Dickinson Wright is also a leader in advising on and enforcing commercial contracts. Our team of skilled lawyers negotiates and drafts the full range of documents required to protect our clients' rights.

Serving the day-to-day needs of hundreds of local, regional, national and international clients, we offer counsel on all facets of legal matters ranging from routine commercial contracts to large interstate and cross-border transactions and financing arrangements. We possess the depth and breadth of industry knowledge and legal experience as well as expertise needed to effectively and efficiently structure transactions to fulfill our clients' goals while limiting liability and assuring regulatory compliance and tax advantage.

Our Phoenix litigation attorneys have been recognized by Best Lawyers in America® as the "Lawyer of the Year" in the Phoenix area and "Beat The Company Litigation", Mediation, Arbitration, Legal Malpractice-Defense, Construction Law, Municipal Law and Eminent Domain and Condemnation Law, among other fields.

.Attorneys

Gary L. Birnbaum
J. Gregory Cahill
Scot L. Claus
Jerry Gaffaney
Michael J. Plati
Michael S. Rubin
Michael R. Scheurich

Resumes for all attorneys can be found in **Attachment 2**.

Representative Matters

Client	Description	Date Completed	Attorney
Maricopa Integrated Health Systems (v. Magellan Health Services)	Public records litigation, intellectual property, commercial litigation. Regional behavioral health authority award of contract	2015	Gary L. Birnbaum Bradley A. Burns Mitesh V. Patel

Institutional trustee (Probate Litigation)	Litigation brought by a trust beneficiary for breach of fiduciary duty, involving claims of undue influence and lack of testamentary capacity.	Current	Michael S. Rubin
Various attorney clients (Attorney Conduct and Professionalism)	Representation in several State Bar of Arizona disciplinary matters	Ongoing	Michael S. Rubin
Town of Queen Creek (Commercial Contracts)	Reviewed and revised Cox Communications franchise agreement	2016	Spencer W. Cashdan
Several clients (Tort Liability)	Lawsuits involving negligence, common law fraud, securities fraud, conversion and breach of fiduciary duty		Michael S. Rubin

**Construction Litigation
Infrastructure Design
Road Design, Construction and Maintenance Liability**

The Construction Law Group handles all facets of construction industry disputes and transactions including representation of owners, developers, contractors, suppliers, bonding companies and design professionals in drafting of contracts and preparing, pursuing, defending and resolving construction claims.

Members of the firm have also been engaged by state and municipal governmental agencies to represent their interests on various public works projects. Furthermore, as a consequence of our active involvement with construction claims, we have had the opportunity to frequently work closely with numerous local and national claims consultants.

Members of the firm are actively involved in claims resolution through the court system, arbitration, mediation and other ADR procedures. The firm has represented clients in virtually all aspects of construction disputes (including matters involving bid bonds, performance and payment bonds, and license bonds). The broad range of public and private projects with which the firm has been involved includes the construction of various waste treatment facilities, schools, auditoriums, prisons, jails, parking facilities, office buildings, apartments, hotels, motels and shopping centers throughout the states of Arizona, California and Nevada; the renovation and expansion of a major hotel in Tyson's Corner, Virginia; bid protests on numerous public works projects (with the State of Arizona, school districts, City of Scottsdale, City of Phoenix, City of Tempe, City of Mesa, City of Chandler, City of Tucson, and other political subdivisions), construction of municipal buildings, including office buildings, prisons and jails; the rehabilitation, expansion and converter modification at copper mines; and design, construction and modification of petrochemical facilities. Our work has involved Indian Land Development Bonds, Industrial Development Authority projects, Miller Act suits and Arizona Little Miller Act suits.

Attorneys

Gary L. Birnbaum
J. Gregory Cahill
Richard A. Friedlander
Scott A. Holcomb
Michael J. Plati
Stephen E. Richman
James S. Rigberg
Michael S. Rubin
Robert A. Shull
Denise H. Troy

Resumes for all attorneys can be found in **Attachment 2**.

Representative Matters

Client	Description	Date Completed	Attorney
City of Sedona	Litigation v Yellow Jacket Drilling, a contractor hired to drill test wells, over increased costs caused by alleged differing site conditions. Prevailed via summary judgment in lower court. The opponent's appeal is still pending	Pending	Stephen E. Richman Bradley A. Burns Anne L. Tiffen
Large municipality	Claim evaluation and pursuit against a manufacturer/installer of water filtration membrane system in city's clean water treatment plant. We are coordinating with city water engineering staff, outside consultants and city attorney.	Ongoing	Stephen E. Richman Todd A. Baxter

**Eminent Domain and Relocation
Land Use
Planning and Zoning**

Dickinson Wright's ("DW") Phoenix, Arizona office has one of the most experienced and knowledgeable group of eminent domain practitioners in the State of Arizona. DW's eminent domain practice is led by Gary Birnbaum, who has nearly 40 years of experience in handling eminent domain matters, and who, as a member of the adjunct faculty at the Sandra Day O'Connor College of Law at Arizona State University, has taught courses on eminent domain, regulatory takings and the appraisal of real estate for more than a decade. Mr. Birnbaum has been a contributing author of The Law of Eminent Domain: A 50 State Survey© published by the American Bar Association and the leading treatise, Nichols on Eminent Domain©. For approximately the past 30 years, DW's eminent domain practice has included James Braselton, a former registered professional (civil) engineer, who brings a unique background and skill set to the practice. More recently, Messrs. Birnbaum and Braselton have been assisted by four (4) associates: David Ferrucci, Bradley Burns, Mitesh Patel and Vail Cloar, each of whom has developed a working knowledge in the practice of eminent domain. Mr. Birnbaum (twice) and Mr. Braselton have each been selected "Lawyer of the Year" on Eminent Domain and Condemnation Law by Best Lawyers in America©

Perhaps the most unique attribute of DW's eminent domain practice is that its attorneys regularly represent both condemning authorities ("condemnors") and landowners whose properties are the subject of acquisition ("condemnees"). Illustrative of the condemnor clients DW's eminent domain team has represented, and the types of matters involved, are the following:

- (1) The Arizona Board of Regents (acting for and on behalf of Arizona State University), in connection with its acquisition of the nine (9) remaining fraternity-owned parcels of land on ASU's Tempe campus;
- (2) The Maricopa County Stadium District in connection with the acquisition of more than 20 separate parcels of land needed as the site for the former Bank One Ballpark, now known as Chase Field. These acquisitions involved complex and unusual relocations of existing businesses and three jury trials;
- (3) The City of Tempe in connection with the acquisition of multiple parcels of property needed to facilitate construction of the light rail train system through the City's downtown area and through the northern portion of ASU's Tempe campus;
- (4) The City of Mesa in connection with the acquisition of more than 10 parcels of property needed for construction of the light rail system along Main Street, through the City's downtown area;

- (5) The Town of Queen Creek in connection with right of way needed for construction of what is now called the "Ellsworth Loop Road" system;
- (6) The City of Scottsdale in connection with many different acquisitions both in the downtown area and in the far northeast portion of the City, including acquisition of land for the establishment and expansion of the McDowell Mountain Regional Park and the construction of Drinkwater Boulevard through the center of the City;
- (7) The Town (now City) of Buckeye in connection with the acquisition of so-called "odor easements" required for construction/expansion of the municipal wastewater treatment plant; and
- (8) Pinal County, in connection with the acquisition of property rights needed to confirm public ownership of a roadway that provided the sole access to and from the western boundary of the Town of Dudleyville.

On the condemnee side, Messrs. Birnbaum and Braselton have represented literally hundreds of private property owners in connection with right of way acquisitions by the Arizona Department of Transportation ("ADOT") for the urban freeway system that has been constructed by ADOT in the Valley of the Sun over the past 30+ years. Those matters include representation of:

- 1) The owners of what is now known as the San Tan Village Mall in Gilbert, Arizona, in a case involving the acquisition of more than 100 acres of their property for construction of a segment of State Route 202;
- 2) The owner of Chandler Fashion Center, in connection the State of Arizona's acquisition of a substantial portion of its property as right of way for State Route 202;
- 3) The owners of many parcels of property needed for construction of State Route 303 in the West Valley;
- 4) The owner of Goodyear Marketplace, whose property was taken for use as the site of a large, regional storm water retention basin that was built by ADOT as part of the freeway-to-freeway interchange of Interstate 10 and SR 303;
- 5) Currently, DW's attorneys represent the owners of many parcels of property – including Home Owners Associations and a large Community Church – whose properties are being taken as right of way for the South Mountain Freeway, the last segment of SR 202 to be constructed in the Phoenix area.

In addition to the ADOT takings described above, Messrs. Birnbaum and Braselton have represented private property owners in connection with eminent domain matters in which Maricopa County, the City of Phoenix, the City of Chandler, the City of Tucson, the Flood Control District of Maricopa County, Salt River Project and Arizona

Public Service were the acquiring entities. On the condemnor side, The Firm currently represents the City of Yuma in connection with its acquisition of property needed for expansion of the highest traffic volume intersection located in the that municipality, including the site for a much-needed retention basin that will relieve flooding in the area.

In sum, DW's Phoenix office has been involved in almost all of the significant public projects in the Phoenix area (and also a number in the Tucson area, in the City of Sedona, and elsewhere) that have been constructed during the past 30+ years. Equally important, Its eminent domain practitioners have developed their experience and gained expertise via a balanced practice, in which they have represented parties on both sides of these cases, and are recognized speakers, authors, teachers and active trial attorneys on the eminent domain field. That experience enables DW's attorneys to provide an unusually objective case analysis and assessment that is of particular value to clients who desire to achieve an optimal result in the context of an increasingly expensive and time-consuming judicial system.

Attorneys

Gary L. Birnbaum
Fredda J. Bisman
James T. Braselton

Resumes for all attorneys can be found in **Attachment 2**.

Other Representative Matters

Client	Description	Date Completed	Attorney
City of Mesa	Land use agreements for EastMark (General Motors Proving Grounds)		Gary L. Birnbaum James H. Patterson
Vintage Partners	Development agreements	Current	Gary L. Birnbaum James H. Patterson
Red Development	Development agreement for CityScape, a mixed-use project	Ongoing	Gary L. Birnbaum James H. Patterson

Federal and State Taxation Matters
Property Tax Appeals, Tax Lien Sales and Foreclosures, Treasurer's Matters

Our tax lawyers routinely work with members of the Firm's other legal practice groups and industry task forces, addressing the tax aspects of real estate and transactional matters, commercial litigation, financial activities, compensation and employee benefits, foreign and domestic operations, and day-to-day compliance with tax laws. A more comprehensive sampling of our tax specialists' areas of expertise and activities for public entities include the following:

- Representation of municipalities in property tax valuations and disputes
- Federal tax issues in connection with issuance of State and local bonds
- Public employee retirement and benefit plans

Our Senior tax attorney in Phoenix (Les Raatz) has been selected by Best Lawyers in Arizona® as the "Lawyer of the Year" for the Phoenix area on Tax Law (Estate Planning).

Attorneys

Gary L. Birnbaum
Robin L. Miskell
David J. Ouimette
Les S. Raatz

Resumes for all attorneys can be found in **Attachment 2**.

Representative Matters

Client	Description	Date Completed	Attorney
Cities of Scottsdale/Chandler and Towns of Paradise Valley and Gilbert (v. Cox)	Transaction privilege tax litigation	2011	Gary L. Birnbaum David J. Ouimette

**General Governmental Practice
Election and Voter Registration Law
Legislative Matters
Public Official Liability
Special Taxing District Law**

While the firm is, like several others in Arizona, a fully qualified general civil practice law firm, we regard our firm as being unique in our ability to provide quality legal services at reasonable expenses to political subdivisions.

The firm serves as Town Attorney for the Town of Queen Creek and the City of Holbrook, and as a special council to many large and small municipalities. We are also General Counsel to the Maricopa Association of Governments (MAG) and the Northern Arizona Intergovernmental Transportation Authority (NAIPTA). We provide a full range of legal services to these entities. We attend all meetings of the Town Councils and to the governing bodies of MAG and NAIPTA, and provide legal advice on a regular basis to the Council, Town/City Manager/Director and staff. We assist in the preparation of notices and agendas for public meetings and executive sessions, attend staff meetings, assist with code enforcement issues, draft ordinances and resolutions, assist in the negotiation and drafting of development agreements and other contracts, and provide training in such areas as the Open Meeting Law, conflicts of interest, and public records. Upon request we have reviewed and suggested revisions to the personnel policies and procurement procedures followed by our municipal clients.

We also represent governmental entities that have their own in-house legal departments. Our governmental clients include the State of Arizona, several counties and municipalities, as well as school districts and community colleges. Members of the firm have represented the City of Scottsdale in acquiring property for that City's McDowell Mountains Preserve and in negotiating the development agreements for two of the Valley's largest regional shopping centers. Other municipal clients include the Town of Paradise Valley, the Town of Gilbert, the City of Mesa and the City of Sedona. We have also represented the Maricopa County Board of Supervisors in a number of highly-publicized cases, including budget litigation with the Maricopa County Sheriff's Office and in eminent domain proceedings arising out of the Bank One Ballpark project. We have also represented the Coconino County Board of Supervisors (in a dispute involving several school districts in that County) and the Mohave County Board of Supervisors (in a dispute with the County courts).

The firm also frequently represents clients who appear before governmental agencies. Because of the broad scope of our practice, we are constantly dealing with, and appearing before, public bodies, including the Arizona Corporation Commission, the Arizona Department of Environmental Quality, the Registrar of Contractors, the Arizona Liquor Licensing Board, the Arizona State Procurement Office, and various city and county agencies, including the Phoenix City Council. We have also represented clients in a variety of disputes involving school districts and have appeared in front of several school boards, including the Navajo County Community College District a/k/a Northland

Pioneer College, the Madison School District, the Paradise Valley School District, the Phoenix Union High School District, the Deer Valley School District, and the Maricopa County Community College District.

The breadth of our expertise and the quality and experience of our attorneys make us uniquely qualified to assist governmental bodies in meeting their diverse legal needs and to represent clients who appear before public agencies at all levels. Our Phoenix-based members include the former City Attorney of the City of Scottsdale and the former City Attorney of the City of Tempe.

Lawyers

Gary L. Birnbaum
 Fredda J. Bisman
 Fred Fathe
 James T. Braselton
 D. Samuel Coffman
 Mitesh Patel
 Marlene A. Pontrelli
 Anne L. Tiffen
 Denise H. Troy
 James Ullman

Resumes for all attorneys can be found in **Attachment 2**.

Representative Matters

Client	Description	Date Completed	Attorney
Spur Cross Ranch	Creation of conservation area, agreements creating area and for management of area by county	Approximately 2001-2002	Gary L. Birnbaum Fredda J. Bisman
Maricopa County Integrated Health System (Special Taxing Districts)	Various litigation matters, including the classification of MIHS as a tax-levying public improvement district and the purposes of such a district.	2015-ongoing	Gary L. Birnbaum Mitesh V. Patel Vail Cloar
City of Peoria (Election and Voter Registration Law)	Primary election challenge	2014	Michael S. Rubin

Health Care/Medical Malpractice

The Healthcare Group has extensive experience in representing hospitals, medical staff, physicians (individually, and in groups) nursing care institutions, out-patient treatment clinics, preferred provider organizations, physician hospital organizations and third party administrators. Our attorneys have drafted hundreds of contracts for these clients, while advising them on everything from antitrust to zoning.

Our health care practice includes assisting in the purchase and sale of health care institutions and systems, including hospitals and nursing homes, as well as representation of various health care providers in connection with the issuance of more than \$200 million in tax-exempt bonds. In addition, we represent hospitals and developers in all aspects of development and leasing medical office buildings.

In the medical malpractice are, we represent hospitals, medical staff and individual physicians in medical staff disciplinary proceedings and before state licensing and regulatory agencies, assist in implementing and analyzing Medical Staff Bylaws and Rules and Regulations.

Our attorneys represent provider network organizations, group practices and individual physicians in all areas of managed care contracting (from negotiation of contracts to enforcement litigation) and network selection and deselection. We also represent group practices and individual physicians in negotiating, drafting and enforcing employment and independent contractor agreements, including providing advice on alternative compensation methods and the enforceability of various types of restrictive covenants. In addition, our attorneys represent non-profit/tax exempt organizations in transactions designed to ensure preservation of their tax exempt status and avoidance of intermediate sanctions.

Lawyers

Frederick M. Cummings
Charles S. Price
Les Raatz
Marki A. Stewart

Resumes for all attorneys can be found in **Attachment 2**.

Representative Matters

Client	Description	Date Completed	Attorney
Maricopa County Special Health Care District	v. Arizona Public Integrity Alliance	Petition for Review pending in Arizona Supreme Court	Gary L. Birnbaum Andrew L. Pringle Bradley A. Burns Vail Cloar

Maricopa Integrated Health Systems (v. Magellan Health Services)	Public records litigation, intellectual property, commercial litigation. Regional behavioral health authority award of contract	2015	Gary L. Birnbaum Bradley A. Burns Mitesh V. Patel
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Immigration Law

Dickinson Wright's immigration practice regularly assists clients with a wide variety of matters related to the international movement of personnel. Our team works closely with lawyers in the firm's other practice areas, such as tax, labor and employment (including employment discrimination), employee benefits, and entertainment law to assure that all immigration and related legal issues are addressed in the context of operations and transactions.

Our immigration team's areas of expertise include: visas, labor certification and permanent residence issues, as well as employment verification, federal investigations and immigration corporate compliance. We are particularly adept at:

- Advising on and assisting with immigration requirements applicable to transferees, investors, aliens of extraordinary ability, trainees, aliens with advanced degrees and skilled workers
- Advising on the types of visas to best serve our clients' needs for foreign and domestic operations, mergers, acquisitions, corporate restructurings and divestitures, and maintaining post-transaction work authorizations of foreign nationals • Advising entertainers, artists, athletes, and other individuals in the arts/entertainment industry outside the U.S. on the requirements, classifications, and process of obtaining O and P visas
- Assisting clients with addressing immigration issues in the context of strategic planning and due diligence
- Coordinating global immigration and guiding clients through immigration application processes for nonimmigrant visas and green cards as well as permanent employment-based immigrant visas for multinational executives, managers, critical foreign employees, and their family members
- Counseling on the proper procedure to obtain visas, on legal admission to the United States and on the maintenance of legal status once admitted

Resumes for all attorneys can be found in **Attachment 2**.

Attorneys

Lisa Duran

Intellectual Property

The firm has a substantial practice in trademark registration and enforcement, which includes working with specialists in particular fields who assist clients in patent searching and registration. The firm also provides clients a broad variety of other intellectual property services, including copyright registration, software, patent and other intellectual property licensing, monitoring and enforcement. We routinely draft agreements to transfer and protect intellectual property and help clients establish comprehensive protection strategies. We also have significant experience in litigating intellectual property issues at all levels of proceedings, from the patent and trademark office appeals process to state and federal courts.

Lawyers

David G. Bray
Scot L. Claus
Frank G. Long
Charles S. Price
Randy S. Shoemaker

Resumes for all attorneys can be found in **Attachment 2**.

Labor Law and Employment

The Employment Law Group focuses on responding quickly to our clients' employment and labor problems, and resolving them in the most practical and cost-effective manner. We recognize that prevention is the most efficient and cost-effective way to handle problems in the workplace. To that end, our employment and labor attorneys emphasize counseling designed to prevent problems from ripening into expensive and time-consuming litigation. Our attorneys advise employers on a broad range of employment-related matters, including hiring, discipline, investigation of unlawful harassment, preventing and responding to claims of discrimination, wage and hour issues, classification of employees, implementing Family & Medical Leave Act policies, covenants not to compete, polygraph examinations, drug testing, termination, terms of employment, and review and drafting of employment policies and procedures, manuals and contracts.

In addition, we regularly handle and defend charges of discrimination before the Equal Employment Opportunity Commission and the Arizona Civil Rights Division, as well as equivalent agencies in other states. We have also periodically represented employers before other agencies, including the United States Department of Labor and the Arizona Industrial Commission.

Our attorneys have extensive experience in handling a wide variety of employment-related litigation in state and federal court, including cases involving claims of unlawful harassment, disability and other statutory discrimination, alleged breach of contract of employment, alleged wrongful discharge, fraud, defamation and other employment-related torts, claims for ERISA benefits, wage disputes, and alleged violations of restrictive covenants.

One member of our Employment Law Practice group currently serves as Adjunct Professor of Law at the Sandra Day O'Connor College of Law of Arizona State University, teaching Employment Law; and has served as an Instructor on Employment Law at the Keller Graduate School of Management, a member of the Editorial Review Board of the Arizona Labor Letter, and an author of the Arizona Employment Law Handbook.

Lawyers

David G. Bray
D. Samuel Coffman
Anne L. Tiffen
Denise H. Troy

Resumes for all attorneys can be found in **Attachment 2**.

Representative Matters

Client	Description	Date Completed	Attorney
Republic West Insurance	Federal court trial: gender-based employment case		Gary L. Birnbaum Anne L. Tiffen

Public Contracts and Procurement

The government is not just another customer. It is the largest single consumer of goods and services in the world, and its business activities are regulated by myriad statutes and regulations unlike anything in the commercial marketplace. Governments – particularly local governments – need a legal partner experienced at navigating the public sector and its regulatory framework.

Dickinson Wright lawyers guide clients through the complex web of rules and requirements applicable to government contracts. Our government contracts experience is broad and far-reaching. In addition to advising on the rules and requirements of day-to-day compliance and performance issues, we have advised and represented clients regarding procurement fraud investigations and enforcement; intellectual property and data rights and protections; contract claims; suspension and debarment; bid protests; M&A and other corporate transactions; employment compliance; general services administration schedules; commercial litigation; and federal grants.

Attorneys

Gary L. Birnbaum
Fredda J. Bisman
Scott A. Holcomb

Comment [F1]: Need attorneys

Representative Matters

Client	Description	Date Completed	Attorney
City of Glendale	Defense to challenge to Jobing.com Arena (now Gila River Arena) management agreement as allegedly violative of state and municipal procurement codes.	2013	Gary L. Birnbaum Andrew L. Pringle Bradley A. Burns

Real Estate Transactions Housing

The real estate industry is complex, involving a diverse mix of legal subjects that requires lawyers of different skills and specialties. Dickinson Wright is one of the few law firms with a sophisticated real estate practice that can provide the comprehensive legal support needed to meet any challenge a client might encounter. We create practice teams featuring lawyers from several disciplines, including corporate, finance, insurance, labor, litigation and tax law, capable of serving any client, from a single property owner to a Fortune 500 company.

Our real estate group is highly rated and respected among our peers and clients. But don't take our word for it. *Chambers USA* ranked our Phoenix real estate practice as "Band 1" – one of the best in Arizona. A client told *Chambers* that we are "one of the top firms [for real estate] ... I was very satisfied with the service they provided." Another client described our service as "very prompt" and that we "have a very good depth of legal knowledge in a number of fields." Dozens of our real estate lawyers have been honored individually in their respective regions by publications like *Best Lawyers in America* and *Super Lawyers*. We also have lawyers who are members of prestigious, invitation-only fellowships like the American College of Real Estate Lawyers (ACREL) and the American College of Mortgage Attorneys (ACMA).

Three of our Arizona attorneys, including Fred Fathe, are certified as Real Estate Law Specialists by the State Bar of Arizona. Fred

With some of the area's most respected attorneys, our Arizona real estate practice offers an unmatched depth and breadth of experience. We advise clients with a fully comprehensive menu of real estate services, including representation for:

- Acquisitions and dispositions
- Various financing options, including tax credit financing
- Leasing
- Development and land use, and
- Environmental concerns.

Our acquisition and disposition experience includes the development and sale of residential housing, including advising on tax-deferred exchanges, due diligence, land use, approvals, zoning, governmental incentives – including tax credits – construction contracting and Brownfield development. We also advise landlords, developers and tenants on leasing and landlord/tenant matters.

We also have a robust real estate finance practice, representing borrowers and lenders in all types of lending, financing and collateralization, including construction and longer-term commercial mortgage transactions, synthetic leases, public and tax-exempt bond financing and workouts, loan restructuring and foreclosures.

Finally, our real estate practice includes full litigation support.

Attorneys

Gary L. Birnbaum - land use planning, municipal, real estate law, development, title insurance, escrow and redevelopment

David L. Lansky - commercial leasing

Fred C. Fathe - real estate acquisition and development

Spencer W. Cashdan - commercial leasing

Donald E. Dyekman - community associations and real estate transactions

James H. Patterson - real estate acquisition and development

Michael S. Rubin (complex real estate litigation)

Michael R. Scheurich (complex real estate litigation, including foreclosures)

Robert A. Shull (complex real estate litigation)

James T. Braselton – land use disputes

Resumes for all attorneys can be found in **Attachment 2**.

Representative Matters

Client	Description	Date Completed	Attorney
Plaza Companies	SkySong acquisition and related agreements	2015	David L. Lansky James H. Patterson Andrew M. Busching
Marley Cattle Co.	Multi-phase sale and option agreements involving Pima County		Gary L. Birnbaum Fred C. Fathe
Town of Florence	Johnson Utilities water company acquisition, and several other projects related to subdivisions, assurances, etc.	2010	Fred C. Fathe
Vintage Partners	Development agreements	Current	Gary L. Birnbaum James H. Patterson
Red Development	Development agreement for CityScape, a mixed-use project	Ongoing	Gary L. Birnbaum James H. Patterson



Anne L. Tiffen

Member, Phoenix

T: 602-285-5019
F: 602-285-5100
ATiffen@dickinsonwright.com

Areas of Practice

- Labor & Employment
- Commercial & Business Litigation
- Appellate

Education

Yale University, B.A., English, 1978

University of Chicago, J.D., 1981

Bar Admission

- Arizona

Acknowledgements

- Listed in Best Lawyers in America

Prominent Assignments

Ms. Tiffen's practice focuses on advising and defending employers in employment related law and litigation. Her experience in this area embraces a broad range of matters, including the following:

- Rendering extensive advice and consultation to employers on all aspects of employment, including hiring, discipline, investigation of unlawful harassment and other matters, termination, terms of employment, and review and drafting of employment policies, manuals and contracts.
- Defending charges of discrimination before the Equal Employment Opportunity Commission and the Arizona Civil Rights Division, as well as equivalent agencies in other states, including drafting employers' position statements.
- Handling a wide variety of employment related litigation, including cases involving claims of sexual harassment, disability discrimination, and other statutory discrimination, alleged breach of contract of employment, alleged wrongful discharge, fraud, defamation and other employment-related torts, claims for ERISA benefits, wage disputes, and restrictive covenants.
- Defending unemployment compensation claims, including hearings before the appeals tribunal and preparation of appeals and responses to appeals.
- Adjunct Professor at the Sandra Day O'connor College of Law of Arizona State University, teaching a course in Labor and Employment Law.

Professional Involvement

- American Bar Association
 - Litigation and Labor and Employment Law Sections
- State Bar of Arizona
 - Labor and Employment Section
- Adjunct Professor (Employment Law), Sandra Day O'Connor College of Law, Arizona State University (2008-present)
- Member, Executive Review Board, The Arizona Labor Letter (1993-2000)
- Faculty Labor and Employment Law, Keller Graduate School of Management (1993-1999)

Publications/Presentations

- Served on Executive Review Board and was frequent contributor to, *The Arizona Labor Letter*
- Contributing author, *Arizona Employment Law Handbook*
- Served as a frequent speaker on employment-related issues at seminars for attorneys and businesses, including those sponsored by the National Education Council, the Arizona Employers' Council, the Arizona Labor Letter, and Personnel Law Update, and at meetings of business groups and other associations.



Gary L. Birnbaum

Member, Phoenix

T: 602-285-5009

F: 602-285-5100

gbirnbaum@dickinsonwright.com

Areas of Practice

- Alternative Dispute Resolution
- Appellate
- Commercial & Business Litigation
- Condemnation & Land Use
- Municipal Law & Finance
- Professional Liability Defense
- Real Estate
- Construction, Environmental & Real Estate Litigation

Education

State University of New York (Binghamton),
B.A., Political Science, 1973

- *summa cum laude*
- *Phi Beta Kappa (1973)*
- *Pi Sigma Alpha (1973)*
- *University and New York State Regents Scholarships*
- *Rischel-Searles Memorial Award (1973)*

Indiana University School of Law
(Bloomington), J.D., 1976

- *magna cum laude*
- Articles and Book Review Editor, [Indiana Law Journal](#)
- Order of the Coif
- Indiana University Foundation and James Calamaras Fellowships

LONG VERSION RESUME

Bar Admission

- Arizona

Prominent Assignments

Lead trial counsel in state court cases in Arizona, Nevada, Utah and California and in the United States District Court for the District of Arizona.

Lead appellate counsel in federal and state (Arizona and California) appellate proceedings.

Experienced arbitrator and mediator of commercial disputes and member of the National Panel of Arbitrators of the American Arbitration Association for more than thirty years.

Served as leader of transaction teams involved in the acquisition and sale of major hospital facilities, the purchase and financing of a national sports franchise and many other significant business and real estate transactions.

Recognized by "The Best Lawyers in America" as the Phoenix, Arizona "Lawyer of the Year" in "Bet the Company Litigation" (2009), "Alternative Dispute Resolution" (2010), "Condemnation and Eminent Domain Law" (2012), and "Legal Malpractice-Defense" (2013)

Professional Involvement

- Fellow, American College of Trial Lawyers (Member, Arizona State Committee)
- Fellow, Litigation Counsel of America
- Member, National Academy of Distinguished Neutrals
- Fellow, College of Law Practice Management
- American Bar Association (Sections on Litigation, Dispute Resolution and Law Practice Management)
- State Bar of Arizona
- Maricopa County Bar Association
- American Judicature Society
- International Municipal Lawyers Association
- Association of Justice (formerly the American Trial Lawyers Association)
- Fellow, Arizona Bar Foundation
- Fellow, Maricopa County Bar Foundation
- Member, American Society of Counsellors of Real Estate (CRE)
- Member, Lambda Alpha International (Land Economics Society)
- Member, National Panel of Commercial Arbitrators of the American Arbitration Association
- Member, Panel of Mediators, American Arbitration Association
- Member, Panel of Mediators and Arbitrators, The Counsellors of Real Estate

Community Involvement

- Associate Dean for Graduate Studies and Program Development, Sandra Day O'Connor College of Law at Arizona State University (July 2006-June 2012). Founder of the "Trial Advocacy" Program
- Adjunct Professor of Law, Sandra Day O'Connor College of Law at Arizona State University (Tempe, Arizona) (2001-Present)
- Adjunct Professor of Law, James E. Rogers School of Law at the University of Arizona (Tucson, Arizona) (2012)
- Professor and Co-Founder, Arizona State University Master of Real Estate Development Program (2006-2011)
- Membership on the Board of Directors of the Phoenix Theatre (1980-1986; 2006-2012) and service for two terms as President of the Theatre

Publications/Presentations

Gary L. Birnbaum

Member, Phoenix

T: 602-285-5009

F: 602-285-5100

gbirnbaum@dickinsonwright.com

Areas of Practice

- Alternative Dispute Resolution
- Appellate
- Commercial & Business Litigation
- Condemnation & Land Use
- Municipal Law & Finance
- Professional Liability Defense
- Real Estate
- Construction, Environmental & Real Estate Litigation

Bar Admission

- Arizona

- Contributing Author, The Law of Eminent Domain - 50 State Survey (Arizona Section) (American Bar Association, 2012)
- Author, Nichols on Eminent Domain (Chapter 6) (Takings and Damages) (Matthew Bender 1994)
- Contributing Editor, Commercial Real Estate Transactions Practice Manual (State Bar of Arizona 1989)
- Author of various articles in Arizona Attorney, Arizona Law Review and Indiana Law Journal
- Chairman, speaker and/or panelist at more than 50 seminars sponsored by the American College of Trial Lawyers, State Bar of Arizona, Maricopa County Bar Association, Arizona State University, Law Seminars International, Arizona Society of Certified Public Accountants, International Right of Way Association, CLE West, CLE International, National Business Institute and other organizations. Topics have included Business and Real Estate Valuation, Eminent Domain, ADR, Negotiations, Title Insurance, Ethics and other litigation-related subjects.

Acknowledgements

- Martindale-Hubbell Rating: AV
- Listed in The Best Lawyers in America® (1997-Present)
 - Lawyer of the Year 2016, Legal Malpractice Law – Defendants
- Listed in "Best of the Bar" (Real Estate) (The Business Journal)
- Listed in American Lawyer- Litigation, Best Lawyers- Commercial Litigation (2004-Present)
- Listed in The Legal 500- United States (Real Estate) (2007-Present)
- Listed First Tier in Chambers USA- America's Leading Lawyers for Business (Commercial Litigation) (2004-Present)
- Listed in Top 50, Southwest Super Lawyers (Business Litigation) (2007-Present)
- Listed in Benchmark Litigation, Local Litigation Stars (Commercial Litigation, Eminent Domain, Legal Malpractice) (2012)
- Selected by "Best Lawyers in America" as Phoenix, Arizona's "Condemnation Eminent Domain Law" Lawyer of the Year (2012 and 2015)
- Selected by "Best Lawyers in America" as Phoenix, Arizona's "Bet-the-Company" Litigator of the Year (2009)
- Selected by "Best Lawyers in America" as Phoenix, Arizona's "Alternative Dispute Resolution" Lawyer of the Year (2010)
- Selected by "Best Lawyers in America" as Phoenix, Arizona's "Legal Malpractice-Defense" Lawyer of the Year (2013)



Michael S. Rubin

Member, Phoenix

T: 602-285-5008
F: 602-285-5100
mrubin@dickinsonwright.com

Areas of Practice

- Appellate
- Alternative Dispute Resolution
- Commercial & Business Litigation
- Construction
- Environmental
- Product Liability & Personal Injury
- Insurance & ERISA Litigation
- Media, Sports & Entertainment

Education

State University of New York at Oneonta, B.A.,
Political Science, 1973

- with honors

University of Arizona College of Law, J.D., 1977

- with distinction
- Order of the Coif

Acknowledgements

- Outstanding Young Lawyer, State Bar of Arizona, 1988
- Judge Pro Tempore, Arizona Court of Appeals, Dept. S, 1994
- Southwest Super Lawyers (Business Litigation)
- Best Lawyers in America (Commercial Litigation, Arbitration, Mediation, Litigation - Municipal)
- Best Lawyers in America "2015 Phoenix Lawyer of the Year - Litigation - Municipal"

Prominent Assignments

Lead defense counsel for chemical distribution company in Class Action lawsuit relating to accidental discharge of chlorine gas.

Represented owner of wastewater treatment facility in enforcement action by Arizona Department of Environmental Quality.

Lead counsel for municipality pursuing claims against parties responsible for designing and constructing a water-treatment facility for the remediation of TCE contamination.

Represented developer of upscale residential project with respect to claims arising from and related to major spill of diesel fuel from above-ground fuel storage tank on construction site.

Represented general contractor in contract dispute with school district regarding asbestos-remediation project.

Represented redeveloper of commercial property defending claims by and asserting counterclaims against remediation contractor relating to removal of asbestos from existing buildings prior to demolition

Served as arbitrator in multi-million dollar dispute between seller and purchaser of mixed-use project involving groundwater contamination and remediation.

Representation of redeveloper of commercial property in adversary proceedings relating to purchase and sale of contaminated property and insurance coverage for remediation.

Represented national truck rental company in environmental enforcement action by the Attorney General of the State of California.

Professional Involvement

- State Bar of Arizona; Maricopa County Bar Association
- American Bar Association
- Sports Lawyers Association
- Certified Agent, Major League Baseball Players Association (Inactive)
- Chairman, Maricopa County Volunteer Lawyers Program, 1989-91
- Director, Arizona Bar Foundation, 1996-2001
- Director, Law College Association, University of Arizona, 1984-96

Community Involvement

- President, Valley of the Sun Kiwanis Club, 2001-02
- Member, Valley of the Sun Kiwanis Club, 1993-present; Director, Valley of the Sun Kiwanis Club, 1996-2003
- Director, Community Legal Services, 1985-91 Board of Visitors, University of Arizona College of Law, 1997-present

Publications/Presentations

- Co-author, "DeJonghe v. E.F. Hutton: Innocent Misrepresentation & Securities Fraud," Arizona Attorney (Jan. 1993)
- In Defense of Behavior Modification for Prisoners: Eighth Amendment

Michael S. Rubin

Member, Phoenix

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Areas of Practice

- Appellate
- Alternative Dispute Resolution
- Commercial & Business Litigation
- Construction
- Environmental
- Product Liability & Personal Injury
- Insurance & ERISA Litigation
- Media, Sports & Entertainment

Considerations, 18 Ariz. L. Rev. 110 (1976)



Michael R. Scheurich

Member, Phoenix

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Areas of Practice

- Commercial & Business Litigation
- Real Estate Litigation

Education

University of Arizona, B.A., 1976

- high distinction

University of Arizona, J.D., 1979

- Article and Note Editor, *Arizona Law Review*
- Outstanding First-Year Writer's Award, *Arizona Law Review*

Acknowledgements

- Southwest Super Lawyers (2012-present)
 - Real Estate
- Best Lawyers in America (2013-present)
 - Commercial Litigation
 - Litigation - Real Estate

Prominent Assignments

Mr. Scheurich's practice focuses upon commercial litigation, trials and appeals with emphasis on real estate, commercial lending remedies and title and escrow liability lawsuits and related proceedings. Mr. Scheurich's experience includes:

- Author of the successful *amicus curiae* briefs submitted on the behalf of the Land Title Association of Arizona in *The Weitz Company L.L.C. v. Nicholas Heth, et al.*, Case No. CV-13-0378-PR (filed August 26, 2014), in which the Arizona Supreme Court held that Arizona Revised Statutes § 33-992(A), which gives mechanics' liens priority over liens recorded after construction begins on real property, does not preclude the equitable subrogation of a purchase money lender to the lien priority of a construction loan to take a superior lien position to that of mechanics' liens.
- Co-author of the successful *amicus curiae* brief submitted on the behalf of the Land Title Association of Arizona in *Luce v. State Title Agency, Inc.*, 190 Ariz. 500, 950 P.2d 159 (App. 1997), in which the Arizona Court of Appeals held that an escrow agent, who had recorded certain documents as a courtesy to an out-of-state escrow agent, owed no duty of care to the parties to the underlying real estate transaction.
- Negotiation and documentation of a court-approved class action settlement involving claims by certified state-wide class alleging improper escrow fees.
- Obtained dismissal of escrow negligence lawsuit seeking indemnity for \$10 million specific performance claim.
- Recovered embezzled monies in multi-state prejudgment garnishment and escrow fraud proceedings that also resulted in imprisonment of the defendant.

Professional Involvement

- State Bar of Arizona
 - Immediate Past Co-Chair, Section of Real Estate
- American Bar Association - Real Property, Probate and Trust Law and Litigation Sections
- Mandatory Continuing Legal Education Committee of the State Bar of Arizona - former Chair
- Disciplinary Commission of the Arizona Supreme Court - former Volunteer Bar Counsel

Community Involvement

- Director, Beatitudes Campus, a residential and health care community for the elderly
- Director, Beatitudes Campus Foundation
- Former Member, Phoenix Arts Commission
- Past Chair, Chris-Town YMCA
- Former Member, Madison Educational District Foundation

Publications/Presentations

- Chair and Presenter, "The Basic Commercial Real Estate Practice Series: Nuts & Bolts of Commercial Leasing and Financing," State Bar of Arizona, May 2014
- "The Duties of Title Insurers in the Non-Insurance Context," published in the Arizona Bar's Real Property Section Journal and re-published by the American Bar Association in the Title Insurance Litigation Committee's Newsletter.

Michael R. Scheurich

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Areas of Practice

- Commercial & Business Litigation
- Real Estate Litigation

- "The Attorney 'No-Comment' Rules and the First Amendment," *Arizona Law Review*.
- "Double Jeopardy and Successive Prosecutions by Tribal and Federal Courts," *Arizona Law Review*.
- Co-Editor, Symposium: The Federal Land Policy and Management Act of 1976, *Arizona Law Review*.

Experience

- Adjunct Professor of Law, Arizona State University Sandra Day O'Connor College of Law (2010 and 2011)
- Guest Lecturer, Arizona State University Master of Real Development Program
- Law Clerk to Honorable Joe W. Contreras of the Arizona Court of Appeals
- Judge *Pro Tempore*, Arizona Court of Appeals



Carolyn J. Johnsen

Member, Phoenix

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Areas of Practice

- Bankruptcy, Restructuring & Creditors' Rights
- Bankruptcy & Restructuring
- Commercial Transactions
- Corporate
- Creditor Rights, Lender Litigation & Bankruptcy
- Mergers & Acquisitions

Education

Texas A&M University, B.S., Wildlife and Fisheries Science, 1977

Texas Tech University School of Law, J.D., 1980

Norwich University, M.A., Military History, 2011

Bar Admission

- Arizona

Overview

Ms. Johnsen's experience includes creating complex plans of reorganization for multi-million dollar companies in a wide-range of industries, including mortgage lending, real estate, manufacturing, retail, refining, hospitality, aviation and energy-related.

Ms. Johnsen has advised private and public corporations in formulating and implementing managerial, personnel and operational structures. She has also guided numerous boards and senior managers in developing strategies and solutions for revising operations and restructuring debt to effectuate the emergence of a stronger business through bankruptcy, or to take advantage of acquisition and sale opportunities, including the application of bankruptcy procedures favorable to corporate securities regulation compliance. In addition, Ms. Johnsen has negotiated multiple multi-million dollar transactions with lenders, investment bankers and brokers, asset purchasers and sellers, and governmental agencies

Prominent Assignments

Served as lead counsel for debtor company with a \$1 billion commercial loan portfolio, 2400 investors, and multiple borrowers; hired after Chapter 11 had been filed to reorder company in lieu of assumption of control by court-ordered trustee including: locating and installing new management; revamping board and structuring transfer of control to new management without impeding company operations; minimizing and controlling defensive litigation by defaulting borrowers against the company; resolving compliance issues with State Banking Department, SEC and State Attorney General to prevent shutdown of the company and assessment of penalties; protecting company's position against borrowers and competing lenders in six simultaneous multi-million dollar bankruptcies filed by company borrowers; stabilizing the company to permit a court and creditor approved plan of reorganization with a structured framework for investor recovery

Representation of Arizona's largest utility company in bankruptcy matters; have guided Board of Directors and General Counsel in formulating and implementing policies and procedures for dealing with consumer and commercial bankruptcies and state receiverships; have guided General Counsel and formulated measures designed to protect the company if a transacting party files bankruptcy; have negotiated and finalized multi-million dollar power agreements and plant sales in numerous bankruptcy and receivership cases

Served as lead counsel to owner of national sports franchise in a Chapter 11 bankruptcy by the franchise; negotiated with national league, creditors and municipal stadium owner regarding competitive sale of franchise, player contracts, team assets, and assumption of stadium rights and contracts

Represented international, NASDAQ-traded software company in commercial bankruptcy matters; guided General Counsel and formulated policies and procedures designed to protect the company if a customer files bankruptcy; represented interest in multiple bankruptcies filed throughout the country

Represented committee of creditors appointed by the bankruptcy court in the case of a publicly-held food manufacturing company with nationwide and international manufacturing facilities; negotiated creditors' interests in sale of multiple assets and a significant capital raise from international commercial sources; addressed SEC issues involving investigation of previous corporate management; met continuously with corporate management and financial consultants to restructure operations; prevented possible liquidation and negotiated plan of reorganization allowing company to expand and provide full and quick payment to creditors and an eventual return to shareholders

Represented committee of creditors in successful sale of publicly-held company engaged in the international manufacturing of assets of automobile chargers and related products

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Areas of Practice

- Bankruptcy, Restructuring & Creditors' Rights
- Bankruptcy & Restructuring
- Commercial Transactions
- Corporate
- Creditor Rights, Lender Litigation & Bankruptcy
- Mergers & Acquisitions

Bar Admission

- Arizona

Represented committee of creditors in successful reorganization of pet care companies operating in four states

Professional Involvement

- Arizona Bankruptcy Inn of Court, Founding Master, One of 15 lawyers selected state-wide, Board of Directors, 2012-2013
- Arizona's CARE Program, Founder and Committee Chair, 2006-2011
- Arizona Business Leadership Forum, Member, 2013
- Arizona Campaign for Women Lawyers Tribute to Sandra Day O'Connor, Co-Chair, 2006-2009
- Ninth Circuit Judicial Conference, Court-appointed Lawyer Representative, 2003-2005
- Litigation Counsel, Founding Advisory Board Member, 2006-present
- Committee of 100, ASU Law School, Member, Executive Committee
- DirectWomen Board Institute, Member, 2011
- American Academy of Trial Counsel, Founding Advisory Board Member, 2006-present
- Bankruptcy Court, Mediator, 2005-present
- Committee on Bankruptcy Self-Help Assistance, Court Appointed Member, 2005-2006
- Turnaround Management Association, Director, 1999; Member, 1998-2013
- Bankruptcy Appellate Panel Rules Committee, Court-appointed member, 2001
- American Bankruptcy Institute, Member, 1992-present
- Bankruptcy Appellate Panel Rules Committee, Court Appointed Member, 2001

Community Involvement

- Board of Directors, Smithsonian Libraries, 2014-2017

Publications/Presentations

- Presenter, "The Ins and Outs of Bankruptcy from Both the Debtor and Creditor Perspectives," Association of Corporate Counsel, Arizona Chapter (March 2013)
- Presenter/ Co-Author, "Managing the Franchise Relationship through Franchisee Receivership and Bankruptcy," ABA National Forum on Franchising (August 2012)
- Co-author, "Managing the Franchise Relationship Through Franchisee Receivership and Bankruptcy," ABA National Forum on Franchising (August 2012)
- Presenter/ Co-Author, "Chapter 11 for Mom and Pop," State Bar of Arizona CLE by the Sea (July 2012)
- Panelist, "Hot Topics in Bankruptcy," State Bar Convention (June 2012)
- Author, "The Basic Ins and Outs of the Bankruptcy Arena for District Energy System Operators," District Energy Magazine, International District Energy Association (August 2010)
- Panel Moderator "Bankruptcy Mediation: Why It Works and When to Use It," State Bar of Arizona Bankruptcy Section (May 2008)
- Author, "Bankruptcy As The New Beginning," The Phoenix Business Journal: State Bar Special Bankruptcy Section (October 2009)
- Author, "Mortgages Ltd.: Bankruptcy's Perfect Storm," Bankruptcy Litigation Reporter (September 2009)
- Author, "The Next Chapter? In Tough Times, Filing for Chapter 11 Can be a Viable Solution" Arizona Business Magazine (June 2009)
- Moderator "Arizona Real Estate 2008: A Perfect Storm of Financial Disaster - Finding Your Life Vest or Raft and Learning to Ride the Waves," Turnaround Management Association, Arizona Chapter Meeting (November 2007)

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Areas of Practice

- Bankruptcy, Restructuring & Creditors' Rights
- Bankruptcy & Restructuring
- Commercial Transactions
- Corporate
- Creditor Rights, Lender Litigation & Bankruptcy
- Mergers & Acquisitions

Bar Admission

- Arizona

- Author, "Why You Absolutely Need to Know Something About Bankruptcy: A Guide to the Bankruptcy Practice," Reference Guide (2003, revised 2007)
- Author, "The 'B' Word is Not So Bad! Using Bankruptcy as a Business Tool," Arizona Journal of Real Estate & Business (June 2006)
- Presenter, "The War of the Worlds, Bankruptcy Versus . . .," American Bar Association Forum on Franchising (October 2005)
- Presenter, "Bankruptcy Abuse and Consumer Protection Act," State Bar Seminar (September 2005)
- Presenter, "The 'B' Word is Still Not So Bad!" Golf & Resort Development (August 2004 and 2005)
- Author, "Restructuring, Sales, Financing, Acquisitions," Gold Mountain Resort Development (August 2005)
- Presenter, "Bankruptcy Ethics," State Bar Convention (annual presentation June 2002-2006)
- Author, "When is Receiving a 'Preference' a Bad Thing?" High Profile Arizona (February 2005)
- Presenter, "Bankruptcy," Federal District Court Conference (annual 2002-2005)
- Presenter, "Trustees," Conference of Chief Bankruptcy Judges (December 2004)
- Presenter/Co-Author, "Bankrupt Franchisors and Franchisees," American Bar Association Forum on Franchising (October 2002)
- Co-author, "The War of the Worlds, Bankruptcy Versus . . .," ABA National Forum on Franchising (October 2002)
- Presenter, "Bankruptcy Litigation & Practice," PESI Continuing Education (annual 1992-2006)

Representations by Industry

Representation of companies and court-appointed committees of creditors that entails, 1) assessing the companies' business, its industry position, and its operational, managerial, and financial structure and debt; 2) working closely with the board of directors and senior management to devise strategies for restructure, sale, purchase, or merger; and 3) developing creative plans to achieve the companies' goals. Representations have included the following:

Hospitality and Franchise

- Ongoing representation of national hotel franchisor in bankruptcy/restructuring matters
- Represented debtor company in successful restructure of prominent Arizona resort hotel
- Represented debtor company in restructure of hotels in New York, Arizona and Missouri including re-design of franchise agreements with national hotel chains
- Represented debtor company in restructure of 10 hotels in 5 states including compliance with governmental requirements
- Represented interests of \$125 million in bond debt of publicly-held franchisor and operator of 460 restaurants and specialty retail stores
- Represented committee of creditors of operator of restaurants throughout the Southwestern United States; successfully negotiated plan for survival of the company and payment to creditors
- Represented creditor committee for state-wide franchisee of 39 fast food restaurants; successfully negotiated plan for survival of the company and payment to creditors

Manufacturing and Distribution

- Represented creditor committee for multi-million dollar automotive parts

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Areas of Practice

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- Mergers & Acquisitions

Bar Admission

- Arizona

manufacturing company with nationwide distribution; successfully negotiated plan for survival of the company through revised operational structure and payment to creditors

- Represented creditor committee for multi-million dollar airline parts manufacturing company with national and international distribution; successfully negotiated plan for survival of the company and payment to creditors
- Represented creditor committee for national waste management company and prevented takeover and liquidation by secured creditor; successfully negotiated plan for survival of the company and payment to creditors
- Represented creditor committee for international manufacturer and distributor of beauty products; orchestrated sale of assets for the benefit of the company and its creditors
- Represented debtor company in successful reorganization of business of manufacturing refitted trucks
- Represented debtor company in successful reorganization of business of remanufactured car engines
- Represented debtor company in reorganization of business of recycling metals
- Represented creditor committee in successful sale of assets of publicly-held international manufacturer of automobile chargers and related products
- Represented creditor committees in companies engaged in manufacture and distribution of specialized furniture and home décor in multiple states

Aviation and High Tech

- Represented creditor committee in national and international airline charter business
- Represented creditor committee for multi-million dollar airline parts manufacturing company with national and international distribution; successfully negotiated plan for survival of the company and payment to creditors
- Represented largest creditor in national airline bankruptcy
- Represented creditor committee in publicly-held multi-million dollar international fiber-optic company; successfully negotiated plan for survival of the company and payment to creditors

Health Care

- Represented creditor committee in hospital and related non-profit organization; orchestrated successful sale of hospital facilities and payment to creditors
- Represented senior note holders in multi-million dollar health care company with 33 affiliates
- Represented creditor committee in successful representation of company with multiple MRI clinics and facilities
- Represented creditor committee and served as trustee in post-sale of assets for company with multiple sleep centers
- Ongoing representation of creditor committee in hospital bankruptcy
- Ongoing representation of doctor operating a surgical hospital center

Food and Agriculture

- Represented creditor committee in successful sale of hydroponic growing operation
- Represented creditor committee in successful reorganization of publicly-held food manufacturer with nationwide and international manufacturing facilities

Energy-Related

- Represented creditor committee in multi-million dollar national propane gas

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Areas of Practice

- Bankruptcy, Restructuring & Creditors' Rights
- Bankruptcy & Restructuring
- Commercial Transactions
- Corporate
- Creditor Rights, Lender Litigation & Bankruptcy
- Mergers & Acquisitions

Bar Admission

- Arizona

distributorship; prevented liquidation by secured creditor; successfully negotiated plan for survival of the company and payment to creditors

- Represented public utility in bankruptcies involving solar energy and so-called "green" energy
- Represented debtor company which owned an oil refinery; prevented governmental takeover and orchestrated orderly and successful liquidation

Environmental-Related

- Represented debtor company which owned significant California real estate development project subject to Federal and State environmental regulations; effectuated successful workout
- Represented debtor company which owned significant Arizona real property subject to judgment by Federal environmental agency; developed successful plan to address environmental issues

Indian Law-Related

- Represented large mortgage company that originated \$10 million in loans to develop affordable housing for Native American families

Sports

- Represented owner of national sports franchise which filed Chapter 11; participated in intense negotiations and court proceedings with national league, creditors and municipal stadium owner

Real estate

- Ongoing representation of national leasing companies
- Served as lead counsel for debtor in one of the largest Chapter 11 bankruptcies filed in Arizona involving a \$1 billion commercial loan portfolio; stabilized the company to permit a court and creditor approved plan of reorganization with a structured framework for investor recovery
- Represented 10 debtor entities with combined real estate assets of millions of dollars; successfully negotiated workout with major lender and orchestrated sale of principal interest
- Represented creditor committee in large home-builder case; orchestrated sale of assets and significant distribution to creditors in difficult economic market
- Represented multiple companies owning various commercial real estate projects or investments; successfully developed restructuring plans or sales through workouts or plans

Acknowledgements

- AV Preeminent Peer Review Rated
- Listed in The Best Lawyers in America (2008-2016)
- Listed in Southwest Super Lawyers (2007-2014)
- AB Top Lawyer, Bankruptcy, Arizona Business Magazine (2008-2010)
- Top five finalist for Arizona Woman Magazine's 2009 Arizona Woman of the Year Award
- Top 50 Lawyers in Arizona, Southwest Super Lawyers (2007, 2009)
- Finalist for Arizona Woman Magazine's 2008 Golden Heart of Business Award
- Fellow, Litigation Counsel of America
- Distinguished Achievement Award, Sandra Day O'Connor College of Law (2007)
- Top 10 Leading Lawyers, The Phoenix Business Journal (2006)
- Best of the Bar, The Business Journal (2003-2005)
- Pioneer of the Year Award, National Association of Women Business Owners

Carolyn J. Johnsen

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Areas of Practice

- Bankruptcy, Restructuring & Creditors' Rights
- Bankruptcy & Restructuring
- Commercial Transactions
- Corporate
- Creditor Rights, Lender Litigation & Bankruptcy
- Mergers & Acquisitions

Bar Admission

- Arizona

(1997-1998)

- Top Ten Women in Arizona Business (1997-1998)
- Honorary Squadron Commander, Luke Air Force Base



William L. Novotny

Member, Phoenix

T: 602-285-5006
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wnovotny@dickinsonwright.com

Areas of Practice

- Bankruptcy, Restructuring & Creditors' Rights
- Commercial & Business Litigation

Education

University of South Dakota, B.A., 1972

University of Arizona, J.D., 1975

Acknowledgements

- Listed in Best Lawyers in America
- Listed in "Southwest Super Lawyers"

Prominent Assignments

William Novotny's practice includes the representation of a number of financial institutions, lenders, landlords, trade creditors, and real estate investors regarding various collection matters, including those residing in the United States Bankruptcy Courts. Bill has represented major creditor groups in most of the major bankruptcy cases that have been filed in the Arizona courts, including Circle K, America West, McCulloch, Boston Chicken, and Bashas', and has represented creditor clients in reorganization proceedings that involved large apartment projects, office buildings, raw land developments, residential projects, health-care facilities, shopping centers, and construction and manufacturing companies. Bill has also represented individuals and entities in State and Federal Courts in regard to various debt collection matters, such as real estate foreclosures, secured transactions, and account and note collections.

Professional Involvement

- State Bar of Arizona
- Maricopa County Bar Association
- American Bar Association
- American Bankruptcy Institute
- Phi Beta Kappa
- Managing Editor, Arizona Law Review, 1974-1975.
- Law Clerk to Honorable Ozell M. Trask, United States Court of Appeals for Ninth Circuit, 1975-1976.



Katherine Sanchez

Associate, Phoenix

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Areas of Practice

- Bankruptcy, Restructuring & Creditors' Rights
- Bankruptcy & Restructuring
- Creditor Rights & Bankruptcy Litigation
- Distressed Assets & Business Disposition
- Loan Workouts & Restructuring
- Personal Property Foreclosure
- Real Estate Workouts & Foreclosures

Education

University of Arizona, B.A., Interdisciplinary Studies/International Studies, 2002

- *Cum laude*

University of Arizona, M. Ed., Teaching and Teacher Education, 2003

University of Arizona, James E. Rogers College of Law, J.D., 2012

- Certificate in International Trade and Business Law

Bar Admission

- Arizona

Acknowledgements

- VLP Outstanding Law Student Volunteer, Nov. 2010

Overview

Ms. Sanchez' experience includes successfully reorganizing individuals and businesses through Chapter 11 bankruptcy. She has also guided businesses and individuals through the liquidation process of a Chapter 7 bankruptcy. In State Court, Ms. Sanchez has experience representing creditors in actions to recover defaulted collateral.

Professional Involvement

- American Bankruptcy Inn of Court
- Los Abogados Hispanic Bar Association
- Arizona Women Lawyer's Association

Community Involvement

- Bankruptcy Court Self-Help Center Volunteer
- Pro bono attorney with Volunteer Lawyer's Program
- State Bar of Arizona Law Day volunteer, 2014
- State Bar of Arizona Stand Down volunteer, 2015

Publications/Presentations

- ABAIC Ethics Presentation, Arizona State Bar Convention, 2015

Languages

- English
- Spanish



Robert A. Shull

Member, Phoenix

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Areas of Practice

- Bankruptcy, Restructuring & Creditors' Rights
- Commercial & Business Litigation
- Construction

Education

Temple University

College of Emporia, B.A., 1969

Rutgers University, J.D., 1972

Acknowledgements

- Listed in [The Best Lawyers in America](#)
- Listed in [Southwest Super Lawyers](#)

Prominent Assignments

Rob's practice includes over thirty-five years of litigating complex commercial and construction cases. During that time, he has represented both plaintiffs and defendants in complex matters in state, federal and bankruptcy courts. Matters handled include commercial and real estate disputes, construction claims and fraud litigation. In civil matters, Rob has represented clients in securities fraud and breaches of contract claims into the millions of dollars. His construction litigation includes representing owners, contractors, subcontractors, suppliers and design professionals.

In the bankruptcy arena, Rob has litigated major fraud and discharge cases together with representation of creditors and creditors' committees.

Professional Involvement

- State Bar of Arizona
- Maricopa County Bar Association
- American Bar Association



J. Gregory Cahill

Member, Phoenix

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Areas of Practice

- Construction
- Insurance Coverage & Litigation
- Commercial & Business Litigation
- Construction Litigation
- Personal Injury Litigation

Education

American University, B.A., International Relations and Law & Society, 1985

- with honors

Arizona State University, J.D., 1989

Bar Admission

- Arizona
- California
- District of Columbia

Acknowledgements

- Listed in Best Lawyers in America, Construction Law and Litigation - Construction (2013 - 2016)
- Best of Arizona, Ranking Arizona
- The Best of Arizona Business 2010
- Top Lawyers, AZ Business Magazine, July 2009

Overview

Mr. Cahill's practice focuses primarily on complex construction litigation and support for residential and commercial developers and contractors. Mr. Cahill also practices in the areas of insurance litigation and coverage and commercial litigation. He represents builders and developers throughout Arizona, New Mexico, and California, including in State and Federal Court and in front of various administrative tribunals and regulatory bodies. Mr. Cahill previously practiced in the areas of personal injury and uninsured/underinsured motorist litigation.

Prepared materials for and spoken as a panelist for various seminars concerning contract formation, construction law, construction defect litigation, lien law, insurance coverage, alternative dispute resolution, and ethics.

Mr. Cahill is licensed to practice in the state courts of Arizona, California, and the District of Columbia. He is also admitted to practice in the United States District Court for the District of Arizona and the United States District Courts for the Northern, Eastern, Central and Southern Districts of California.

Professional Involvement

- State Bar of Arizona, Member, Construction Law Section
- State Bar of California
- State Bar of the District of Columbia
- Maricopa County Bar, Construction Law Section, previous Section Vice Chair; Section Board Member

Publications/Presentations

- Sponsor: Maricopa County Bar Association.
 - June, 2014: 2014 Ethics and Civil Rules Update.
 - June 2013: Ethical Issues in Construction Litigation.
 - August 2012: Indemnity and Defense Obligations: Three Perspectives.
 - October 2011: Arbitration Under the New Revised Uniform Arbitration Act.
 - January 2011: The Revised Uniform Arbitration Act: Practice Pointers and Potential Pitfalls
- Sponsor: Rider Levett Bucknall
 - January 2013: Business Ethics for Directors, Principals and Office Managers.
- Sponsor: Lorman Education Services
 - July 2011: AIA Contracts.
- Sponsor: Arizona State University, Masters of Real Estate Development
 - January 2011: Mechanic's Liens.



Scot L. Claus

Member, Phoenix

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Areas of Practice

- Commercial & Business Litigation
- Intellectual Property
- Product Liability & Personal Injury
- Insurance & ERISA Litigation
- Real Estate
- Construction, Environmental & Real Estate Litigation
- Government Litigation
- Intellectual Property & Trade Secrets Litigation

Education

Arizona State University School of Law, J.D.,
1993

Acknowledgements

- Martindale-Hubbell AV® Rated
- Southwest Super Lawyers (2010-Present)
- Rising Star, Benchmark Litigation (2009-Present)
- Top Lawyer (Trademark Law/ Intellectual Property), Arizona Business Magazine (2009-2011)
- Top Lawyer (Product Liability), Arizona Business Magazine (2009, 2010)

Prominent Assignments

Practice involves all aspects of civil/commercial litigation and real estate litigation, including trial and appellate work in state and federal courts and before various administrative agencies; commercial landlord/tenant litigation; intellectual property; and constitutional law.

Cases have included both federal and state court proceedings, as well as complex case proceedings in the Maricopa County Superior Court.

Illustrative cases include:

- Successful defense of the Presiding Judge of the Maricopa County Superior Court, as well as other Superior Court Judges and Commissioners in constitutional challenge to the Spanish Speaking and Native American DUI Courts in the United States District Court for the District of Arizona and in the Ninth Circuit Court of Appeals.
- Successful defense of Presiding Criminal Judge of the Maricopa County Superior Court in RICO claim brought by former Maricopa County Attorney and Maricopa County Sheriff in the United State District Court for the Arizona District.
- Representation of national transportation company in successful appeal of Federal Tort Claims Act action before the Ninth Circuit Court of Appeals.
- Trial attorney in successful defense of \$43 million legal malpractice claim litigated in the United States District Court for the Arizona District.
- Plaintiff's counsel in wrongful death product liability litigation against national retailer and toy manufacturer resulting in \$2.5 million settlement.
- Representation of major university professors and the Arizona Board of Regents in multi-party litigation brought by an Indian tribe and various tribal members regarding genetic testing.
- Plaintiff's trial Counsel in trial of wrongful death case, resulting in \$1.5 million verdict.
- Trial counsel in re-trial and reversal of \$10 million medical malpractice verdict.
- Lead counsel in defense of numerous trademark and copyright infringement matters litigated in United States District Court.
- Lead counsel in numerous inter partes proceedings before the Trademark Trial and Appeals Board, including opposition and cancellation proceedings.

Intellectual property work has included the preparation and prosecution of trademark applications before the United States Patent and Trademark Office, and preparation of intellectual property agreements, assignments, and licenses.

Outside counsel to the Judicial Merit Commission of the Maricopa County Superior Court.

Reported Cases:

- U-Haul International, Inc.. et al. v. Kamer, et al., 626 F.3d 498 (9th Cir. 2010)
- Thomas v. Mundell, 572 F.3d 756 (9th Cir. 2009)
- Amerco v. NLRB, 458 F.3d 843 (9th Cir. 2006)
- Lopez v. Town of Cave Creek, 559 F. Supp.2d 1038 (D. Ariz. 2009)
- Southwest Pet Products v. Koch Industries, 273 F. Supp.2d 1041 (D. Ariz. 2003)
- Turken v. Gordon, 224 P.3d 158 (2010) (amicus curiae)

Scot L. Claus

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Areas of Practice

- Commercial & Business Litigation
- Intellectual Property
- Product Liability & Personal Injury
- Insurance & ERISA Litigation
- Real Estate
- Construction, Environmental & Real Estate Litigation
- Government Litigation
- Intellectual Property & Trade Secrets Litigation

•Havasupai Tribe v. Arizona Board of Regents, 204 P.3d 1063 (Ct. App. 2008), petition for review granted, 2009 Ariz. Lexis 82 (2009)

Professional Involvement

- American Bar Association
- State Bar of Arizona
- Maricopa County Bar Association

Community Involvement

- Adjunct Professor of Law, Sandra Day O'Connor College of Law at Arizona State University (2010-present)

Publications/Presentations

- "Putting on Your Case—Trial Nuts and Bolts," Maricopa County Bar Association (February 2010)
- "Arguing Briefs Before the Trademark Trial and Appeal Board," Maricopa County Bar Association (October 2008)
- "What Do I Do Now? The Impact of Barfield and Jonovich on Medical Liens," Maricopa County Bar Association (January 2004)
- "What Every Practitioner Needs To Know About Trademark, Copyright, and Patent Law." (1999)
- "Choosing, Using, and Protecting A Name," Arizona Small Business Conference (1997)
- "A Trademark Primer For Small Business," Bid Source (December 1997)



Jerry Gaffaney

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Areas of Practice

- Healthcare
- Corporate

Education

Arizona State University, B.S., 1971

- with distinction

Arizona State University, J.D., 1974

- *cum laude*

Bar Admission

- Arizona

Acknowledgements

- Listed in Best Lawyers in America
- Listed in Southwest Super Lawyers
- Named by Best Lawyers as the Lawyer of the Year for 2013 in Health Care Law in Phoenix, Arizona

Prominent Assignments

Mr. Gaffaney practices in the area of health care law.

Mr. Gaffaney represents all types of health care providers including hospitals, hospital medical staffs, physicians (individually and in various types of groups), outpatient treatment centers and ambulatory surgery centers.

Mr. Gaffaney has also formed and/or represents various integrated delivery systems including PPOs, MSOs, PHOs and TPAs. Mr. Gaffaney has particular expertise in managed care contracting, Stark and Fraud and Abuse issues and transactions involving the purchase and sale of hospitals, hospital systems and physician practices.

Professional Involvement

- State Bar of Arizona
- American Health Lawyers Association
- Arizona Association of Health Care Lawyers, Current President and Secretary Treasurer



Michael J. Plati

Member, Phoenix

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Areas of Practice

- Commercial & Business Litigation
- Personal Injury
- Appellate
- Insurance & ERISA Litigation
- Real Estate Litigation

Education

Albright College, B.A., 1990

- *magna cum laude*
- Varsity Football (1986-88)

Arizona State University College of Law, J.D., 1995

- Managing Editor, Arizona State University Law Journal

Acknowledgements

- Listed in Best Lawyers in America

Prominent Assignments

Mr. Plati is a litigation attorney with the firm. Mr. Plati has more than 16 years of experience handling litigation concerning real estate title issues; escrow and professional liability (including attorney and accountant malpractice); property, life, liability, and title insurance coverage; insurance bad faith; personal injury defense; and appeals.

Illustrative reported cases include:

- SWC Baseline v. Augusta Ranch, 265 P.3d 1070 (Ariz. App. 2011)
successful appeal reversing substantial wrongful lien judgment award
- Bank One v. Universal Marketing, 53 P.3d 191 (Ariz. App. 2002)
successful appellate defense of dismissal judgment on conversion claim

Professional Involvement

- Adjunct Instructor, Phoenix Community College Legal Studies Program (1997-present)

Community Involvement

- Member, Four Peaks (Fountain Hills) Rotary Club (1997-Present); Club President (2004-2005)
- Director, Mountain Park Medical Center Foundation (2012-present)

Publications/Presentations

- Author, "Religion-Based Peremptory Strikes in Criminal Trials and the Arizona Constitution: Can They Co-Exist," 1994 Ariz. State Law J., No. 3, p.883

Judicial Clerkships

- The Honorable Magistrate Judge Morton Sitver, U.S. District Court of Arizona (1995-96)
- The Honorable James Sult, Arizona Court of Appeals (1996-98)



Michael S. Rubin

Member, Phoenix

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Areas of Practice

- Appellate
- Alternative Dispute Resolution
- Commercial & Business Litigation
- Construction
- Environmental
- Product Liability & Personal Injury
- Insurance & ERISA Litigation
- Media, Sports & Entertainment

Education

State University of New York at Oneonta, B.A.,
Political Science, 1973

- with honors

University of Arizona College of Law, J.D., 1977

- with distinction
- Order of the Coif

Acknowledgements

- Outstanding Young Lawyer, State Bar of Arizona, 1988
- Judge Pro Tempore, Arizona Court of Appeals, Dept. S, 1994
- Southwest Super Lawyers (Business Litigation)
- Best Lawyers in America (Commercial Litigation, Arbitration, Mediation, Litigation - Municipal)
- Best Lawyers in America "2015 Phoenix Lawyer of the Year - Litigation - Municipal"

Prominent Assignments

Lead defense counsel for chemical distribution company in Class Action lawsuit relating to accidental discharge of chlorine gas.

Represented owner of wastewater treatment facility in enforcement action by Arizona Department of Environmental Quality.

Lead counsel for municipality pursuing claims against parties responsible for designing and constructing a water-treatment facility for the remediation of TCE contamination.

Represented developer of upscale residential project with respect to claims arising from and related to major spill of diesel fuel from above-ground fuel storage tank on construction site.

Represented general contractor in contract dispute with school district regarding asbestos-remediation project.

Represented redeveloper of commercial property defending claims by and asserting counterclaims against remediation contractor relating to removal of asbestos from existing buildings prior to demolition

Served as arbitrator in multi-million dollar dispute between seller and purchaser of mixed-use project involving groundwater contamination and remediation.

Representation of redeveloper of commercial property in adversary proceedings relating to purchase and sale of contaminated property and insurance coverage for remediation.

Represented national truck rental company in environmental enforcement action by the Attorney General of the State of California.

Professional Involvement

- State Bar of Arizona; Maricopa County Bar Association
- American Bar Association
- Sports Lawyers Association
- Certified Agent, Major League Baseball Players Association (Inactive)
- Chairman, Maricopa County Volunteer Lawyers Program, 1989-91
- Director, Arizona Bar Foundation, 1996-2001
- Director, Law College Association, University of Arizona, 1984-96

Community Involvement

- President, Valley of the Sun Kiwanis Club, 2001-02
- Member, Valley of the Sun Kiwanis Club, 1993-present; Director, Valley of the Sun Kiwanis Club, 1996-2003
- Director, Community Legal Services, 1985-91 Board of Visitors, University of Arizona College of Law, 1997-present

Publications/Presentations

- Co-author, "DeJonghe v. E.F. Hutton: Innocent Misrepresentation & Securities Fraud," Arizona Attorney (Jan. 1993)
- In Defense of Behavior Modification for Prisoners: Eighth Amendment

Michael S. Rubin

Member, Phoenix

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Areas of Practice

- Appellate
- Alternative Dispute Resolution
- Commercial & Business Litigation
- Construction
- Environmental
- Product Liability & Personal Injury
- Insurance & ERISA Litigation
- Media, Sports & Entertainment

Considerations, 18 Ariz. L. Rev. 110 (1976)



Michael R. Scheurich

Member, Phoenix

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Areas of Practice

- Commercial & Business Litigation
- Real Estate Litigation

Education

University of Arizona, B.A., 1976

- high distinction

University of Arizona, J.D., 1979

- Article and Note Editor, *Arizona Law Review*
- Outstanding First-Year Writer's Award, *Arizona Law Review*

Acknowledgements

- Southwest Super Lawyers (2012-present)
 - Real Estate
- Best Lawyers in America (2013-present)
 - Commercial Litigation
 - Litigation - Real Estate

Prominent Assignments

Mr. Scheurich's practice focuses upon commercial litigation, trials and appeals with emphasis on real estate, commercial lending remedies and title and escrow liability lawsuits and related proceedings. Mr. Scheurich's experience includes:

- Author of the successful *amicus curiae* briefs submitted on the behalf of the Land Title Association of Arizona in *The Weitz Company L.L.C. v. Nicholas Heth, et al.*, Case No. CV-13-0378-PR (filed August 26, 2014), in which the Arizona Supreme Court held that Arizona Revised Statutes § 33-992(A), which gives mechanics' liens priority over liens recorded after construction begins on real property, does not preclude the equitable subrogation of a purchase money lender to the lien priority of a construction loan to take a superior lien position to that of mechanics' liens.
- Co-author of the successful *amicus curiae* brief submitted on the behalf of the Land Title Association of Arizona in *Luce v. State Title Agency, Inc.*, 190 Ariz. 500, 950 P.2d 159 (App. 1997), in which the Arizona Court of Appeals held that an escrow agent, who had recorded certain documents as a courtesy to an out-of-state escrow agent, owed no duty of care to the parties to the underlying real estate transaction.
- Negotiation and documentation of a court-approved class action settlement involving claims by certified state-wide class alleging improper escrow fees.
- Obtained dismissal of escrow negligence lawsuit seeking indemnity for \$10 million specific performance claim.
- Recovered embezzled monies in multi-state prejudgment garnishment and escrow fraud proceedings that also resulted in imprisonment of the defendant.

Professional Involvement

- State Bar of Arizona
 - Immediate Past Co-Chair, Section of Real Estate
- American Bar Association - Real Property, Probate and Trust Law and Litigation Sections
- Mandatory Continuing Legal Education Committee of the State Bar of Arizona - former Chair
- Disciplinary Commission of the Arizona Supreme Court - former Volunteer Bar Counsel

Community Involvement

- Director, Beatitudes Campus, a residential and health care community for the elderly
- Director, Beatitudes Campus Foundation
- Former Member, Phoenix Arts Commission
- Past Chair, Chris-Town YMCA
- Former Member, Madison Educational District Foundation

Publications/Presentations

- Chair and Presenter, "The Basic Commercial Real Estate Practice Series: Nuts & Bolts of Commercial Leasing and Financing," State Bar of Arizona, May 2014
- "The Duties of Title Insurers in the Non-Insurance Context," published in the Arizona Bar's Real Property Section Journal and re-published by the American Bar Association in the Title Insurance Litigation Committee's Newsletter.

Michael R. Scheurich

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Areas of Practice

- Commercial & Business Litigation
- Real Estate Litigation

- "The Attorney 'No-Comment' Rules and the First Amendment," *Arizona Law Review*.
- "Double Jeopardy and Successive Prosecutions by Tribal and Federal Courts," *Arizona Law Review*.
- Co-Editor, Symposium: The Federal Land Policy and Management Act of 1976, *Arizona Law Review*.

Experience

- Adjunct Professor of Law, Arizona State University Sandra Day O'Connor College of Law (2010 and 2011)
- Guest Lecturer, Arizona State University Master of Real Development Program
- Law Clerk to Honorable Joe W. Contreras of the Arizona Court of Appeals
- Judge *Pro Tempore*, Arizona Court of Appeals



Richard A. Friedlander

Member, Phoenix

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Areas of Practice

- Alternative Dispute Resolution
- Commercial & Business Litigation
- Construction

Education

University of California, Berkeley, B.A., 1966

Northwestern University School of Law, J.D., 1969

Bar Admission

- Arizona

Acknowledgements

- Selected for inclusion AAA's Master Mediator Panel-Construction for AZ, NM, OK and TX
- Selected for inclusion by the AzBusiness Leaders Magazine - Alternative Dispute Resolution (2016)
- Listed in [Best Lawyers in America](#) (Construction, ADR)
- Named "Litigation - Construction Lawyer of the Year" for 2015 for Phoenix, AZ by [Best Lawyers in America](#)
- Selected "Lawyer of the Year" in Best Lawyers - Arbitration (2013)
- Named "Construction Lawyer of the Year" for 2011 for Phoenix, AZ by [Best Lawyers in America](#)
- Listed in [Southwest Super Lawyers](#) (ADR)

Prominent Assignments

Practice areas include construction, real estate, complex commercial litigation, and title and escrow disputes, as well as an active ADR practice. He is an experienced mediator and arbitrator handling matters in Arizona and throughout the Southwest. Mr. Friedlander, identified in Best Lawyers in America for his Alternative Dispute Resolution work, has mediated hundreds of disputes involving construction, real property, title, contract, bankruptcy, insurance, escrow, lending and other complex civil cases. He frequently is selected as an arbitrator (including acting as a panel chair in large multi-party disputes) for construction and commercial disputes. Mr. Friedlander's construction practice generally involves large, complex, multi-party construction matters and the representation of owners (including public owners), design professionals, general contractors and subcontractors, and consultants in both court and ADR proceedings. His construction experience includes a broad spectrum of commercial projects, including disputes involving highways, sewer/wastewater facilities, schools, hospitals, shopping centers, hotels, office buildings (public and private), jails, and airport projects. He has a broad background and experience in drafting and negotiation of construction contracts for all types of private, public and commercial projects.

Professional Involvement

- Charter Member, Arizona Chapter of National Academy of Distinguished Neutrals
- Served as Judge Pro Tempore for both the Maricopa County Superior Court and Arizona Court of Appeals
- Chairman of the Arizona State Bar Disciplinary Committee for over 8 years

Community Involvement

- Board Member, John C. Lincoln Health Network, and a member of numerous network committees and is the former Chairman of the Board (2004-2006)

Publications/Presentations

Over the years, Mr. Friedlander has written numerous articles and lectured extensively for private organizations and State Bar Continuing Legal Education programs on various construction issues, including bid disputes, construction damages, construction claims and defenses, design defects, implied warranties, arbitration, mediation, RUAA v. FAA, litigation, use and cross-examination of experts, constructive change orders, terminations, equitable adjustment claims, construction lawyer malpractice and legal ethics.



Scott A. Holcomb

Member, Phoenix | Las Vegas

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Areas of Practice

- Commercial & Business Litigation
- Construction
- Construction Litigation
- Municipal Law & Finance

Education

Iowa State University, B.S., Speech, 1981

University of Iowa College of Law, J.D., 1984

- High Honors
- Moot Court Program, Board Member and Student Judge
- Board Member, student-run Client Counseling Program

Acknowledgements

- Best Lawyers in America

Prominent Assignments

Mr. Holcomb's practice focuses on representation of public entities, construction and real estate documentation and claims, as well as commercial litigation, with emphasis on government contracts, real estate, and construction related disputes; however, his practice spans nearly all aspects of commercial litigation. Mr. Holcomb has been involved in cases relating to public bid protests, property rights, contractor and real estate licensing, escrow agent and broker liability and claims, computer systems and software, insurance defense and coverage issues, bond claims, easements, enforcement of CC&Rs, business partnerships, businesses aspects of domestic relations cases, constitutional rights, and title insurance, to name a few areas. Mr. Holcomb has also drafted bid packages, contracts, and contract templates for public and private construction, for developers, contractors, municipalities, and other government entities.

Mr. Holcomb has appeared as an advocate before the Arizona Superior Court, the Arizona Court of Appeals, the United States District Court for the Districts of Arizona and Nevada, the California Superior Court, the Nevada Superior Court, the Arizona Corporation Commission, the Arizona State Procurement Office, the Arizona State Liquor Licensing Board, the Arizona Department of Real Estate, the Arizona Registrar of Contractors, the Nevada Board of Contractors, the Arizona Department of Transportation Board, and various school districts and other regulatory bodies

Professional Involvement

- Elected Member and President, Madison Elementary School District No. 38 Governing Board
- Director, Maricopa County, Arizona School Boards Association
- Past Member, State Bar of Arizona Construction Law Section Board and Electronic Bulletin Board Committee
- Member, Real Estate and Construction Sections of the Arizona State Bar and American Bar Association

Community Involvement

- Advisory Council, Maricopa County Regional School District
- Board Member, Madison Elementary School District



Stephen E. Richman

Member, Phoenix
Practice Department Manager:
Construction, Municipal, Real
Estate Litigation and
Professional Liability

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srichman@dickinsonwright.com

Areas of Practice

- Commercial & Business Litigation
- Construction

Education

University of California Hastings College of the
Law, J.D., 1982

- *cum laude*
- Assisting Managing Editor, *The Hastings Law Journal*
- Order of the Coif
- Thurston Society

Acknowledgements

- Listed in Best Lawyers in America
- Named Construction Lawyer of 2012 for Phoenix by *The Best Lawyers in America*
- Listed in Southwest Super Lawyers

Prominent Assignments

Stephen E. Richman practices in all phases of Construction Law, commercial and residential.

Mr. Richman is a past chair of the Construction Law Section of the State Bar and is a member of the ABA Forum on the Construction Industry. He is also active in the Arizona Builders Alliance, where he is a member of the Legislative Review Committee and the Legal Advisory Council. Mr. Richman is also a member of the Construction Law Attorney Forum of the National Association of Home Builders. He has written several articles and given seminars on such topics as managing construction defect risks, handling construction claims, design build construction, the AIA construction contract documents, risk-shifting contract clauses, lien laws, legislative amendments affecting the construction industry, alternative dispute resolution, and insurance/indemnification issues. Mr. Richman is also a member of the American Arbitration Association's construction industry panel and has served as an arbitrator of construction disputes on numerous occasions. In addition to handling claims involving all aspects of real estate development, Mr. Richman's practice includes the drafting and negotiation of construction agreements, both for developers and contractors.

Publications/Presentations

Recent Seminar Presentations:

- Sponsor: Dickinson Wright/Mariscal Weeks; Holden Willits PLC; Minard-Ames Insurance
 - September, 2013: How Does the Recent Arizona Supreme Court Decision in *Sullivan v. Pulte Home Corp.* Impact Arizona's Construction Industry?
- Sponsor: State Bar of Arizona:
 - December, 2014: Arizona's Private Prompt Pay Law: An Overview
 - March, 2014: *Sullivan v. Pulte Home*: Contracts and the Economic Loss Doctrine
 - May, 2012: The Implications of the April 2012 Appellate Opinion, *Hall v. Read Development*
 - March, 2012: Key Issues in Construction Litigation
 - November, 2011: Statutory Changes to Procedures Before the Registrar
 - February, 2011: Mastering Construction Law
 - February, 2010: Examining Emerging Construction Trends Over the Past 10 Years
 - June, 2009: Working With Experts in Construction Disputes
 - February, 2009: A Close Inspection of Recent Arizona Construction Law Cases
 - February, 2009: Warranty Law Update
 - February, 2008: Significant Changes in New AIA Documents
 - February, 2008: Reinforcing The Foundation: Emerging Issues for Construction Lawyers
 - November, 2007: Arizona's Prompt Pay Act
 - September, 2007: Procedural Motions to Dismiss
 - April, 2007: Private Arbitration Updates
 - February, 2006: Litigating the Multi-Party Construction Case
 - December, 2005: Payment Claims Through the Registrar of Contractors
 - January, 2004: Building a Construction Case From the Ground up
- Sponsor: PulteGroup, Inc. - PulteGroup Legal Summit
 - November 2013: Minimizing Homeowner Claims and Disputes Through Thoughtful and Appropriate HOA Formation, Operation and Turnover
 - November, 2012: Class Action Tolling and Statutes of Repose

Stephen E. Richman

Member, Phoenix
Practice Department Manager:
Construction, Municipal, Real
Estate Litigation and
Professional Liability

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F: 602-285-5100
srichman@dickinsonwright.com

Areas of Practice

- Commercial & Business Litigation
- Construction

- Sponsor: Maricopa County Bar Association
 - November, 2011: The Latest on the Tolling of the Statute of Repose (*Albano v. Shea Homes Limited Partnership*)
- Sponsor: Arizona Builders Alliance:
 - January, 2015: Alternate Dispute Resolution-Resolving Disputes in the the 21st Century
 - September, 2013: Mechanic's Liens and Stop Notice Claims
 - April, 2012: Differing Site Conditions
 - September, 2011: Payment Seminar for Contractors
 - November, 2009: Steps to Improve Collections
 - December, 2008: Payment and Collections for Contractors
 - April 2008: Insurance and Indemnity Issues for Contractors
 - April, 2007: Change Orders: Best Practices
 - April, 2007: Arizona Lien and Stop Notice Law
 - December, 2005: A Primer on Oral Change Orders
- Sponsor: Arizona Society of Certified Public Accountants:
 - October, 2004: Hidden Ownership Exposure
- Sponsor: Construction Financial Management:
 - June, 2009: Contractor Strategic Boot Camp: Ins and Outs of Bankruptcy
- Sponsor: Lorman Education Services:
 - May, 2008: Construction Litigation in Arizona: Application of the Economic Loss Rule to Claims Against Design Professionals
- Sponsor: National Builders Institute:
 - January, 2007: Resolving Disputes on Construction Projects



James S. Rigberg

Member, Phoenix

T: 602-285-5080
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jrigberg@dickinsonwright.com

Areas of Practice

- Commercial & Business Litigation
- Construction

Education

University of Arizona, B.A., 1990

University of Denver College of Law, J.D., 1993

Prominent Assignments

Mr. Rigberg represents commercial property owners and developers, homebuilders, and business owners in Federal and State Court litigation involving title issues, construction/engineering defects, payment disputes, business dissolutions, and lease defaults. Mr. Rigberg also has extensive experience in cases dealing with trademark and copyright infringement, restrictive covenant enforcement, professional malpractice defense, and probate matters. Mr. Rigberg has served as both lead and co-lead counsel in many jury and bench trials, arbitrations, agency hearings, and appellate cases.

Illustrative cases include:

- As co-lead counsel, obtained dismissal of \$11 million trademark infringement claims in a "bet-the-company" arbitration proceeding.
- Defended two individual attorneys and a law firm against \$5 million malpractice claim; jury returned a zero dollar verdict.
- Obtained Arizona Court of Appeals reversal of trial court order allowing \$2 million claim against probate estate; published decision helped further refine guidelines for presentation of claims against estates.
- Succeeded in having binding JAMS arbitration award against California Indian tribe vacated.



Denise H. Troy

Member, Phoenix

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F: 602-285-5100
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Areas of Practice

- Commercial & Business Litigation
- Construction
- Labor & Employment
- Government Contracts
- Municipal Law & Finance

Education

Trinity College (Dublin, Ireland)

Arizona State University College of Law,
J.D., 1989

Bar Admission

- Arizona

Acknowledgements

- Listed in Best Lawyers in America

Prominent Assignments

Denise H. Troy represents clients in all aspects of the construction industry in contract negotiation, arbitration, litigation, and administrative proceedings, on both private and public projects. She has also represented companies and business owners in employment matters.

Professional Involvement

- American Bar Association
- State Bar of Arizona
 - Former Chairperson, Construction Section
- Former Director, Greater Phoenix Chapter of the National Association of Women in Construction
- Member, Construction Finance Management Association
- Member, AAA Construction Arbitration Panel



Fredda J. Bisman

Member, Phoenix

T: 602-285-5047
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Areas of Practice

- Real Estate
- Government Contracts
- Municipal Law & Finance

Education

Columbia University, B.S., English Literature

Jewish Theological Seminary of America,
B.H.L., Hebrew Literature

University of Nebraska College of Law, J.D.

Acknowledgements

- Listed in Best Lawyers in America -
Municipal Law (2011-present)
- Named Best Lawyers in America "2015
Phoenix Lawyer of the Year - Municipal
Law"
- Recipient, Maricopa County Bar
Association/ State Bar of Arizona Quality of
Life Award for Small/Medium Public Law
Office (1998)

Prominent Assignments

Serves as principal attorney for the Town of Queen Creek and as General Counsel for the Maricopa Association of Governments (MAG) and the Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA).

Provides legal services on a project basis to municipalities with in-house legal departments on a variety of matters, including land use, elections, open meetings and public records.

Represents individual and corporate clients in their dealings with local governments on real estate and land use matters.

Professional Involvement

- Member, Maricopa County Bar Association
- Arizona City Attorneys Association
- Arizona Women's Lawyers Association
- International Municipal Lawyers Association



James T. Braselton

Member, Phoenix

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F: 602-285-5100

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Areas of Practice

- Commercial & Business Litigation
- Condemnation & Land Use
- Government Contracts
- Municipal Law & Finance

Education

University of Illinois, B.S., Civil Engineering ,
1976

Arizona State University, J.D., 1986

- *cum laude*
- Order of the Coif

Bar Admission

- Arizona

Acknowledgements

- Listed in Best Lawyers in America
 - Lawyer of the Year 2016- Eminent Domain and Condemnation Law
- Listed in [Southwest Super Lawyers](#)

Prominent Assignments

Represented and/or currently represents governmental entities, including the City of Mesa, the City of Scottsdale, the Maricopa County Stadium District, the City of Peoria, the Town of Queen Creek and the City of Tempe; has assisted in their acquisition of both real property and related property rights, including property interests such as leasehold interests, air rights, subterranean rights access easements and innumerable temporary construction easements.

Served as trial counsel in numerous condemnation lawsuits involving a determination of the amount of just compensation which must be paid by various governmental entities to certain individuals and entities which own real property located within corridors designated for proposed public improvements.

Represented the landowner/developer in litigation regarding whether a municipality's issuance of a Conditional Use Permit is subject to a voter referendum in which the client was successful. This matter was appealed to the Arizona Court of Appeals and an opinion from that Court was published, thereby establishing new law in Arizona.

Represented the City of Tempe in connection with the eminent domain actions needed in order to acquire the balance of the property required for the Tempe Marketplace redevelopment project.

Represented the owners of property that the City of Phoenix attempted to condemn for park purposes; was successful in opposing the City's right to condemn property that is located outside its municipal boundaries, which resulted in a Court of Appeals opinion establishing new law in Arizona.

Professional Involvement

- Member, Arizona Bar Association
- Arizona State Bar



Robin L. Miskell

Member, Phoenix

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Areas of Practice

- Estate Planning & Administration
- Charitable Organizations
- Taxation

Education

University of Texas, B.S., Civil Engineering, 1983

- with honors

University of Texas, J.D., 1990

Bar Admission

- Arizona

Overview

Robin practices primarily in the areas of estate planning, probate and trust administration, taxation and exempt organizations. She offers estate planning services for all ranges of financial situations, for married couples and single persons, with a variety of estate planning tools. Robin is experienced in drafting complex trust agreements, gift tax and estate tax returns, creating charitable organizations and dealing with contested probate administration cases.

"There are many issues that you may not think about that are involved in estate planning, it is recommended that everyone have an estate plan so that a lifetime of wealth and sentimental assets are distributed in the manner you desire with the least amount of discord among family members."

Prominent Assignments

Design customized estate plans for married couples, unmarried couples, individuals and high net worth clients that achieve client's goals including:

- Tax Savings Strategies including estate and income tax avoidance
- Probate avoidance
- Second marriages and blended families
- Educational planning for children
- Charitable giving
- Inter-generational wealth transfers
- Real estate, life insurance and retirement strategies
- End of life care and life sustaining treatment

Professional Involvement

- American Bar Association, Member, Real Property, Trust and Estate Law Section
- State Bar of Arizona, Member, Taxation, Probate and Trust Sections
- Member, Valley Estate Planners

Community Involvement

- National Charity League, Moon Valley Chapter

Publications/Presentations

- Presenter, "Estate Planning 101: Key Concepts Including Top Trends to Know Now," Dickinson Wright Estate Planning Webinar, March 17, 2016
- Presenter, "The Portability Election Under the 2015 Final Regulations," Valley Estate Planners, November 19, 2015
- Presenter, "Crossover Issues in Estate Planning," Maricopa County Bar Association, Family Law Section, March 6, 2015
- Co-Presenter, "Forever Young in Life and Business: How to Protect and Enhance Your Image for Success," Phoenix, AZ, May 9, 2014



Les Raatz

Member, Phoenix

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Areas of Practice

- Corporate
- Nonprofit Organizations
- Taxation
- Estate Planning & Administration

Education

University of Illinois, B.S., Accountancy, 1974

- high honors

University of Illinois, J.D., 1977

Bar Admission

- Arizona

Acknowledgements

- Listed in Best Lawyers in America
 - Listed as Lawyer of the Year 2016-Trusts and Estates
- Listed in Southwest Super Lawyers

Overview

Les Raatz is a member of the law firm of Dickinson Wright PLLC in Phoenix. He practices primarily in the areas of estate planning, probate and trust administration, divorce tax and asset planning, and entity structuring, and taxation. Mr. Raatz has significant experience representing many hundreds of business clients and their families in connection with estate and tax planning. He is a national author and speaker at numerous seminars on areas of income, estate and gift taxation, probate and trust issues, and selection of business entities. He is a licensed attorney in Arizona. After graduation from law school, he practiced as a Certified Public Accountant with KPMG Peat Marwick, CPAs.

Mr. Raatz is a Fellow of the American College of Trust and Estate Counsel (ACTEC). He is listed in Best Lawyers in America in fields of Tax Law and is 2016 Lawyer of the Year – Phoenix in the area of Trusts and Estates; and listed in Southwest Superlawyers in the fields of Tax, Estate Planning & Probate, Estate & Trust Litigation. He is certified as a Tax Specialist by the Board of Legal Specialization of the State Bar of Arizona. He was President of the Central Arizona Estate Planning Council, Chair of the Probate and Trust Law Section of the State Bar of Arizona, Chair of its Arizona Trust Code Comment Committee, and Chair of the Tax Advisory Commission for the Board of Legal Specialization, and a member of the Probate Rules Committee of the Arizona Supreme Court. His recent articles are “DIVORCE, SLATS AND THE GRANTOR TRUST SECTION 677 GHOST,” Trust and Estates magazine, August 2015; “‘DELAWARE TAX TRAP’ OPENS DOOR TO HIGHER BASIS FOR TRUST ASSETS,” Estate Planning magazine, Feb. 2014 (41 ETPL 3); and “STRUCTURING BUSINESS OWNERSHIP, OPERATION AND SALE TO MITIGATE THE 3.8% OBAMACARE TAX, SECA TAX AND FICA TAX,” Practical Tax Strategies magazine (June 2014), Tax & Accounting business of Thomson Reuters as Publisher. He also authored “The Arizona Trust Code,” Arizona Attorney magazine, Jan. 2009 (45–Jan Ariz. Att’y 20), cited favorably in In re the Estate of King, 228 Ariz. 565; 269 P.3d 1189; 627 Ariz. Adv. Rep. 6 (Ariz. App., 2012).

Professional Involvement

- Fellow, American College of Trust and Estate Counsel (ACTEC); ACTEC Task Force on Trust Material Participation; Estate and Gift Committee: Asset Protection Committee
- Former President, Central Arizona Estate Planning Council
- Former Chair, Probate and Trust Law Section of the State Bar of Arizona, Arizona Trust Code Comment Committee, and Tax Advisory Commission for the Board of Legal Specialization
- Member, Taxation Section of the American Bar Association
- Member, Taxation and Probate and Real Property Sections of the State Bar of Arizona
- Former Member, Probate Rules Committee of the Arizona Supreme Court

Recent and Upcoming Publications and Presentations

- “Estate Planning with Corporations, LLCs, and Partnerships” State Bar of Arizona - CLE by the SEA, San Diego, July 12, 2016
- “Lawyer Conflicts in Estate Planning and Probate,” State Bar of Arizona Convention, Phoenix, June 15, 2016
- “USRAP Surprise Delaware Tax Trap When Appointing To An Existing Trust,” Estate Planning, May 2016
- “Planning And Drafting Trust Provisions For Retirement Benefits,” State Bar of Arizona - Advanced Estate Planning: Complexities Facing Planners in the Current Estate Tax Environment, Phoenix, November 12, 2015
- “Joint Representation of Spouses in Estate Planning,” American Academy of Matrimonial Lawyers, Arizona Divorce Conference: Advanced Financial Topics, Phoenix, October 22, 2015

Les Raatz

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Areas of Practice

- Corporate
- Nonprofit Organizations
- Taxation
- Estate Planning & Administration

Bar Admission

- Arizona

- "Divorce, Slats, and the Grantor Trust Section 677 Ghost," Trust and Estates magazine, August 2015
 - Divorce is stressful enough without gratuitous tax issues, especially income tax. Imagine finally getting the divorce and then being told that you are going to pay tax on the income or capital gain upon sale of assets that are in trust for the benefit of your ex-spouse – and there is little, if anything you can do about it. That is the perception many have when a spouse creates and funds an irrevocable trust for the other back when they were lovey dovey, and thereafter part ways. But it is not that bleak.
- "Trusts as IRA Beneficiaries," State Bar of Arizona - CLE by the SEA, San Diego, July 20, 2015
 - Large Individual Retirement Accounts are more and more commonplace. IRAs now constitute a significant portion, and in many cases the largest part, of the wealth of the client. Designation of trusts as IRA and qualified plan interest beneficiaries offers outstanding benefits, such as greater asset protection and control of disposition, but is a dangerous endeavor for anyone other than the relative few who understand the rules. There are two types of trusts that can qualify to permit IRAs and plan to be paid out over the actuarial lifetimes of the beneficiaries. Mr. Raatz's presentation discusses the choices and means to achieve them.
- "Income Tax Planning for New and Used Trusts," State Bar of Arizona Convention, Phoenix, June 25, 2015
 - Income tax management for trusts is more important as the trust income tax rates have climbed substantially since 2012. New trusts should have built in agility to shift and reduce aggregate Income Tax and the Net Investment Income Tax. Recent changes to state trust laws create multiple ways to fix and repair old and backward trusts.
- "Delaware Tax Trap and How to Spring It," State Bar of Texas - 39th Annual Advanced Estate Planning and Probate Course, Dallas, June 11, 2015
- "Tax Planning for Estate Planning Clients," Arizona Community Foundation, Phoenix, May 28, 2015
- "Derivation, Meaning and Application of Certain States' Constitutional Provisions Regarding Perpetuities," ACTEC Annual Meeting, Marco Island FL, March 8, 2015
- "Structuring Business Ownership, Operation, and Sale to Mitigate the 3.8% Taxes," Practical Tax Strategies, June 2014
 - Avoiding the 3.8% Net Investment Income Tax (the "Obamacare Tax" or the "NIIT") provides little benefit if the consequence is to replace it with effectively a 3.8% self-employment tax or social security tax. The article discusses the NIIT, as well as techniques to avoid it as well as the other 3.8% Taxes when possible.
- "Unique Estate Planning in Arizona to Reduce Income Tax and Simplify Structures," State Bar of Arizona Convention, Tucson, June 13, 2014
- "Delaware Tax Trap Opens Door to Higher Basis for Trust Assets," Estate Planning, February 2014
 - The Delaware Tax Trap provides a method to step up basis in assets held in an irrevocable trusts that were not originally drafted to permit that benefit (bypass trust and multigenerational trust are candidates) through exercise of a power of appointment that causes the assets to be included in the estate of the powerholder. Alternatively, the Trap may permit one to elect to be treated as making a gift in order to allocate GST Exemption and avoid the GST Tax. The method requires understanding of the applicable state's rule against perpetuities. It is a new opportunity

Les Raatz

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Areas of Practice

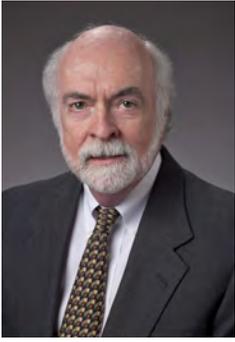
- Corporate
- Nonprofit Organizations
- Taxation
- Estate Planning & Administration

Bar Admission

- Arizona

available due to the permanent increase in the estate and gift tax exemption and made more important because of much higher income tax rates.

- "The Evolution of Planning Needs for Business Owners and High Net Worth Families Post ATRA," New York Life 2013 Advisor Symposium, New York City, October 22, 2013.
- Portability – Inheriting the Spouse's Estate Tax Exemption
- Creditor Protection Planning Techniques
- "Selecting Decanting, Nonjudicial Settlement Agreements and Other Trust Modification Techniques," Valley Estate Planners, Phoenix, September 19, 2013.
- "Arizona Trust Code: Notice and Reporting Requirements, Creditor Protection Planning Techniques, Other Planning Opportunities under the Arizona Trust Code, Analysis and Planning for Use of the Trust Protector, Springing the Delaware Tax Trap in Arizona: Stepping Up Basis in Irrevocable Trust Assets," State Bar of Arizona "CLE by the SEA," San Diego, July 18, 2013.
- "The Arizona Trust Code," Arizona Attorney Magazine, Jan. 2009 (45–Jan Ariz.Att'y 20), cited favorably in *In re the Estate of King*, 228 Ariz. 565; 269 P.3d 1189 (Court of Appeals, Division 1, Feb. 7, 2012).



David J. Ouimette

Member, Phoenix

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Areas of Practice

- Commercial & Business Litigation

Education

Wesleyan University, B.A.

- *magna cum laude*

Claremont Graduate School, M.A., English
Literature

Stanford Law School, J.D., 1979

Acknowledgements

- Listed in Best Lawyers in America

Prominent Assignments

Since 1980, Mr. Ouimette has practiced in the area of complex commercial litigation, including real estate, land use, securities, professional liability, business torts, property and casualty insurance, liability insurance, title insurance, and general corporate and business disputes. He also has experience in litigation of issues regarding public utilities, employment termination, lender liability, municipal law, administrative law, Indian law, taxation and commerce, and landlord-tenant disputes.



Mitesh V. Patel

Associate, Phoenix

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Areas of Practice

- Real Estate
- Litigation

Education

University of Arizona, B.S., Electrical Engineering, 1999

- *cum laude*
- Dean's List

Arizona State University, W.P. Carey School of Business, MRED, 2011

Arizona State University, Sandra Day O'Connor College of Law, J.D., 2014

- *summa cum laude*
- Order of the Coif
- 2014 Daniel Strouse Prize
- Certificate in Law, Science and Technology (Intellectual Property)
- Pedrick Scholar
- *Arizona State Law Journal*, Technology Editor
- Cali Awards for Excellence in Academics:
 - Civil Procedure
 - Business Organizations
 - Federal Income Tax
 - Private Property Rights
 - Land Use Planning
 - Real Estate Foreclosures
 - Real Estate Litigation
 - Patent Law
 - Innovation Advancement Legal Clinic
 - Law, Science and Technology Research Cluster

Experience

- 5-years experience as a digital design engineer at Motorola
- 6-years experience as a project manager for a residential general contractor
- 9-years experience as a licensed real estate sales person / 6-years experience as a licensed real estate broker



Marlene A. Pontrelli

Member, Phoenix

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Areas of Practice

- Family Law

Education

University of Southern California, B.A.,
Political Science and Speech Communication
, 1979

University of California, Davis, J.D., 1982

- Law Review member
- Senior Articles Editor

Bar Admission

- Arizona
- California

Acknowledgements

- Listed in *Southwest Super Lawyers*
- AV-Preeminent rated by Martindale-Hubbe

Prominent Assignments

Marlene A. Pontrelli is a certified specialist in family law. Her practice focuses on all aspects of family law including dissolution, post-dissolution, paternity, child custody and child support matters. She is admitted to practice in California and Arizona. She is a member of the State Bar's Family Law Practice and Procedure Committee and is a judge pro tem for the Superior Court of Maricopa County in family law. Ms. Pontrelli obtained her life coaching certificate through the Professional Coaching Institute in 2005. She has extensive trial and appellate experience including appearing before the Arizona Court of Appeals, Arizona Supreme Court and Ninth Circuit Court of Appeals.

Ms. Pontrelli has written several books, including the recently published *Divorce in Arizona*. She is a frequent lecturer in the area of family law and has conducted workshops throughout the country on time management and balancing work and personal life.

Professional Involvement

- Maricopa County Bar Association, Family Law Section
- Arizona State Bar
- California State Bar
- Judge Pro Tempore, Maricopa County Superior Court, Family Law division
- Adjunct Professor in Family Law at Sandra Day O'Connor School of Law at Arizona State University

Publications/Presentations

Publications - Partial List

- *Daily Meditations for Hearing from Divorce*, Addicus Publishing (2016)
- *Divorce in Arizona*, Addicus Books (Nebraska 2015) (Co-author with Robert L. Schwartz)
- *Fundamentals of Litigation for Paralegals*, Aspen Publishers, 8th Edition (New York 2014) (Co-author with Thomas A. Mauet, University of Arizona)
- *Fundamentals of Litigation for California Paralegals*, Aspen Publishers, 5th Edition (New York 2013) (Co-author with Thomas A. Mauet, University of Arizona)
- Community Columnist for the Arizona Republic, (1997-2008)

Speaking Engagements - Partial List

- Professional Goodwill in Family Law, State Bar of Arizona (2013)
- Advanced Family Law, National Business Institute (2012)
- Business Valuations, Arizona Society of Certified Public Accountants (2012)
- Family Law Update, State Bar of Arizona (Scottsdale, AZ, April 3, 2009)
- Family Law Litigation, National Business Institute (Phoenix, AZ, August, 2008)
- Time Management Skills for Effective Leadership, National League of Cities and Towns (New Orleans, LA., November 14, 2007; Orlando, FL, November 12, 2008)
- Developing Highly Effective Teams in the Workplace, International Municipal Lawyers Association (Washington, D.C., April 2007)
- Life Coaching Skills for Effective Leadership: Balancing Your Personal and Professional Life, National League of Cities & Towns (Reno, NV., December 5, 2006)
- E-Mails, Ethernet, and Privacy in the Workplace, International Municipal Lawyers Association (Portland, OR., September 2006)
- Real World Ethics, Arizona State Bar (Phoenix, August 10, 2006)
- Conducting Internal Investigations, Tempe Learning Center (2000-2005)



Anne L. Tiffen

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Areas of Practice

- Labor & Employment
- Commercial & Business Litigation
- Appellate

Education

Yale University, B.A., English, 1978

University of Chicago, J.D., 1981

Bar Admission

- Arizona

Acknowledgements

- Listed in Best Lawyers in America

Prominent Assignments

Ms. Tiffen's practice focuses on advising and defending employers in employment related law and litigation. Her experience in this area embraces a broad range of matters, including the following:

- Rendering extensive advice and consultation to employers on all aspects of employment, including hiring, discipline, investigation of unlawful harassment and other matters, termination, terms of employment, and review and drafting of employment policies, manuals and contracts.
- Defending charges of discrimination before the Equal Employment Opportunity Commission and the Arizona Civil Rights Division, as well as equivalent agencies in other states, including drafting employers' position statements.
- Handling a wide variety of employment related litigation, including cases involving claims of sexual harassment, disability discrimination, and other statutory discrimination, alleged breach of contract of employment, alleged wrongful discharge, fraud, defamation and other employment-related torts, claims for ERISA benefits, wage disputes, and restrictive covenants.
- Defending unemployment compensation claims, including hearings before the appeals tribunal and preparation of appeals and responses to appeals.
- Adjunct Professor at the Sandra Day O'connor College of Law of Arizona State University, teaching a course in Labor and Employment Law.

Professional Involvement

- American Bar Association
 - Litigation and Labor and Employment Law Sections
- State Bar of Arizona
 - Labor and Employment Section
- Adjunct Professor (Employment Law), Sandra Day O'Connor College of Law, Arizona State University (2008-present)
- Member, Executive Review Board, The Arizona Labor Letter (1993-2000)
- Faculty Labor and Employment Law, Keller Graduate School of Management (1993-1999)

Publications/Presentations

- Served on Executive Review Board and was frequent contributor to, *The Arizona Labor Letter*
- Contributing author, *Arizona Employment Law Handbook*
- Served as a frequent speaker on employment-related issues at seminars for attorneys and businesses, including those sponsored by the National Education Council, the Arizona Employers' Council, the Arizona Labor Letter, and Personnel Law Update, and at meetings of business groups and other associations.

James Ullman

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Areas of Practice

- Franchise & Distribution
- Schools & Educational Institutions
- Trademarks

Education

University of Michigan, B.A., 1968

State University of New York at Buffalo,
J.D., 1971

Bar Admission

- Arizona

Acknowledgements

- Listed in Top 100 Lawyers in Arizona list by AZ Business Magazine (2015)
- Named a 2014 Arizona Business Leader by AZ Big Media
- Selected for inclusion in Southwest Super Lawyers® lists (2007 –present: Franchise/Dealership) and named among the Top 50 attorneys in Arizona (2012–2014)
- Listed in Arizona's Top Lawyers list by AZ Business Magazine (2014: Franchise/Specialty Law)
- Listed in 2013 Arizona Business Leaders, published by AZ Big Media
- Listed in The Best Lawyers in America® (1995–present: Franchise Law)
- Martindale-Hubbell Ranked AV® Preeminent™ 5.0 out of 5
- Received M&A Deal of the Year Award from Latin Lawyer Magazine (2008)
- Selected as one of Arizona's Finest Lawyers (2011)
- Received "Best of the Bar Award," Business Journal (2005: Franchising & Licensing)

Overview

James Ullman is Of Counsel at Dickinson Wright. Jim is a franchise attorney with more than 35 years of franchise transactional industry specific experience. Mr. Ullman began his career as in-house counsel for a company seeking to become a franchise system, which means he personally understands the process from his clients' perspectives — he helped that employer develop its franchise system from scratch, back in 1979 when the Federal Rules regarding disclosure obligations governing franchise businesses were first established. Because of his hands-on knowledge and professional experience since then, Jim appreciates entrepreneurialism and franchise systems to a degree that few other attorneys can boast. Jim fully comprehends the needs of franchise businesses as an advisor who is flexible and accountable as well as responsive.

Jim has worked on a number of significant deals during his career, including some for national and multinational corporations. He has been credited with orchestrating a franchise law component "Latin American Deal of the Year" for one of the largest fast-food restaurant chains in the world. He has also worked for major international financial institutions, handling all business-law aspects of franchising, licensing, distribution, and intellectual property.

Prominent Assignments

An extremely brief sampling of Jim's representations includes the following:

Preparation of single-unit, area development, and master franchise agreements for myriad service industries and products, including registration services in all states in the U.S.

Numerous sales and acquisitions by private equity clients of franchise systems, ranging from several million to approximately \$1 Billion.

Acquisition by a client of a multinational franchised restaurant chain for a purchase price in excess of \$900 million.

Representation of several investment banks in the acquisition of multi-unit franchise locations in employment services and restaurant services.

Structuring of numerous licensing arrangements in medical, fitness, hospitality, and restaurant services as exemption-based franchises.

Conversion of licensing systems to franchise systems in the travel services and trucking industries.

Special franchise counsel to several prominent law firms on matters related to the acquisition or sale of a franchise system.

Representation of U.S.-based franchisors licensing abroad and foreign franchisors licensing in the U.S.

Representing master franchisees when buying and selling units.

Acting as an AAA arbitrator between franchisors and franchisees in a myriad of disputes.

Professional Involvement

- Recipient of Distinguished Service Award as Outstanding State Education Board Member, National Association of State Board of Education, 1996
- Community Colleges of Arizona (Member, State Board of Directors: 1990–1997; Chairman: 1995)
- American Arbitration Association (Member, Panel of Arbitrators: 1992–present)

James Ullman

Of Counsel, Phoenix

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Areas of Practice

- Franchise & Distribution
- Schools & Educational Institutions
- Trademarks

Bar Admission

- Arizona

- American Bar Association (Member, Forum Committee on Franchising: 1982–present)
- State Bar of Arizona (Chairperson, Seminars on Franchising: 1987, 1989)
- Adjunct professor, Thunderbird Graduate School of International Management, 2014
- National Organization on Legal Problem of Education (now Education Law Association) (Past President: 1992)
- Citizenship Counts, Inc. (Vice Chairman: 2008–present)

Community Involvement

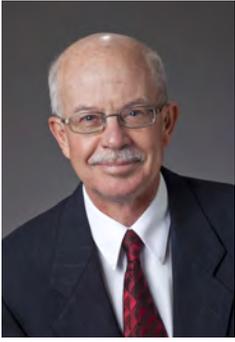
- State Board of Education (Member: 1991–1997; President: 1995)
- Citizenship Counts, Inc., Vice Chairman (2008-Present)
- Community Colleges of Arizona, Past Member of the State Board of Director and Past President

Publications/Presentations

- Co-Presenter, "Are You Ready to Franchise or Expand Your Product or Service Line?," Quarles & Brady Franchising Workshop Series, January 2015
- Panelist, "Franchisors and Multi-Unit Franchisees: Plan a Smart Exit Strategy," October, 2014
- Presenter, "Look Before You Leap - Top 10 Pitfalls for an Upstart Franchisor," International Franchise Association Law Conference, Washington, D.C., May, 2014
- Presenter, "Is Your Business Ready to Franchise?," February 2010

Court Admissions

- U.S. Court of Appeals, 9th Circuit
- U.S. District Court, District of Arizona
- U.S. District Court, Western District of New York
- U.S. Supreme Court



Fred C. Fathe

Member, Phoenix

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Areas of Practice

- Corporate Finance
- Real Estate

Education

Wittenberg University, B.A., Chemistry and Physics, 1974

- *magna cum laude*

University of Michigan Law School, J.D., 1977

- *magna cum laude*
- Order of the Coif

Acknowledgements

- Listed in "The Best Lawyers in America" as a real estate practitioner (1997-Present)
- Listed in "Southwest Super Lawyers"
- Named in "Chambers U.S.A." as a named and ranked leading real estate attorney in Arizona

Prominent Assignments

Fred Fathe practices extensively in all real estate transactional areas; banking (primarily real estate and corporate finance); corporate acquisitions; and in Uniform Commercial Code matters. He is a Certified Specialist, Real Property Law, State Bar of Arizona Board of Legal Specialization.

Mr. Fathe is actively involved with real property acquisition and development, including acquisition and sales of both unimproved and improved property; real property master-and development planning; major leasing transactions; real property financing transactions; and advising banks and other institutions (both in Arizona and out-of-state) regarding structuring of Arizona real property lending transactions, foreclosures and loan modifications.

Mr. Fathe has been involved advising Borrowers and Owners for over 20 years regarding subsidized housing project in Arizona. He has had significant experience involving HUD financing, ADOH-assisted financing, tax credit financing, etc. involving all aspects of those projects (including acquisition, construction and financing issues).

He has been involved with tax-exempt financing in Arizona since the early 1980s. During that time Mr. Fathe acted as Borrower's counsel in numerous tax-exempt financings, including counsel to public entities which were borrowers.

Mr. Fathe has extensively counseled municipal clients with regard to both financing and other general municipal business matters.

Professional Involvement

- State Bar of Arizona, Member, Real Property and Business Law Sections; Subcommittee on Corporate, Banking, and Business Law Section; past Program and Speaker Chairman - Phoenix area, Real Property Section
- American Bar Association, Member, Real Property Section
- Arizona State Bar, past Member, Business Law Section Council; past Chair, Real Property Section; past Chair and current Member, Business Law Section
- Frequent lecturer respecting real property and finance issues at seminars, presentations and conventions sponsored by the State Bar of Arizona



Marki Stewart

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Areas of Practice

- Appellate
- Family Law
- Healthcare
- Litigation

Education

Washington State University, B.A., Political Science and Philosophy, 2003

- With Honors

Arizona State University, Sandra Day O'Connor College of Law, J.D., 2006

- Magna Cum Laude
- Editor, Arizona State Law Journal
- Order of the Coif
- President, Health Law Society
- Executive Pro Bono Board

Bar Admission

- Arizona

Acknowledgements

- Arizona Super Lawyers, Healthcare Law, 2016

Overview

Marki has extensive experience providing guidance to health care clients on federal fraud and abuse laws, including the Anti-Kickback Statute and the Stark law, in addition to specialized knowledge in telemedicine, Accountable Care Organizations, and contract drafting and review. She also represents providers before various regulatory boards and in medical malpractice cases as well.

Professional Involvement

- Board of Directors, Susan G. Komen (Arizona)
- Board of Directors, Mountain Park Health Center
- Arizona State Bar
- Oregon State Bar

Community Involvement

- Phoenix Art Museum Corporate Council Representative

Publications/Presentations

- "Divorce Requires Prep: Five Important Steps to Consider If Your Marriage Must Come to an End," Paradise Valley Life Magazine, October 2013
- "CMS To Publish Financial Relationships Between Physicians and Drug Manufacturers Beginning September 2014," DW Women in Law Blog, April 2014
- Author, "Great X-Pectations: Protecting Examinees' Reliance That No News Is Good News," Arizona State Law Journal, Vol. 37, No. 1, Spring 2005.

Experience

- Law Clerk for Judge Daniel A. Barker at the Arizona Court of Appeals (2006-2007)



Frederick M. Cummings

Member, Phoenix

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fcummings@dickinsonwright.com

Areas of Practice

- Healthcare
- Product Liability & Personal Injury
- Commercial & Business Litigation

Education

Georgetown University, B.S. F.S.,
International Relations, 1980

- With Honors
- *Alpha Sigma Nu*
- *Phi Alpha Theta*

Georgetown University Law Center, J.D.,
1984

- American Bar Association Section Law
Journal, Associate Editor, 1983-1984

Bar Admission

- Arizona

Acknowledgements

- AV® Preeminent™ Peer Review Rated
- *The Best Lawyers in America*®
(2007-2016)
- Top Lawyers List, Healthcare, *Arizona
Business Magazine* (2014)
- *Southwest Super Lawyers* (2008-2016) in
the categories of Personal Injury
Defense: Medical Malpractice; Personal
Injury Defense: General, Healthcare
- AB Top Lawyer, Commercial Litigation,
Arizona Business Magazine (April 2008)
- Top Lawyers, *Phoenix Magazine* (2007)
- Best of the Bar, *The Business Journal*
(2004)

Overview

Mr. Cummings has extensive trial experience in the areas of healthcare, medical malpractice and medical products liability defense litigation. He also has significant experience in all aspects of complex litigation and is an experienced arbitrator and mediator.

In his healthcare/medical malpractice defense practice, Mr. Cummings has represented Arizona hospitals and more than 600 physicians and dentists in malpractice suits before federal and state courts and in disciplinary and licensing proceedings before the state licensing boards. He also has defended lawsuits on behalf of a number of major Arizona hospitals, and has defended medical products manufacturers, distributors and retailers against products liability claims.

Prominent Assignments

Healthcare / Medical Malpractice / Products Liability

In his healthcare/ medical malpractice defense practice, Mr. Cummings has represented more than 600 physicians and dentists in malpractice suits before federal and state courts and in disciplinary and licensing proceedings before the state licensing boards. He also has defended lawsuits on behalf of a number of major Arizona hospitals, and has defended medical products manufacturers, distributors and retailers against products liability claims.

- Successfully defended an internist in a wrongful death trial in Pinal County involving allegations of failure to diagnose an enlarged cecum leading to colon rupture and death
- Obtained a defense verdict on behalf of a radiologist in Pima County accused of improperly performing a cystogram
- Won at trial defending a Tucson orthopedic surgeon accused of causing reflex sympathetic dystrophy due to alleged malpositioning during the back surgery of a 42 year old anesthesiologist
- Successfully defended at trial a Cochise County obstetrician accused of negligently providing emergent care to a woman during an amniotic fluid embolism
- Obtained a defense verdict on behalf of a Phoenix cardiologist alleged to have caused the death of a 68 year old man due to a failed angioplasty
- Won a Maricopa County trial defending a Mesa cardiologist alleged to have failed to treat cardiovascular disease in a 66 year old man causing his death
- Successfully defended at trial a national pharmacy services corporation in a wrongful death lawsuit alleging wrongful dispensing of morphine to an elderly long term care patient
- Obtained a defense verdict on behalf of a Sierra Vista emergency physician in a wrongful death lawsuit claiming failure to diagnose a hemothorax

Representative Clients

- Mutual Insurance Company of Arizona
- Maricopa Integrated Health System
- CNA Insurance Companies
- Intercare Insurance Services
- Applied Medico-Legal Solutions/ Best Medical Practices

Professional Involvement

- Maricopa County Superior Court, Judge Pro Tem, 1996-2012
- Litigation Counsel of America, Fellow, 2007-present
- American Bar Association, Member
 - Litigation Section

Frederick M. Cummings

Member, Phoenix

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Areas of Practice

- Healthcare
- Product Liability & Personal Injury
- Commercial & Business Litigation

Bar Admission

- Arizona

- Tort Trial and Insurance Practice Section
- Maricopa County Bar Association, Member
- Defense Research Institute, Member
- Arizona Association of Defense Counsel, Board of Directors, 2001-2005
- Arizona Board of Dental Examiners
 - Committee on Legislation
 - Committee on Complaint Procedure Reform

Community Involvement

- Arizona Zoological Society
 - Board of Directors, 2010 - present
 - Secretary, Executive Committee of Board of Trustees, 2012 - present

Publications/Presentations

- Speaker, "The Myth and Mysteries of Electronic Medical Records," Arizona State Bar Convention, June 24, 2015
- Speaker, "VoiR Dire: What to Expect that the Defense is Expecting," Arizona Association for Justice/Arizona Trial Lawyers Association's Fifty Shades of VoiR Dire, Embassy Suites – Biltmore (May 17, 2013)
- Speaker, CNA Risk Management Conference, November 2010, April 2011
- Speaker, "New Horizons for Managing Risks," Phoenix College (April 2010)
- Speaker, "Dealing with Difficult and Disruptive Doctors," Arizona Society for Healthcare Risk Management, Francisco Grande Resort, Casa Grande, Arizona (November 14, 2008)
- Speaker, "Informed Consent, an Ethical Obligation and a Legal Requirement" Psi Omega Pi Behavioral Therapists/Counseling Honor Society at the University of Phoenix (November 1, 2008)
- Speaker, "New Legal Developments You Should Know to Manage Risks for your Emergency Department," Arizona Society for Healthcare Risk Management Conference, Francisco Grande Resort and Conference Center, Arizona (September 12, 2008)
- Speaker, "Legal Challenges facing Health Care Practitioners" Mesa Community College (April 24, 2007 and April 15, 2008)
- Author(s): Frederick M. Cummings, Paul G. Johnson, "The Four Paths of Dispute Resolution, " (March 1, 2008)
- Lecturer, Third Annual Quality Assurance/Risk Management Workshop for Clinical Faculty and Staff, Arizona School of Dentistry and Oral Health, A.T. Still University (April 2007)
- Speaker, "Your Brave New World: Managing Risks in Your New Practice," Arizona School of Dentistry and Oral Health, A.T. Still University, Mesa, Arizona (April 12, 2007)
- Speaker, "Risk Management - An Attorney's Perspective," CNA HealthPro (April 2006, September 2006, March 2006 and September 2007)
- Speaker, "Drunks, Druggies and Crazies: Coping with Difficult Doctors, Patients, and Co-Workers," Darwin Risk Management Conference, Phoenix, Arizona (September 11, 2007)
- Speaker, "Defending Yourself Before Licensing Boards and in Malpractice Litigation," Phoenix College (April 2006)
- Speaker, "Tort Reform: Past, Present and Future," Mutual Insurance Company of Arizona (July 2004)



Charles S. Price

Member, Phoenix

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Areas of Practice

- Alternative Dispute Resolution
- Commercial & Business Litigation
- Healthcare
- Intellectual Property

Education

University of California, Santa Barbara, B.A.,
1976

- with Highest Honors
- Regents Scholar
- Phi Beta Kappa

University of Chicago Law School, J.D., 1979

Bar Admission

- Arizona

Acknowledgements

- Listed in "Best Lawyers in America"
- Listed in "Who's Who in American Law"
- Listed in "Southwest Super Lawyers"
- Listed in "Arizona's Finest Lawyers";
Member of Advisory Board

Overview

Charles S. Price is a civil litigator and mediator, in the areas of securities fraud litigation (state and federal), contract, insurance, health care, and antitrust law. He has been a regular speaker and instructor in Continuing Legal Education seminars on civil procedure, trade secrets, and antitrust, and teaches negotiation at the W.P. Carey School of Business at Arizona State University. He has served as a regional instructor for the National Institute of Trial Advocacy. Mr. Price is listed in the current editions of "Best Lawyers in America," and "Who's Who in American Law." Mr. Price is listed in, and serves on the advisory board of, "Arizona's Finest Lawyers." He was described in Gain the Edge, a book by negotiation expert Martin Latz, as a "master information-gatherer," a "very effective negotiator," and "one of the best lawyers I know."

Prominent Assignments

Represented plaintiff Apple Computer Inc. in action against Microsoft, Inc. alleging infringement of copyright in Macintosh graphical user interface (in charge of \$5.1 billion damage claim involving numerous legal, accounting and economic issues).

Represented plaintiffs in \$40 million securities fraud and breach of contract action against multinational conglomerate arising out of sale of family business (successfully settled).

Defended broker/dealers in securities fraud litigation (suitability, churning, etc.)

Member of team representing approximately 900 plaintiffs in suit seeking over \$100 million in damages against Fortune 100 company for environmental contamination spanning decades.

Represented plaintiff cardiology group in \$14 million claim against Boswell Hospital relating to breach of fee schedule agreement (full amount claimed was awarded by arbitration board).

Defended equipment maintenance companies in two actions in which manufacturers alleged misappropriation of trade secrets and copyright infringement (damage claims of \$15 million and \$25 million were settled for pennies on the dollar in one case and for no payment in the other).

Defended inventor of medical device against claims of misappropriation of trade secrets and prior invention invalidating patent (settled for nominal payment).

Represented Winslow Memorial Hospital in proceedings before the Health Care Finance Administration (hospital retained HCFA certification).

Represented several dozen corporate plaintiffs in claims against insurers for workers' compensation overcharges.

Defended Casa Grande Regional Medical Center against claim by physicians of unlawful restraint of trade in connection with termination of exclusive radiology contract.

Professional Involvement

- State Bar of Arizona
- American Bar Association
- Maricopa County Bar Association
- Regional Instructor, National Institute of Trial Advocacy
- Volunteer Bar Counsel, State Bar of Arizona

Community Involvement

- Teaches an annual negotiation seminar at the W.P. Carey School of Business and lectures regularly to law students on a variety of topics at the Sandra Day

Charles S. Price

Member, Phoenix

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Areas of Practice

- Alternative Dispute Resolution
- Commercial & Business Litigation
- Healthcare
- Intellectual Property

Bar Admission

- Arizona

O'Connor College of Law at Arizona State University.

- Past Board President and Senior Advisor, Workshops for Youth and Families
- Mentor, Hispanic National Bar Association Mentoring Program, Sandra Day O'Connor College of Law, Arizona State University

Alternative Dispute Resolution/Mediation

Mr. Price has negotiated hundreds of civil cases to resolution, and is an experienced and formally trained mediator in complex civil matters. In addition, he has taught negotiation in Bar Association seminars in Arizona, New Mexico, Kansas, New York and New Jersey and to numerous private clients, as well as the WP Carey School of Business at Arizona State University.



Randall L. Shoemaker, Ph.D.

Member, Phoenix | Troy

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Areas of Practice

- Intellectual Property

Education

Calvin College, B.S., 1983

Wayne State University, Ph.D., 1990

The University of Michigan Law School, J.D.,
1996

Prominent Assignments

Patent preparation and prosecution worldwide.

Preparation of freedom to operate opinions worldwide.

Preparation of non-infringement opinions worldwide.

Specialized knowledge in the chemical and pharmaceutical arts including:

- Chemical inventions, especially polymer chemistry
- Biochemical applications
- Materials coating technology and processes
- Biotechnological applications
- Surgical and medical devices
- Food processing equipment and technology
- Basic mechanical technologies

Extensive research experience in the following areas:

- Mechanism of action of pharmaceuticals in whole animal and cell culture systems
- Cell culture technology
- Molecular biological techniques
- Hypolipidemic agents
- Biochemical analysis and subcellular isolation techniques
- Fluorometric assay methods
- Enzyme kinetics analysis
- Flow cytometry and cell sorting technology
- HPLC detection methods
- Histochemical methodology

Professional Involvement

- Registered Patent Attorney, U.S. Patent and Trademark Office
- State Bar of Michigan
- Michigan Intellectual Property Law Association

Publications/Presentations

- "Coordinated Regulation of Tetrahydrobiopterin (BH4) and Catecholamine-Related Rat and Human Genes," Society of Neuroscience Abstract, Vol. 20, 1994
- "Peroxisomal Fatty acyl-CoA Oxidase is Not Regulated by Triiodothyronine," Biochim. Biophys. Acta, 1044:169-172, 1990
- "Regulation of Peroxisomal Fatty Acyl-CoA Oxidase and Mitochondrial Glycerol-3-," Ph.D. Thesis, Wayne State University, 1990
- "Thyroid Hormone-independent Regulation of Mitochondrial Glycero-3-Phosphate Dehydrogenase by the Peroxisomal Proliferator Clofibrilic Acid," Biochemical Pharmacology, 41:652-655, 1991
- "Characterization of Acutely Dissociated and Cultured Neonatal Rat Olfactory Bulb Neurons," Society of Neuroscience Abstract, Vol. 17:153,4, 1991
- "Studies on the Second Messengers Involved in the Co-Induction of Tetrahydrobiopterin (BH4) and Catecholamine-related Genes in Cultured PC12 Cells," 7th International Conference on Pteridines and Related Biogenic Amines,

Randall L. Shoemaker, Ph.D.

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Areas of Practice

- Intellectual Property

Pteridines, Vol. 5, No 1, p.35, 1994

- "Nitric Oxide and Tetrahydrobiopterin Metabolism Following Cerebral Ischemia in the Rat," Society of Neuroscience Abstract, Vol. 20, 1994

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David G. Bray

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Areas of Practice

- Commercial & Business Litigation
- Labor & Employment
- Intellectual Property
- Intellectual Property & Trade Secrets Litigation

Education

Indiana University, B.A., 1988

Cornell University, J.D., 1992

Acknowledgements

- Listed in Best Lawyers in America

Publications/Presentations

- Featured Speaker, "Covenants Not To Compete in Arizona," Lorman Educational Services (July 19, 2002)
- Featured Speaker, "Protecting Your Business From Disloyal Employees," Arizona Bar Business Law Section Meeting (March 2001)
- Featured Speaker, "Update On Arizona Law of Non-Compete And Anti-Piracy Agreements," Quarles & Brady Eighth Annual Labor & Employment Law Symposium (September 1999)
- Featured Speaker, "The Law Of Employee Non-Compete Agreements In Arizona," Construction Financial Management Association (May 1999)
- Featured Speaker, "Protecting Your Business From Disloyal Employees," Arizona Association of Industries Fall Employment Law Breakfast Series (November 12, 1998)
- Featured Speaker, "Protecting Proprietary Information: Solutions For Arizona Businesses," The Cambridge Institute (April 30, 1998)
- Author, "Drafting Enforceable Covenants not to Compete," Arizona Attorney (February 1996)
- Contributor, "Arizona and Federal Employment Law: An Employer's Guide," Arizona Chamber of Commerce



Scot L. Claus

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Areas of Practice

- Commercial & Business Litigation
- Intellectual Property
- Product Liability & Personal Injury
- Insurance & ERISA Litigation
- Real Estate
- Construction, Environmental & Real Estate Litigation
- Government Litigation
- Intellectual Property & Trade Secrets Litigation

Education

Arizona State University School of Law, J.D.,
1993

Acknowledgements

- Martindale-Hubbell AV® Rated
- Southwest Super Lawyers (2010-Present)
- Rising Star, Benchmark Litigation (2009-Present)
- Top Lawyer (Trademark Law/ Intellectual Property), Arizona Business Magazine (2009-2011)
- Top Lawyer (Product Liability), Arizona Business Magazine (2009, 2010)

Prominent Assignments

Practice involves all aspects of civil/commercial litigation and real estate litigation, including trial and appellate work in state and federal courts and before various administrative agencies; commercial landlord/tenant litigation; intellectual property; and constitutional law.

Cases have included both federal and state court proceedings, as well as complex case proceedings in the Maricopa County Superior Court.

Illustrative cases include:

- Successful defense of the Presiding Judge of the Maricopa County Superior Court, as well as other Superior Court Judges and Commissioners in constitutional challenge to the Spanish Speaking and Native American DUI Courts in the United States District Court for the District of Arizona and in the Ninth Circuit Court of Appeals.
- Successful defense of Presiding Criminal Judge of the Maricopa County Superior Court in RICO claim brought by former Maricopa County Attorney and Maricopa County Sheriff in the United State District Court for the Arizona District.
- Representation of national transportation company in successful appeal of Federal Tort Claims Act action before the Ninth Circuit Court of Appeals.
- Trial attorney in successful defense of \$43 million legal malpractice claim litigated in the United States District Court for the Arizona District.
- Plaintiff's counsel in wrongful death product liability litigation against national retailer and toy manufacturer resulting in \$2.5 million settlement.
- Representation of major university professors and the Arizona Board of Regents in multi-party litigation brought by an Indian tribe and various tribal members regarding genetic testing.
- Plaintiff's trial Counsel in trial of wrongful death case, resulting in \$1.5 million verdict.
- Trial counsel in re-trial and reversal of \$10 million medical malpractice verdict.
- Lead counsel in defense of numerous trademark and copyright infringement matters litigated in United States District Court.
- Lead counsel in numerous inter partes proceedings before the Trademark Trial and Appeals Board, including opposition and cancellation proceedings.

Intellectual property work has included the preparation and prosecution of trademark applications before the United States Patent and Trademark Office, and preparation of intellectual property agreements, assignments, and licenses.

Outside counsel to the Judicial Merit Commission of the Maricopa County Superior Court.

Reported Cases:

- U-Haul International, Inc.. et al. v. Kamer, et al., 626 F.3d 498 (9th Cir. 2010)
- Thomas v. Mundell, 572 F.3d 756 (9th Cir. 2009)
- Amerco v. NLRB, 458 F.3d 843 (9th Cir. 2006)
- Lopez v. Town of Cave Creek, 559 F. Supp.2d 1038 (D. Ariz. 2009)
- Southwest Pet Products v. Koch Industries, 273 F. Supp.2d 1041 (D. Ariz. 2003)
- Turken v. Gordon, 224 P.3d 158 (2010) (amicus curiae)

Scot L. Claus

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Areas of Practice

- Commercial & Business Litigation
- Intellectual Property
- Product Liability & Personal Injury
- Insurance & ERISA Litigation
- Real Estate
- Construction, Environmental & Real Estate Litigation
- Government Litigation
- Intellectual Property & Trade Secrets Litigation

•Havasupai Tribe v. Arizona Board of Regents, 204 P.3d 1063 (Ct. App. 2008), petition for review granted, 2009 Ariz. Lexis 82 (2009)

Professional Involvement

- American Bar Association
- State Bar of Arizona
- Maricopa County Bar Association

Community Involvement

- Adjunct Professor of Law, Sandra Day O'Connor College of Law at Arizona State University (2010-present)

Publications/Presentations

- "Putting on Your Case—Trial Nuts and Bolts," Maricopa County Bar Association (February 2010)
- "Arguing Briefs Before the Trademark Trial and Appeal Board," Maricopa County Bar Association (October 2008)
- "What Do I Do Now? The Impact of Barfield and Jonovich on Medical Liens," Maricopa County Bar Association (January 2004)
- "What Every Practitioner Needs To Know About Trademark, Copyright, and Patent Law." (1999)
- "Choosing, Using, and Protecting A Name," Arizona Small Business Conference (1997)
- "A Trademark Primer For Small Business," Bid Source (December 1997)



Frank G. Long

Member, Phoenix

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Areas of Practice

- Intellectual Property
- Business Technology
- Copyrights
- Patents
- Trademarks
- Franchise & Distribution

Education

Dartmouth College, B.A.

- *cum laude*

Colorado School of Mines, M.Sc., Mineral Economics

Northwestern University School of Law, J.D.

- William Jennings Bryan Award
- Lowden-Wigmore Prize

Acknowledgements

- Rated AV Preeminent by *Martindale-Hubbell*, 2001-present
 - Selected as a '2013 Top Rated Lawyer in Intellectual Property'
- Listed, *Super Lawyers* magazine, *Southwest Super Lawyers*, 2007, 2013-present
- Listed, "Arizona's Top Lawyers," *AZ Business* magazine, 2011
- Named a "Top Attorney in Arizona" by *Phoenix Magazine*, 2014

Overview

Frank G. Long advises clients and represents them in court in matters related to trademarks, trade dress, false advertising, copyright, cybersquatting and trade secrets. His clients include, and have included, *Fortune* 500 corporations and small businesses, as well as national and international companies, and franchise systems.

Frank assists clients with the development, administration and strategies for the protection of intellectual property rights, especially trademarks. He has a wide range of experience in advising clients in the management of worldwide intellectual property rights, as well as transactions involving merchandising and licensing agreements for intellectual property rights and transfers of patents, trademarks, copyrights, trade secrets and domain names.

Frank is also an experienced litigator in matters involving intellectual property rights. He is, or has been, counsel of record in numerous recent court, administrative and arbitration proceedings involving intellectual property claims. Also, using a network of contacts among trademark attorneys in other countries around the world, Frank has helped clients as an advisor on the legal proceedings to preserve, protect and defend intellectual property rights outside the U.S.

Professional Involvement

- Adjunct Professor, Trademarks and Unfair Competition Law, Arizona State University Sandra Day O'Connor College of Law, 2005-2008, 2013-Present
- Member, International Franchise Association (IFA) Membership Committee, 2010-Present
- Member, International Trademark Association (INTA)
 - Non-Traditional Trademarks Committee, 2014-Present
 - Roundtable Planning Committee, 2006-2014
 - Famous and Well-Known Marks Committee, 2012-2014
 - BNEF, Publications Committee, 2004-2005
 - Leadership Meeting Committee, 2000-2002
 - Public Affairs Committee, 1997-1999
- Board of Directors, Arizona State Parks Foundation, 2004-Present
 - Vice President, 2012-2014
 - Corporate Secretary, 2004-2011
- District Enrollment Director, Dartmouth College Alumni Club, Phoenix and Northern Arizona, 2000-Present
- Member, State Bar of Arizona
 - Chair, Intellectual Property Law Section, 2011-2012
 - Vice Chair, Intellectual Property Law Section, 2010-2011
 - Secretary, Intellectual Property Law Section, 2009-2010
 - Executive Committee, Intellectual Property Law Section, 2007-Present
 - Treasurer, Intellectual Property Law Section, 2008-2009
 - Executive Committee, Intellectual Property Law Section, 2000-2001
- Member, International Licensing Industry Merchandisers Association, 2000-2002
- Domain-Name Dispute Arbitrator, eResolution, Inc., 2000-2001
- Member, American Bar Association
 - Special Committee on Copyrights and Internet, 2000-2001
- Arizona Coordinator, Export Legal Assistance

Publications/Presentations

Publications

- Author, "Protection From Cyber-Squatters in New .biz and .info Domain Names," *The Digital Edge*, June 2001
- Author, "Domain Name Abuse," *Writer's Digest*, June 2001

Frank G. Long

Member, Phoenix

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Areas of Practice

- Intellectual Property
- Business Technology
- Copyrights
- Patents
- Trademarks
- Franchise & Distribution

- Author, "Trademarks: What's Fair Use?" *Writer's Digest*, September 2000
- Columnist, "Export Success," *Arizona Business Gazette*, 1995-1997
- Author, "Using Foreign Representatives to Establish Export Sales Relationships," *The Practical Lawyer*, December 1995
- Author, "Getting the Most Out of NAFTA," *The Practical Lawyer*, July 1995

Presentations

- Interviewed on "Money For Lunch," *blogtalkradio*, Broadcast in Business, August 29, 2014
- Speaker, "Thinking of Using a Dead or Abandoned Trademark?," Arizona State Library, Archives and Public Records, June 24, 2014
- Moderator, "Three-Dimensional Shape Marks: Selection, Registration and Enforcement in the U.S.," International Trademark Association (INTA), Hong Kong (upcoming May 2014)
- Speaker, "Best Practices for Effective Brand Development," Franchise Expo South, Houston, TX, February 6-8, 2014; West Coast Franchise Expo, Anaheim, CA, October 24-26, 2013; International Franchise Expo, New York, NY, June 20-22, 2013; Franchise Expo South, Miami, FL, January 11-13, 2013; and West Coast Franchise Expo, Anaheim, CA, October 12-14, 2012
- Speaker, "Creativity or Piracy? Conflicts Between the First Amendment and Rights of Trademark, Privacy and Publicity," Dartmouth Lawyers Association, CLE and Ski XX, February 2007
- Co-Moderator, "Strategies for Licensing Success Worldwide," INTA Leadership Meeting, November 2002
- Speaker, "Legal 101 Seminar: License Agreements—Licensee Perspective," Licensing Industry Merchandisers Association, June 2002
- Speaker, "What did I Just Buy? Intellectual Property in Business Transactions," Copyright Due Diligence Issues, State Bar of Arizona Annual Convention, June 2002
- Speaker, "E-Commerce and Intellectual Property," Maricopa County Bar Association, December 2001
- Speaker, "An Overview of Website Liability," CLE International, e-Commerce The Law of e-Business, June 2001
- Speaker, "Digital Discovery," State Bar of Arizona Annual Convention, June 2001
- Speaker, "What Every Business Should Know Before It Goes Online," Maricopa County Bar Association, Continuing Legal Education, March 2001
- Speaker, "Domain Name Disputes: Update on the Uniform Dispute Resolution Policy," INTA Leadership Meeting, November 2000
- Speaker, "Online Media and Media Law," Arizona State University, Summer Journalism Institute, June 2000
- Speaker, "Intellectual Property and Bankruptcy," State Bar of Arizona, Bankruptcy Law Section, April 2000
- Speaker, "The Anticybersquatting Consumer Protection Act of 1999," State Bar of Arizona, Intellectual Property Section, March 2000
- Speaker, "Online Publishing: Legal Issues," Arizona Newspaper Association Annual Meeting, October 1999
- Speaker, "Branding Strategies for State Parks," National Association of State Park Directors Annual Meeting, September 1999



James H. Patterson

Member, Phoenix

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Areas of Practice

- Corporate
- Real Estate

Education

Pomona College, B.A., 1972

- *magna cum laude*
- Phi Beta Kappa

Arizona State University, J.D., 1975

- cum laude

Bar Admission

- Arizona

Acknowledgements

- Martindale-Hubbell AV Rated
- Martindale-Hubbell™ and American Lawyer Media, 2013 Top Rated Lawyer in Mergers & Acquisitions Law
- Listed in Chambers USA (Real Estate Law)
- Listed in Best Lawyers in America (Real Estate Law)

Prominent Assignments

All areas of real estate and real estate finance, including land acquisition and sales, financing, construction contracts, leasing, development of commercial and industrial projects.

Professional Involvement

- State Bar of Arizona (Real Property Section)
- Maricopa County Bar Association
- American Bar Association (Section of Real Property, Trust and Estate Law)



Spencer W. Cashdan

Member, Phoenix

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Areas of Practice

- Real Estate
- Acquisitions & Dispositions
- Development & Land Use
- Leasing
- Real Estate Finance
- Workouts, Restructurings & Foreclosures
- Loan Sales
- Real Estate Workouts & Foreclosures

Education

Claremont McKenna College, B.A., Economics and Literature, 1989

Santa Clara University Law School, J.D., 1992

Acknowledgements

- Best Lawyers in America (2010-present)

Prominent Assignments

Represents clients in a broad range of commercial real estate transactions for both unimproved real property and improved real property, including shopping centers, office buildings, hotels, industrial parks, mixed use developments and master planned communities. Mr. Cashdan's practice includes acquisitions, dispositions, development, financing/commercial lending, joint ventures, synthetic lease and sale-leaseback transactions, commercial leasing, rights-of-way and easement agreements, and portfolio acquisitions and dispositions.



Donald E. Dyekman

Member, Phoenix

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ddyekman@dickinsonwright.com

Areas of Practice

- Real Estate

Education

Northern Illinois University, 1970

University of Tulsa Law School, J.D., 1974

- Notes and Comments Editor, *Tulsa Law Journal* (1973)

Acknowledgements

- Listed in "Best Lawyers in America" for Real Estate Law

Prominent Assignments

Practices in the area of real estate development, with an emphasis in the area of common interest community law. He represents developers of new residential, commercial, industrial and mixed-use condominiums and planned communities on matters relating to the creation of a governance structure, the preparation of the project documents and the marketing and sale of the individual lots or condominium units. He also has extensive experience in the conversion of various types of property to a condominium.

Professional Involvement

- State Bar of Arizona; Member, Real Estate Section; past Member, Study and Drafting Committee
- American Bar Association; Member, Real Property, Probate and Trust Law Section; past Chair, Operation and Management of Community Associations Committee
- Former national President, Community Associations Institute (CAI)
- Member, The College of Community Association Lawyers; former Member, Board of Governors; former Dean



David L. Lansky

Member, Phoenix

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Areas of Practice

- Real Estate
- Acquisitions & Dispositions
- Development & Land Use
- Leasing
- Real Estate Finance
- Workouts, Restructurings & Foreclosures
- Loan Sales
- Real Estate Workouts & Foreclosures

Education

Northwestern University, B.A., Economics, 1980

Sandra Day O'Connor College of Law, J.D., 1984

- *summa cum laude*
- Pedrick Scholar
- Order of the Coif
- Hornbook, Am Jur, Prentice Hall and Corpus Juris Awards



Super Lawyers

2014

Bar Admission

Prominent Assignments

Practice Areas: Acquisition, development, disposition, financing and leasing of improved and unimproved real properties, individually and as portfolios, including shopping centers, office buildings, industrial parks, mixed use developments, master planned communities and state trust and Indian trust lands.

Significant Transactions: Development of the Scottsdale Pavilions, an open air power center developed on Indian Trust Land; development of Desert Ridge Marketplace, an open air power center and lifestyle and entertainment center developed on state trust land; development of Tempe Marketplace, an open air power center and lifestyle and entertainment center developed on a brownfields re-development site; acquisition of Century Plaza Hotel and Tower in Los Angeles, California; acquisition and subsequent disposition of 650 California Street, a high rise office building in San Francisco, California; development of the District at Tustin Legacy, an open air power center and lifestyle and entertainment center developed on the former Tustin Naval Air Station in Orange County, California; acquisition and subsequent disposition of the Ritz Carlton Hotel, Phoenix, Arizona; acquisition and subsequent disposition of Tower A and Tower B, Camelback Esplanade, Phoenix, Arizona; development of Esplanade Place, a high rise residential condominium at the Camelback Esplanade in Phoenix, Arizona; acquisition of vacant land at the Camelback Esplanade from the Resolution Trust Corporation and subsequent re-development; acquisition of GM proving grounds in Maricopa County, Arizona; negotiation of acquisition, development and construction financing for Sun City Summerlin in Clark County, Nevada; representation of Bank of America (regional headquarters lease), Phoenix, Arizona; representation of Del Webb Corporation (headquarters leases), Phoenix, Arizona; representation of Alliance Bank of Arizona (headquarters lease), Phoenix, Arizona; negotiation of air rights lease for outdoor advertising display Times Square, New York City; representation of Cabazon Band of Mission Indians in connection with the financing of the Colmac Bio-Mass Energy Plant in Coachella, California; development of Yuma Palms, an open air regional mall in Yuma, Arizona; acquisition, development and disposition of West Wing Mountain, Peoria, Arizona; and numerous portfolio acquisitions (loans, shopping centers, raw land, residential lots, office buildings, billboards, auto parts stores, drug stores, restaurants, bank branches and service stations).

Professional Involvement

- Member, State Bar of Arizona
- Member, International Council of Shopping Centers

Community Involvement

- Valley Partnership: legal counsel 1995-present, Member of Board of Directors 1998-2000.

Acknowledgements

- Martindale-Hubbell™ and American Lawyer Media, 2013 Top Rated Lawyer in Mergers & Acquisitions Law
- Selected for The Best Lawyers in America (1995-present) (Real Estate Law)
- Selected as Phoenix Real Estate Lawyer of the Year (2010) by The Best Lawyers in America
- Selected for The Legal 500 (2007-2012) (Real Estate Law)
- Selected for Chambers USA America's Leading Business Lawyers (2003-2014) (First Tier, Real Estate Law)
- Selected as one of the top 50 Arizona Attorneys in Southwest Super Lawyers (2007-present)



December 18, 2015

Dickinson Wright PLLC
500 Woodward Avenue
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To Whom It May Concern:

CONFIRMATION OF INSURANCE

We hereby confirm that Dickinson Wright PLLC has Professional Liability Coverage under Policy ALA#1925 with limits of liability not less than \$1,000,000 per claim and \$3,000,000 in the aggregate.

The Policy effective date is from January 1, 2016 to January 1, 2017.

Such Policy is subject to the terms, conditions, limitations and exclusions stated therein.

ATTORNEYS' LIABILITY ASSURANCE SOCIETY, INC.
A RISK RETENTION GROUP

By: Nancy J. Montroy
Nancy J. Montroy
Vice President – Director of Underwriting

Date: 12/18/2015