



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.

	Senior Attorney
Authorized Signature	Title
Gary J. Verburg	3/24/16
Printed Name	Date
Gust Rosenfeld, P.L.C.	602/257-7422
Company Name	Telephone
One E. Washington Street #1600	Phoenix, Arizona 85004-2553
Address	City, State, Zip

For clarification of this offer, contact:

Name: Gary J. Verburg Phone: 602/257-7463 Fax: 602/254-4878

Email: gverburg@gustlaw.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.

<u>Todd House</u>	<u>Chairman</u>	
Name (Print)	Title	Signature

Approved as to form:

Pinal County Attorney's Office



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OFFER AND ACCEPTANCE FORM – Page 2

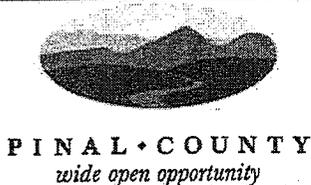
By signing the previous page of the Offer and Acceptance Form, Responder certifies:

- 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.

Gust Rosenfeld, P.L.C.

Firm

Authorized Signature



**ROQ – 151721
Specialty Legal Services**

Pinal County
Finance Department
31 N. Pinal St.
Bldg. A
P.O. Box 1348
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:

Gust Rosenfeld PLC ("Contractor"), with its principal place of business at (address)
One East Washington Street, Suite 1600, Phoenix, AZ 85004-2553

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.



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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.



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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 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

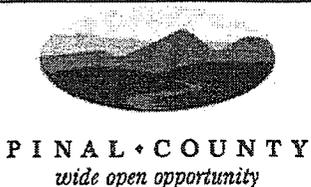
The Contractor agrees that the county's Uniform General Terms and Conditions for this ROQ are incorporated herein as if they were recited in full. If the Contractor takes exception to any such Terms and Conditions, such exception is fully explained on Response Form 1 and is subject to acceptance in writing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



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- 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.
- 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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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 2nd day of June, 2016.

GUST ROSENFELD, P.L.C.



Gary J. Verburg
Senior Counsel

Date: 3/27/2016

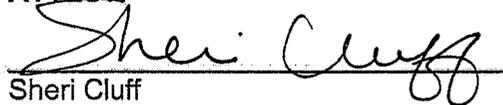
PINAL COUNTY



Todd House, Chairman
Board of Supervisors

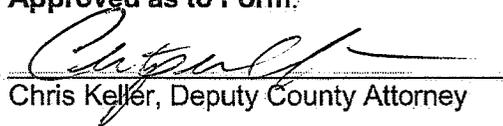
Date: 6/1/16

ATTEST:



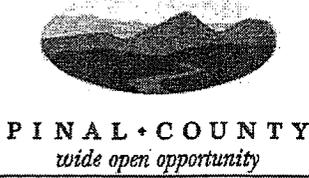
Sheri Cluff
Clerk of the Board

Approved as to Form:



Chris Keller, Deputy County Attorney



 <p>PINAL COUNTY <i>wide open opportunity</i></p>	<p>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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SCHEDULE A: PRICING SUPPLEMENT

The hourly rate of \$ _____ (see attached) _____ 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.)*

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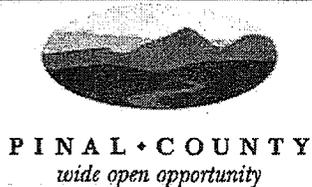


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**GUST ROSENFELD, PLC
FEE SCHEDULE FOR 2016**

		Senior Partner	Junior Partner	Associate	Paralegal
1.	Appellate	250-400	n/a	n/a	n/a
2.	Attorney Conduct & Professionalism	400	n/a	n/a	n/a
3.	Bond & Disclosure Counsel	See Enclosed Bond Section Fee Schedule			
4.	Collections & Bankruptcy	250	230	200	120
5.	Commercial Transactions & Litigation	250	230	200	120
6.	Construction Litigation	250	230	200	120
7.	Contractual Liability Defense	250	230	200	120
8.	Election & Voter Registration Law	250	230	200	120
9.	Eminent Domain & Relocation	220	200	180	100
10.	Environmental Law	327	327	200	120
11.	Federal & State Taxation matters	350-500	300	200	120
12.	General Governmental Practice (open meetings, public records, etc.)	250	230	200	120
13.	General Litigation	250	230	200	120
14.	Health Care (includes public health & managed care)	250	230	200	120
15.	Housing	230	210	200	120
16.	Infrastructure Design	250	230	200	120
17.	Insurance Contracts	250	230	200	120
18.	Intellectual Property	270	250	200	120
19.	Labor Law & Enforcement	230	210	200	120
20.	Land Use	250	230	200	120
21.	Medical Malpractice	250	230	200	120
22.	Planning & Zoning	250	230	200	120
23.	Probate Litigation	250	230	200	120
24.	Property Tax Appeals	250	230	200	120
25.	Public Contract & Procurement	250	230	200	120
26.	Public Official Liability	250	230	200	120
27.	Real Estate transactions	250	230	200	120
28.	Road Design, Construction or Maintenance Liability	250	230	200	120
29.	Section 1983 Civil Rights Defense	250	230	200	120
30.	Special Taxing District Law	250	230	200	120
31.	Tort Liability	220	200	180	100



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For bond counsel services rendered in connection with the issuance of debt, Gust Rosenfeld shall be paid according to the following schedule:

- | | | |
|------|--|--|
| I. | General Obligation Bonds | \$0.50 per \$1,000 of principal amount of bonds issued for the first \$20,000,000 for any one election, thereafter \$0.25 per \$1,000 of principal amount. The minimum fee for any one sale would be \$35,000 per issue. All services rendered to the County in connection with any bond election would be provided for a flat fee of \$9,500. |
| II. | Voter Authorized Water, Sewer or Utility Revenue Bonds | \$1.00 per \$1,000 of principal amount of bonds issued for the first \$20,000,000; \$0.45 per \$1,000 of principal amount of \$20,000,000 to \$70,000,000; \$0.25 per \$1,000 of principal amount after \$70,000,000. The minimum fee for any one sale would be \$45,000. |
| III. | MPC or Non-Voter Authorized Pledged Revenue Obligation Bonds (including subordinate water and sewer obligations) | \$1.00 per \$1,000 of principal amount of debt issued for the first \$20,000,000; \$0.45 per \$1,000 of principal amount \$20,000,000 to \$70,000,000; \$0.35 per \$1,000 of principal amount after \$70,000,000. The minimum fee for any one sale would be \$55,000. |
| IV. | Refunding Bonds (except MPC or Non-Voter Authorized Pledged Revenue Obligation Bonds) | \$1.00 per \$1,000 of principal amount of debt issued for the first \$20,000,000; \$0.45 per \$1,000 of principal amount \$20,000 to \$70,000,000; \$0.35 per \$1,000 of principal amount after \$70,000,000. The minimum fee for any one sale would be \$65,000. |
| V. | Refunding MPC or Non-Voter Authorized Pledged Revenue Obligation Bonds | \$1.00 per \$1,000 of principal amount of debt issued for the first \$20,000; \$0.45 per \$1,000 of principal amount \$20,000,000 to \$70,000,000; \$0.35 per \$1,000 of principal amount after \$70,000,000. The minimum fee for any one sale would be \$70,000. |
| VI. | Improvement District Bonds | 1% of engineer's estimated costs and expenses of ID work (\$75,000 minimum). For ID services requested by the County that do not result in a bond sale, the County and Gust Rosenfeld will negotiate an agreed-upon hourly rate and/or fixed fee prior to services being rendered. |
| VII. | Community Facility District Bonds | \$0.25 per \$1,000 GO bonds issued (\$45,000 minimum); or 1% of engineer's estimated costs and expenses of the CFD work for assessment bonds (\$85,000 minimum). For CFD formation services or CFD services that do not result in a bond sale that are requested by the County, the County and Gust Rosenfeld will negotiate an agreed-upon hourly rate and/or fixed fee prior to services being rendered. |

**PROPOSAL TO PROVIDE
SPECIALTY LEGAL SERVICES
FOR PINAL COUNTY
SOLICITATION ROQ-151721**

Closing Date/Time: March 29, 2016 - 2:00 p.m., Arizona Time

Submitted by:

Gust Rosenfeld P.L.C.
One East Washington Street, Suite 1600
Phoenix, Arizona 85004-2553

Contact Persons:

Gary J. Verburg
602-257-7463
gverburg@gustlaw.com

Craig A. McCarthy
602-257-7974
mccarthy@gustlaw.com

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*GUST
ROSENFELD*
ATTORNEYS SINCE 1921 P.L.C.

■ ONE E. WASHINGTON, SUITE 1600 ■ PHOENIX, ARIZONA 85004-2553 ■ TELEPHONE 602-257-7422 ■ FACSIMILE 602-254-4878 ■

March 24, 2016

VIA ELECTRONIC SUBMISSION (Bonfire)

Pinal County Finance Department
ATTN: Lorina Gillette, CPPB, Procurement Officer
31 North Pinal Street, Building A
Florence, Arizona 85132

Re: Review of Qualifications - Specialty Legal Services (the "ROQ")

Dear Ms. Gillette:

Thank you for the opportunity to submit a proposal to Pinal County for specialty legal services supplemental to the resources of the County Attorney's Office. We have represented Pinal County in limited form as far back as 1989. We look forward to enhancing and expanding that relationship. I will briefly review the profile of our firm, given my belief that our history and philosophy is particularly relevant to your selection process.

Gust Rosenfeld P.L.C. is Arizona's oldest continuous law firm, tracing its roots to pre-statehood territorial days. With 62 attorneys, the firm enjoys the unique ability to command substantial resources for the benefit of our clients while maintaining the efficiency, affordability and responsiveness not often found in today's mega-firms. The firm is a full-service law firm with an "AV" rating, the highest rating issued by the Martindale Hubbell Law Directory. While much of Arizona's legal landscape has been marked by strife, tumult and instability, Gust Rosenfeld remains a fixture, a testament to our professional consistency and client dedication.

Gust Rosenfeld has represented public entities, including the State of Arizona, most counties and many cities and towns, for nearly a century. Before Arizona was a state, the attorneys of this firm were partnered with governmental clients to achieve important objectives, which furthered the public welfare. No firm in Arizona has the historical roots or perspective in public law that our firm does. As set forth in detail in the Statement of Qualifications, we have handled virtually every type of legal representation that arises from governmental operations, including public finance, administrative issues, employment disputes, real estate acquisition and sales and most forms of litigation.

Gust Rosenfeld has been involved in stadium financing negotiations, special district litigation, school district and public official representation, employment and liability defense of the State of Arizona, various environmental matters for public entities, regulatory and real estate litigation on behalf of governmental entities. Our attorneys have also done high profile tort and commercial litigation for Maricopa County, including defense of the County Sheriff's Department in product liability cases, defense of the County Board of Supervisors in a property rights dispute and defense of the Department of Air Quality in connection with federally mandated air quality enforcement programs. We have represented

Ms. Lorina Gillette, Procurement

March 24, 2016

Page 2

Facilities Management in connection with various disputes arising from the construction of the Maricopa County Criminal Courts facility. We have provided governmental representation in bankruptcy and collection matters, and defended the Maricopa County Assessor's Office in property tax assessment cases. We are hopeful that our talents and experience will be put to use for the benefit of Pinal County and the County Attorney's Office on a going forward basis.

The firm will assign the senior attorneys listed below as the Pinal County team charged with primary responsibility for coordinating legal services provided to the County. While we encourage you to make contact with any practice leader directly, you are always welcome to contact either of us for facilitation and assistance as you may require. We will also obtain permission from the County Attorney's Office to enlist the services of new firm attorneys on any assigned County matters and will provide Resumes for your convenience.

Gary J. Verburg

(602) 257-7463

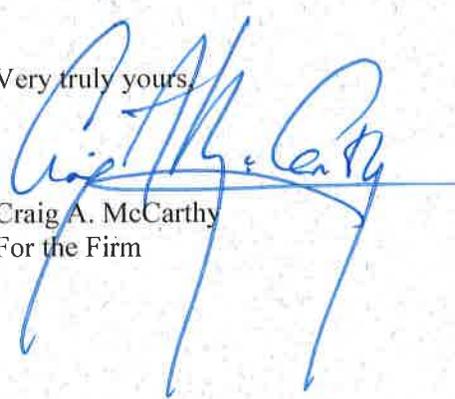
All Public law matters

Craig A. McCarthy

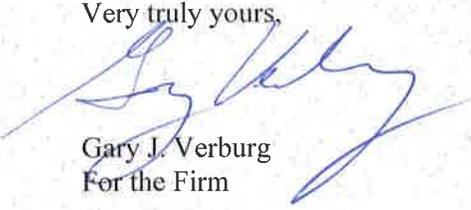
(602) 257-7974

Areas of Civil litigation

Very truly yours,


Craig A. McCarthy
For the Firm

Very truly yours,


Gary J. Verburg
For the Firm



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TO PINAL COUNTY:

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	Senior Attorney
Authorized Signature	Title
Gary J. Verburg	5/24/16
Printed Name	Date
Gust Rosenfeld, P.L.C.	602/257-7422
Company Name	Telephone
One E. Washington Street #1600	Phoenix, Arizona 85004-2553
Address	City, State, Zip

For clarification of this offer, contact:

Name: Gary J. Verburg Phone: 602/257-7463 Fax: 602/254-4878

Email: gverburg@gustlaw.com

ACCEPTANCE OF OFFER
(For Pinal County Use Only)

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Awarded this _____ day of _____ 2016.

Name (Print)	Title	Signature
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Approved as to form:

Pinal County Attorney's Office



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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.

Gust Rosenfeld, P.L.C.

Firm


Authorized Signature

CONSULTANT INFORMATION-1

1. Consultant Name: Gust Rosenfeld, P.L.C.

Address: One East Washington Street, Suite 1600, Phoenix, Arizona 85004-2553

Phone: 602/257-7422 Fax: 602/254-4878

2. Category of business:

a. _____ Individual: Az License No. 07686634-M

b. _____ Corporation: State of Incorporation Arizona

Principal place of business: X Same as above X Other X

Professional Limited Liability Company

Statutory Agent: Name: Charles W. Wirken

Address: One East Washington Street, Suite 1600, Phoenix, Arizona 85004-2553

c. _____ Partnership; Formed in the State of _____

Type of Partnership: _____ General _____ Limited;

d. _____ Joint Venture; Formed in the State of _____

e. _____ Other State: _____

3. Key Personnel for the Project:

Name	License		Telephone
	Az State Bar	Pima County	
<u>Gary J. Verburg</u>	<u>005515</u>	<u>81062</u>	<u>602/257-7463</u>
<u>Craig A. McCarthy</u>	<u>013128</u>	<u>83825</u>	<u>602/257-7974</u>
_____	_____	_____	_____
_____	_____	_____	_____

4. Subconsultant's: _____ Yes X No, List names, addresses and services to be provided: _____

5. Does Consultant have valuable papers insurance? X Yes _____ No

6. Consultant's Taxpayer ID No. 86-0688020

(Attach IRS W-9 form - fully completed and executed)



ALAS
Attorneys'
Liability
Assurance
Society, Inc.

January 4, 2016

Gust Rosenfeld P.L.C.
One East Washington Street
Suite 1600
Phoenix, AZ 85004-2553

To Whom It May Concern:

CONFIRMATION OF INSURANCE

We hereby confirm that Gust Rosenfeld P.L.C. has Professional Liability Coverage under Policy ALA 1683 with a limit of \$10,000,000 per claim and \$20,000,000 in the aggregate with the right, under stated conditions, to purchase extended reporting rights upon termination of such Policy by ALAS.

The self-insured retention under such Policy is \$175,000 each claim up to an aggregate of \$350,000 and \$100,000 each claim thereafter.

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
Vice President – Director of Underwriting

Date: January 4, 2016

311 S. Wacker Drive, Suite 5700
Chicago, IL 60606-6629
tel 312.697.6900
fax 312.697.6901

alas.com



PINAL COUNTY
wide open opportunity

Addendum Acknowledgement Form

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

ADDENDUM ACKNOWLEDGEMENT FORM

Solicitation Addendums are posted on the Pinal County website at the following address:

<http://pinalcountyaz.gov/Purchasing/Pages/CurrentSolicitations.aspx>. It is the responsibility of the Responder to periodically check this website for any Solicitation Addendum.

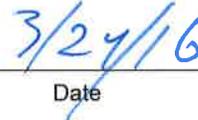
This page is used to acknowledge any and all addendums that might be issued. Any addendum issued within five days of the solicitation due date, will include a new due date to allow for addressing the addendum issues. Your signature indicates that you took the information provided in the addendums into consideration when providing your complete response.

Please sign and date:

ADDENDUM NO. 1 Acknowledgement



Signature



Date

ADDENDUM NO. 2 Acknowledgement

Signature

Date

ADDENDUM NO. 3 Acknowledgement

Signature

Date

If no addendums were issued, indicate below, sign the form and return with your response.

Firm

Authorized Signature

 <p>PINAL COUNTY <i>wide open opportunity</i></p>	<p>ROQ-151721 Specialty Legal Services Addendum One</p>	<p>Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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ADDENDUM ONE

In accordance with the Pinal County Procurement Code PC1-330(D), the Solicitation is hereby amended as described herein.

1. Revise on page thirteen Scope of Services section 2.1:

Change from: *“Labor law and enforcement”*

Change to: *“Labor law and employment”*

All other instructions, terms and conditions remain unchanged.

END OF ADDENDUM ONE



PINAL COUNTY
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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>	Yes
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>	Yes
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>	Yes
Did you include your W-9 Form? <i>See page 31 of this solicitation.</i>	Yes
Did you include any necessary attachments?	Yes
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>	Yes
Did you include proof of insurance(s) if requested?	Yes



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**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

Liaison Phone: (602) 257-7463

Liaison Email Address: gverburg@gustlaw.com

How many years of experience does Liaison have handling public entity clients? 38 years



PINAL COUNTY
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Response Form 1
ROQ-151721
Specialty Legal Services

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

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
Infrastructure design	X	
Insurance contracts	X	
Intellectual property	X	
Labor law and enforcement	X	
Land use	X	



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

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

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	



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

Pinal County
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Florence, AZ 85132

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: Arizona Insurance Guaranty Funds
Address: 2910 North 44th Street, Suite 210
Contact Person: Lori D. Nestor, CCLA, Claims Manager
Phone: (602) 364-3859 Email Address: lnestor@azinsurance.gov
Project Name: Freestone liquidation

2. Company Name: City of Buckeye
Address: 530 East Monroe Avenue, Buckeye, Arizona 85326
Contact Person: Stephen S. Cleveland, City Manager
Phone: (623) 349-6910 Email Address: scleveland@buckeyeaz.gov
Project Name: City Attorney Legal Services

3. Company Name: City of Avondale
Address: 11465 West Civic Center Drive, Avondale, Arizona 85323
Contact Person: David Fitzhugh, City Manager
Phone: (602) 333-1000 Email Address: dfitzhugh@avondale.org
Project Name: City Attorney Legal Services

4. Company Name: Town of Fountain Hills
Address: 16705 East Avenue of the Fountains, Fountain Hills, Arizona 85268
Contact Person: Grady E. Miller, Town Manager
Phone: (480) 816-5100 Email Address: gmiller@fh.az.gov
Project Name: Town Attorney Legal Services

5. Company Name: Maricopa County
Address: 301 West Jefferson, Suite 940, Phoenix, Arizona 85003
Contact Person: Joy Rich, AICP, Deputy County Manager
Phone: (602) 506-6025 Email Address: joyrich@mail.maricopa.gov
Project Name: Superior Court-Criminal Tower construction disputes; AMP Race Track

GENERAL AREAS OF LEGAL REPRESENTATION

The firm provides daily representation of cities and towns and has extensive experience in all areas of law applicable to municipalities. Listed below is a brief summary of specialty areas of our firm's municipal practice (please note we no longer provide municipal court prosecution services).

- Appellate Practice
- Attorney conduct and professionalism
- Bond and disclosure counsel
- Collections and bankruptcy
- Commercial transactions and litigation
- Construction litigation
- Contractual liability defense
- Election and voter registration law
- Eminent domain and relocation
- Environmental law
- Federal and State taxation matters
- General governmental practice (open meetings, public records, etc.)
- General litigation
- Health care, including public health and managed care
- Infrastructure design
- Insurance Contracts
- Intellectual property
- Labor law and employment
- Land use
- Medical malpractice
- Planning and zoning
- Probate litigation
- Property tax appeals
- Public contracts and procurement
- Public official liability
- Real estate transactions
- Road design, construction or maintenance liability
- Section 1983 civil rights defense
- Special taxing district law
- Tort liability

* *Immigration, Legislative matters, Mental Health, Public Fiduciary, Tax Lien Sales, Foreclosures and Treasurer's matters areas of law are not covered in this submittal.*

FIRM EXPERIENCE

I. Appellate Practice

Gust Rosenfeld attorneys have extensive expertise in appellate practice in multiple substantive law areas, including:

- Antitrust
- Aviation
- Bankruptcy and creditors' rights
- Civil rights
- Commercial torts
- Condemnation and eminent domain
- Construction and contractor liability
- Education
- Corporate law and commercial litigation
- Environmental
- Franchising
- Insurance and bad faith
- Intellectual property, copyright, trademark and trade secret
- Labor and employment
- Medical malpractice
- Personal injury defense
- Product liability and premises liability
- Professional liability
- Real estate and title insurance issues
- Taxation, trusts and estates
- Vulnerable adult abuse litigation

Charles Wirken, Senior Partner, 41 years' experience in Appellate Practice

Gust Rosenfeld is home to one of only ten Fellows of the American Academy of Appellate Lawyers in Arizona. Charles W. Wirken has 40-plus years of appellate experience in Arizona's appellate courts, the Ninth, Tenth and Federal Circuits, and the United States Supreme Court. He has briefed and argued more than 160 cases, and served as a consultant on countless others, in a wide variety of substantive law areas. His clients have included government entities such as the City of Mesa, Arizona State University, the Arizona Board of Regents, and multiple school districts. Recent cases include *Christopher v. Spectra Electrical Services, Inc.*, 2016 WL 696477 (9th Cir. 2/22/16); *Howell v. Howell*, 361 Ariz. 936 (2015); *Price v. City of Mesa*, 236 Ariz. 267 (App. 2014); *Weitz Co., LLC v. Heth*, 235 Ariz. 405 (2014); *Sourcecorp, Inc. v. Norcutt*, 229 Ariz. 270 (2012); and *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260 (2010).

Gary Verburg, Senior Partner, 38 years' experience in Appellate Practice

Gary Verburg is admitted to the Ninth, Tenth and Federal Circuits and the United States Supreme Court. He has fourteen reported opinions on issues he personally briefed or argued. He also assisted on numerous appeal briefs on behalf of the City of Phoenix. Primarily, his appeal work has been related to challenges to the exercise of governmental authority.

II. Attorney Conduct and Professionalism

Gust Rosenfeld has represented numerous attorneys in hearings before the State Bar Association. Our team has a combined 20-year experience defending professionals. We have also successfully defended professionals on behalf of the Scottsdale Insurance Company.

Charles Wirken, Senior Partner, 41 years' experience in Attorney Conduct and Professionalism

Charles W. Wirken is the Firm's General Counsel, Ethics Counsel, and Loss Prevention Partner. He is experienced in prosecuting, defending and avoiding legal malpractice claims. He previously served as the Probable Cause Panelist in the State Bar's discipline system, deciding whether evidence was sufficient to formally charge lawyers with ethical violations. Formerly the President of the State Bar of Arizona, he is currently the Chairman of the State Bar's Client Protection Fund Board of Trustees, which reviews and pays claims of clients victimized by the dishonest conduct of lawyers who are now disbarred, suspended, incarcerated or deceased. He has taught the State Bar's mandatory Professionalism Course multiple times and served on the State Bar's Peer Review Committee.

III. Bond and Disclosure Counsel

As a firm, we are best known for our national reputation in the area of public finance. For the past 95 years, we have provided municipal finance and bond counsel expertise to counties, cities, towns, school districts and almost every type of special district in the State of Arizona and elsewhere. Our attorneys are experienced and knowledgeable about the complex tax rules applicable to public finance. In fact, our public finance team possesses a combined total of more than 100 years' experience in municipal and public finance law, most dealing specifically with Arizona issuers, but also in numerous other jurisdictions.

Recently, we have served as bond counsel to more than 30 Arizona counties, cities and towns including: Yuma County, Apache County, Graham County, Navajo County, Coconino County, Mohave County, Santa Cruz County, Yavapai County, City of Chandler, City of Goodyear, City of Mesa, City of Casa Grande, City of Scottsdale, City of Tempe, City of Tolleson, Town of Fountain Hills, City of Buckeye, Town of Paradise Valley and Town of Oro Valley.

You can expect comprehensive bond counsel services from our firm. We strive to help our clients reach their goals beyond a singular transaction through long-term working relationships. Our services begin well in advance of elections, starting with election planning, strategy and bond committee meetings. Our services continue beyond the closing of a single bond issue. We advise clients on expenditure requirements, rebate exceptions, changes in law and post-issuance compliance matters. When we build a legal strategy, we build it with the client's needs in mind.

Finance Issues

- General obligation bonds
- Lease Purchasing financings
- Revenue bonds
- Excise tax obligations
- Certificates of Participation
- Refunding bonds
- Municipal property corporation issues (63-20 Finance)
- Industrial development issues

- Other tax-exempt financing
- Jail District financings
- Special District financings

Bonds and Financing Expertise

- Bond election planning and administration
- Bond authorization, issuance and sale
- Bond counsel opinions
- Compliance with tax law restrictions
- Tax anticipation notes

Bond Election Planning & Administration

- Consultation and full cooperation with the County, its staff, the County’s financial consultants and others, as the situation may require, concerning planning and conducting of the County’s bond election.
- Attendance at all meetings of the County Board and staff meetings as necessary, including those meetings ordering the sale of bonds and authorizing and awarding the bonds.

Issuance of Bonds

- Preparation of all resolutions and legal documents pertaining to the election and issuance, sale and delivery of the bonds, including:
 - Resolutions calling the election, forms of ballots, and election canvass documents
 - Resolutions authorizing the issuance and sale of the bonds
 - The form of the bonds
 - All certificates and other papers necessary in connection with the delivery of bonds
- Circulation of documentation in draft form to responsible parties in advance for comments and redrafting, as necessary.
- Review of portions of any documents—such as offering memorandums or official statements—that relate directly to the bonds and tax-exempt status of the interest on the bonds. (Unless also retained as disclosure counsel, our services exclude the actual preparation of an offering memorandum or official statement, which is the responsibility of the County’s financial consultant.)

Legal Compliance

- Coordinate with State and County elections staff.
- Analysis of previous issues of tax-exempt obligations by the County, as necessary, to be certain that the new issue is within all applicable restrictions and requirements of federal and state law.

Bond Counsel Opinion

- Upon proper issuance and delivery of the bonds, furnishing our approving legal opinion as to the validity of the bonds, their source of payment and the status of the interest to be paid on the bonds under federal and Arizona income tax laws.

Tax Guidance

- Provide advice on tax-related matters springing from municipal finance transactions.
- Follow federal tax developments on a daily basis and frequently review legislation that may impact municipal finance transactions.

- Rendering legal advice and assistance in connection with maintaining the County's compliance with the restrictions set forth in the federal tax code.
- Propose creative solutions to tax challenges.

Disclosure Counsel

- Provide disclosure counsel advice to issuer.
- Navigate complex securities laws.
- Preparation of offering documents.

Closing/Post-Closing

- Prepare complete transcripts of the legal proceedings for the County, the financial advisor, the purchaser of the bonds and other interested parties at the County's request.
- Advise the County on federal and state law restrictions relating to post-issuance compliance with federal tax and securities law, including questions relating to the expenditure of bond proceeds.

Representative Bond Engagements & Experience

Because of our extensive history serving as bond counsel and high client volume, we cannot provide an all-inclusive list of our bond counsel experience. We, however, have included a list for the beginning of 2016 and an extensive list for 2015 of representative engagements below.

- Phoenix ESD, School Improvement Bonds, Project of 2015, Series A (2016) in the amount of \$20,000,000 (April 6, 2016).
- City of Buckeye Excise Tax Revenue Refunding Obligations, Series 2016 in the amount of \$12,620,000 (April 5, 2016).
- Festival Ranch Community Facilities District (City of Buckeye) Assessment District No. 10 Special Assessment Revenue Bonds, Series 2015 in the amount of \$200,000 (March 24, 2016).
- Eastmark CFD #1 Special Assessment District #5, Special Assessment Revenue Bonds Series 2016 in the amount of \$1,060,000 (March 8, 2016).
- Avondale ESD School Improvement Bonds, Project of 2013, Series C (2016) in the amount of \$5,000,000 (March 2, 2016).
- Cochise County Community College Revenue Bonds, Series 2016A and Revenue Refunding Bonds, Series 2016B in the amounts of \$7,310,000 and \$14,675,000, respectively (February 25, 2016).
- Deer Valley USD, School Improvement Bonds, Project to 2013, Series B (2016) and Refunding Bonds, Series 2016 in the amounts of \$30,000,000 and \$19,200,000, respectively, February 23, 2016.
- Town of Paradise Valley Excise Tax Revenue Obligations, Series 2016 (BQ) in the amount of \$7,880,000 (February 17, 2016).
- Central Arizona Water Conservation District (CAP) Water Delivery (O&M) Revenue Bonds, Series 2016 in the amount of \$45,460,000 (February 3, 2016).
- Avondale ESD 2015 QZAB ECM Lease in the amount of \$4,750,000 (December 15, 2015).
- Picture Rocks Fire District, Pima County, GO Refunding Bonds, Series 2015(PP) in the amount of \$1,995,000 (November 10, 2015).
- Eastmark CFD #1 Special Assessment District #4, Special Assessment Revenue Bonds Series 2015, in the amount of \$970,000 (November 5, 2015).
- Oro Valley Excise Tax Revenue Refunding Obligations Series 2015 (BQ) in the amount of \$3,775,000 (November 2, 2015).

- Riverside ESD (P.P.) School Improvement Bonds Project of 2014 Series A (2015) in the amount of \$10,200,000 (October 28, 2015).
- Glendale UHSD School Improvement Bonds Project of 2011, Series E (2015) in the amount of \$8,435,000 (September 29, 2015).
- Graham County Jail District Pledged Revenue Bonds Series 2015 in the amount of \$26,340,000 (September 23, 2015).
- Eastmark CFD (City of Mesa), General Obligation Bonds, Series 2015 in the amount of \$6,800,000 (September 10, 2015).
- Western Maricopa Education Center No. 402, School Improvement Bonds Project of 2012, Series C (2015) in the amount of \$14,900,000 (September 9, 2015).
- Pendergast ESD, School Improvement Bonds, Project of 2012, Series D (2015) in the amount of \$8,510,000 (September 8, 2015).
- City of Salinas Lease-Purchase Agreement (Refunding of 2005 COPs) (CoBiz Bank/Purchaser's Counsel) in the amount of \$11,440,000 (September 1, 2015).
- Tuba City USD School Improvement Bonds Project of 2014 Taxable Series A (2015) in the amount of \$2,525,000 (August 4, 2015).
- Chandler USD Tax Anticipation Note Series 2015 in the amount of \$45,000 (July 22, 2015).
- Deer Valley USD Tax Anticipation Note Series 2015 in the amount of \$30,000,000 (July 22, 2015).
- Dysart USD Tax Anticipation Note Series 2015 in the amount of \$10,000,000 (July 22, 2015).
- Gilbert USD Tax Anticipation Note Series 2015 in the amount of \$13,000,000 (July 22, 2015).
- Glendale UHSD Tax Anticipation Note Series 2015 in the amount of \$13,000,000 (July 22, 2015).
- Higley USD Tax Anticipation Note Series 2015 in the amount of \$6,000,000 (July 22, 2015).
- Paradise Valley USD Tax Anticipation Note Series 2015 in the amount of \$30,000,000 (July 22, 2015).
- Pendergast ESD Tax Anticipation Note Series 2015 in the amount of \$12,500,000 (July 22, 2015).
- Peoria USD Tax Anticipation Note Series 2015 in the amount of \$40,000,000 (July 22, 2015).
- Washington ESD Tax Anticipation Note Series 2015 in the amount of \$12,000,000 (July 22, 2015).
- Saddle Mountain USD Tax Anticipation Note Series 2015 in the amount of \$2,000,000 (July 22, 2015).
- Cave Creek USD 2015 Lease Purchasing Financing in the amount of \$1,488,600 (July 15, 2015).
- Festival Ranch CFD (City of Buckeye) Assessment District No. 9 Special Assessment Revenue Bonds, Series 2015 in the amount of \$288,000 (July 21, 2015).
- City of Buckeye, Excise Tax Revenue Obligations, Series 2015 in the amount of \$51,260,000 (July 14, 2015).
- City of Galt Ltd Obligation Refunding Bond Reassessment District No. 2015-1, Series 2015 (Bank/Purchaser Counsel) in the amount of \$1,338,000 (July 1, 2015).
- Town of Taylor AZ Prepayment of GADA Loan in the amount of \$327,675 (July 1, 2015).
- Mayer Fire District General Obligation Bonds Series 2015 in the amount of \$903,000 (June 29, 2015).
- Gadsden ESD 2015 Lease Purchase in the amount of \$3,489,727 (June 25, 2015).
- Kyrene ESD School Improvement Bonds Project of 2010 Series C (2015) and Refunding Bonds, Series 2015 in the amount of \$40,000,000 and \$24,120,000, respectively (June 18, 2015).
- Littleton ESD School Improvement Bonds Project of 2014 Series A (2015) - UW Counsel in the amount of \$11,860,000 (June 16, 2015).
- City of Tempe Excise Tax Revenue Obligations, Series 2015 in the amount of \$11,810,000 (June 10, 2015).

- Community Facilities District #1 (Goodyear) General Obligation Refunding Bonds Series 2015 in the amount of \$7,015,000 (June 10, 2015).
- City of Mesa General Obligation Bonds Series 2015 in the amount of \$13,690,000 (June 4, 2015).
- City of Mesa Utility Systems Revenue Bonds Series 2015 in the amount of \$30,220,000 (June 4, 2015).
- Eagle Mountain Community Facilities District (Fountain Hills) General Obligation Refunding Bonds, Series 2015 in the amount of \$2,300,000 (June 4, 2015).
- Fountain Hills MPC Revenue Refunding Bonds, Series 2015 in the amount of \$1,880,000 (June 4, 2015).
- Phoenix UHSD School Improvement Bonds, Project of 2011 Series D (2015) in the amount of \$10,000,000 (June 2, 2015).
- Electrical District No. 4 Revenue Refunding Bonds, Series 2015 in the amount of \$17,885,000 (May 28, 2015).
- City of Tempe General Obligation Bonds, Series 2015A in the amount of \$43,965,000 (May 28, 2015).
- Mesa USD School Improvement Bonds, Project of 2012 Series C (2015) in the amount of \$35,000,000 (May 27, 2015).
- Page USD 2015 Defeasance of Impact Aid Revenue Bonds, Project of 2004, Series A (2004) in the amount of \$5,437,625 (May 27, 2015).
- Fountain Hills USD School Improvement Bonds Project of 2013 Series B (2015) in the amount of \$4,000,000 (May 27, 2015).
- Cave Creek USD, School Improvement Bonds, Project of 2014, Series A (2015) and Refunding Bonds, Series 2015 in the amount of \$20,000,000 and \$11,125,000 (May 19, 2015).
- Sahuarita USD, SIB, Project of 2009, Series B (2015) in the amount of \$1,650,000 (May 15, 2015).
- Buckeye (City) Excise Tax Revenue Refunding Obligations, Series 2015 in the amount of \$6,565,000 (May 12, 2015).
- Washington ESD, SIB, Project of 2010, Taxable Series D (2015) in the amount of \$4,500,000, (May 12, 2015).
- Casa Grande UHSD, Refunding Bonds, Series 2015 in the amount of \$19,985,000 (April 30, 2015)
- Phoenix UHSD & JP Morgan Chase Bank NA, Taxable QSCB & Tax-Exempt Lease/Purchase (Qualified School Construction Bond Taxable Series 2015 and Tax-Exempt Series 2015B in the amount of \$3,584,000 and \$516,000 (April 30, 2015).
- Florence USD, Refunding Bonds, Series 2015, in the amount of \$21,715,000 (April 29, 2015).
- Lease/Purchase Transaction / Mary C O'Brien Accommodation Schools & Zions FNB in the amount of \$482,500 (April 23, 2015).
- Cottonwood-Oak Creek Elementary School District, SIB, Project of 2014, Series A (2015) in the amount of \$15,000,000 (April 22, 2015).
- Yuma ESD, (Yuma County), SIB, Project of 2014, Series A (2015) in the amount of \$21,000,000 (April 15, 2015).
- City of Buckeye Water & Sewer Systems, Senior Revenue Bonds, Series 2015 in the amount of \$250,000 (April 2, 2015).
- City of Scottsdale, General Obligation Refunding Bonds, Series 2015, in the amount of \$160,415,000 (April 2, 2015).
- Eastmark CFD (Mesa) Assessment District No. 3, Special Assessment Revenue Bonds, Series 2015 in the amount of \$1,942,000 (April 2, 2015).
- City of Scottsdale, Municipal Property Corporation, Excise Tax Revenue Refunding Bonds, Series 2015 in the amount of \$93,570,000 (March 26, 2015).

- Estrella Mountain Ranch Community Facilities District (City of Goodyear, Arizona) Special Assessment Revenue Bonds (Montecito Assessment District No. 2) Series 2015 in the amount of \$4,980,000 (March 19, 2015).
- City of Mesa, Street and Highway User Revenue Refunding Bonds, Series 2015 in the amount of \$17,555,000 (March 19, 2015).
- Marana Unified School District, School Improvement Bonds, Project of 2014, Series A (2015) in the amount of \$25,000,000 (March 12, 2015).
- Crane Elementary School District, Yuma County, School Improvement Bonds, Project of 2014, Series A (2015) in the amount of \$10,000 (March 12, 2015).
- Madison Elementary School District, School Improvement Bonds, Project of 2014, Series A (2015) in the amount of \$34,000,000 and Refunding Bonds, Series 2015 in the amount of \$17,700,000 (February 25, 2015).
- Paradise Valley Unified School District, School Improvement Bonds, Project of 2011, Series E (2015) in the amount of \$49,000,000 and Refunding Bonds, Series 2015 in the amount of \$21,325,000 (February 25, 2015).
- Tempe Elementary School District, Project of 2009, Series C (2015) in the amount of \$37,560,000 and Refunding Bonds, Series 2015 in the amount of \$27,500,000 (February 11, 2015).
- Deer Valley Unified School District, School Improvement Bonds, Project of 2013, Series A (2015) in the amount of \$25,000,000 and Refunding Bonds, Series 2015 in the amount of \$17,250,000 (January 28, 2015).
- City of Scottsdale, Municipal Property Corporation, Excise Tax Revenue Bonds, Tax-Exempt, Series 2015A in the amount of \$30,865,000 and Excise Tax Revenue Bonds, Taxable Series 2015A in the amount of \$14,615,000 (January 6, 2015).

Zachary Sakas, Associate, 10 years' experience in Bond financings

Zach Sakas serves as bond counsel to a variety of Arizona political subdivisions including counties, cities, towns, special taxing districts and school districts. Specifically for Arizona counties, Zach has experience with jail district and excise tax financings. Zach also has worked with several county industrial development authorities for the issuance of bonds. Zach is a member of the National Association of Bond Lawyers and Government Finance Officers Association of Arizona.

Timothy Stratton, Senior Partner, 17 years' experience in Bond and Disclosure Counsel

Tim Stratton currently represents counties and special taxing districts throughout Arizona. Tim is involved in the formation and financing of Improvement Districts, Community Facilities Districts and other special purpose districts. In addition, Tim has represented counties and other units of local government in debt financing's ranging from \$1 million to \$275,000,000 million dollars. Tim also serves as special tax counsel on tax exempt financings and audits. Tim is a member of the National Association of Bond Lawyers and is a frequent speaker on all aspects of municipal finance.

Fred Rosenfeld, Senior Partner, 55 years' experience in Bond and Disclosure Counsel

Fred's practice emphasizes governmental law, including municipal finance, real estate and legislative law. Fred's clients are primarily counties, special districts and school districts. He is experienced in general obligation, revenue, special tax and assessment bonds, street light improvement districts (SLIDs), municipal improvement districts (MIDs) and represents issues, borrowers, trustees, underwriters and financial institutions.

IV. Collections and Bankruptcy

Our attorneys have expertise in every aspect related to commercial/consumer bankruptcies and creditors' rights issues. With great success, our team also handles any commercial litigation that arises out of bankruptcy-related matters—giving our clients the peace of mind that we will serve as passionate advocates for their rights. We advocate on behalf of public entities, including many cities and counties, financial institutions, businesses, individual creditors, landlords, owners, developers, investors, student loan guarantors, debtors-in-possession, court-appointed trustees and creditors' committees.

The following list details issues we routinely handle and resolve for our clients:

- Acquisitions from bankruptcy estates
- Collection and lien enforcement
- Liens, judgments, foreclosures, provisional remedies, receiverships, guarantees and suretyships
- Litigation including Fair Debt Collection Practices Act, Fair Credit Report Act, Truth in Lending Act and lender liability
- Preferences, fraudulent conveyances, non-dischargeability actions and stay relief
- Real property disputes, reorganizations and liquidations
- Workouts and restructuring, secured and unsecured debts, including stipulated judgments and deeds in lieu of foreclosure

Expertise

- Sales of assets from bankruptcy estates
- Valuation and stay relief proceedings
- Acquisitions
- Dischargeability of debts
- Preference and fraudulent conveyance actions
- Reorganizations
- Bankruptcy-related appeals
- Judicial and non-judicial foreclosures
- Uniform Commercial Code dispositions
- Personal property repossessions
- Forfeiture actions
- Deed in lieu transactions
- Forcible detainer actions
- Receiverships
- Deficiency and guarantor proceedings
- Loan/credit workouts and restructurings
- Provisional remedies such as garnishment, attachment and replevin
- Injunctive relief

Representative Engagements

- Represented Maricopa County in a dispute with a trustee and other secured creditors over receiving sale proceeds.
- Represented the Commonwealth of Pennsylvania in various trials and appeals regarding repayment of student loans and defended against a lawsuit alleging violations of consumer credit laws.

- Represented the City of Apache Junction and the City of Buckeye in various garnishment, assessment foreclosure, and collection matters.
- Represented the City of Buckeye in obtaining relief from purchase contracts with a bankrupt fire truck manufacturer.

Todd Tuggle, Associate, 20 years' experience in Bankruptcy and Creditors' Rights.

Todd's practice brings experience in a broad range of creditor rights matters. His practice focuses on bankruptcy and debt restructuring and general commercial litigation. He has additional expertise in the areas of general litigation, officers and directors liability, state court receiverships, bad faith lending defense, MERS mortgage fraud related litigation and general probate matters. Todd has worked for clients in significant cases in Arizona, including a Chapter 11 restructuring of a company that owned 56 quick service restaurants in Arizona and New Mexico where he led critical three-party negotiations between the secured lender, franchisor and debtor.

Kent Cammack, Senior Partner, 37 years' experience in Collections and Creditors' Rights.

Kent focuses on commercial disputes in both the state and federal courts, where he has extensive litigation and trial experience in the areas of commercial disputes, real estate, receiverships, lender liability, products liability, landlord/tenant, foreclosure and creditors' rights, and employment issues (including non-competition agreements and sexual harassment).

V. Commercial Transactions and Litigation

Twenty-four attorneys at our firm have full-time practices in real estate, including acquisitions, dispositions, land use, planning and zoning, leasing and development. Additionally, several other attorneys handle real estate transactions as a part of related practices. We have represented municipalities and national retail clients in countless real estate matters, including the acquisition of numerous parcels for commercial development, roadways and sites for municipal facilities such as fire stations, police facilities, court buildings and various other government buildings.

Our attorneys also represent most of the title insurance companies doing business in Arizona, and they have particular knowledge of title insurance and real estate litigation as those issues apply to public entities. Because of our extensive work with government clients, our team of lawyers has handled virtually every type of real estate matter imaginable.

We utilize a teamwork approach, which fosters a unique level of flexibility that enables our lawyers to litigate virtually any type of case. The firm's litigators provide a full range of litigation and dispute resolution services, including jury and non-jury trials, appeals, mediations, arbitrations and negotiations.

General Expertise

- Acquisitions and purchase contracts
- Title insurance
- Leases and easements
- Disposal to private and public entities
- Condemnation
- Sales of government property
- Cell tower land use agreements
- Real estate negotiations with developers
- Real estate donation agreements

- Rea estate environmental reports
- Archaeological surveys
- Pesticide covenants

Representative Commercial Transaction Clients

- City of Buckeye
- City of Avondale
- Town of Fountain Hills
- City of Tolleson
- City of Kingman

Chris McNichol, Senior Partner, 30 years' experience in Commercial Transactions and Litigation

Chris's practice emphasizes commercial and real estate transactions, including sale and purchase, development, lease, title insurance and construction issues, and related litigation in these areas. He represents banks, savings and loans, mortgage lenders and brokers, title and escrow companies, real estate brokers and agents, developers, contractors and individuals.

Tom Halter, Senior Partner, 24 years' experience in Commercial Transactions

Tom's practice focuses on representing clients in connection with the acquisition and development of commercial real estate. His expertise includes negotiating purchase agreements, development agreements, covenants, conditions and restrictions agreements, easements and all other documents and instruments connected with commercial real estate transactions.

Raul Abad, Senior Partner, 13 years' experience in Commercial Transactions

Raul's practice focuses on commercial real estate transactions including development, leasing, real estate financing and acquisitions and dispositions of various real estate assets. He works with both public and private clients on complex commercial real estate matters on a local, regional and national basis. Raul recently closed a major real estate transaction for the City of Glendale.

Richard Hood, Senior Partner, 42 years' experience in Commercial Transactions

Rick has represented businesses, including manufactures, service industries and banks, in contract enforcement and defense, trade secrets, franchise, officer and director liability, derivative actions and environmental liability defense. Mr. Hood has also represented public entities in defense of validity of enforcement regulations, revocation of special use permits, necessity for improvements to and scope of improvements to water treatment facility remediation of hazardous waste.

VI. Construction Litigation

With respect to construction litigation, the attorneys at Gust Rosenfeld handle contract disputes, delay claims, mechanics' lien disputes, bonding issues, construction defect cases, insurance coverage disputes and many more related issues. We have defended many construction site injury cases for private and public project owners. We have tried and argued construction and construction-related cases in all Arizona courts, including the Arizona Supreme Court. Our attorneys have relationships with the best industry experts in various disciplines including critical path analysis, construction financing, construction management and sequencing, project design, engineering, construction practices and safety programming. Although experts are often retained as litigation consultants or to testify in court, we often utilize these professionals when necessary at the inception of a dispute and before formal litigation begins to advise us as to the best and most cost-effective outcomes.

General Expertise

- Jury and non-jury trial
- Appeals
- Negotiations
- Mediations
- Arbitrations
- Administrative Hearings

Representative Engagements

- Represented Pima County in litigation regarding engineering and construction management issues related to its Sanitary Waste Management Plant.
- Represented developers/general contractors/architects in multi-million dollar construction defect cases, including prosecuting third-party claims against sub-contractors and design professionals.
- Represented a large construction company in an owner/contractor dispute involving workmanship, payment and subcontractor claims under the Prompt Pay Act.
- Represented a city in a major construction contract dispute involving a wastewater treatment improvement project.
- Represented numerous school districts in construction disputes involving delays and bonding issues.
- Represented a group of architects and planners in a claim for wrongful substitution of a presumed low bidder on a public works project.
- Represented dozens of contractors and subcontractors in a variety of defective construction cases, "joint work space" injury, and premises liability claims.

Craig McCarthy, Senior Partner, 26 years' experience in Construction Litigation

Craig practices in the areas of civil litigation and insurance. He represents governmental and nonprofit entities, insurance carriers and self-insured businesses. His practice includes all phases of litigation, from discovery through trial and appeals. Craig has practiced extensively in the areas of public official liability, catastrophic injury, construction defect, product liability, commercial litigation, regulatory law and insurance coverage.

Wendy Weigand, Senior Partner, 18 years' experience in Construction Litigation

Wendy practices in the area of construction, professional malpractice, breach of contract, employment, commercial law and professional malpractice. She is experienced in managing a diverse caseload of general civil litigation and insurance defense matters in various state and federal trial and appellate courts.

Peter Collins, Jr., Senior Partner, 27 years' experience in Construction Litigation

Peter Collins, Jr. has handled over a dozen construction design defect cases for the City of Tucson, ADOT, Granite Construction, Pulice-Granite Joint Venture, and KE&G Construction. Most recent case was Moreland v. Pulice-Granite, Maricopa County Cause # CV-2012-014092 (wrongful death claims), and Lundquest v same defendants, CV 2012-014268, a serious neurological injury. He was lead counsel with two other co-defense counsel, and handled approximately 25 depositions and multiple hearings. Issues were road design, traffic control design and placement, and construction planning, as well as serious medical damage issues. Mr. Collins has also been lead counsel in motorcycle cases where claims were made against Pima County and KE&G Construction, with issues of road design, construction failures and traffic control issues.

VII. Contractual Liability Defense

We represent more than 30 municipalities and over 60 school districts throughout our state. As a result, our attorneys have negotiated, reviewed and/or drafted many of the contracts and agreements used by Arizona's public entities. We focus on preparing contracts that help our clients avoid litigation; we make sure each is fair, enforceable and effective in protecting our clients' rights and clarifying the responsibilities of all involved parties. Even in spite of having a strong contract in place, disputes happen. When issues arise, our lawyers aggressively defend our clients' position before administrative bodies and in state and federal court.

General Contract Law

- Drafting contracts
- Negotiating contracts
- Litigation arising from contract disputes
- Contract compliance and reporting

Insurance Contracts

- Interpreting insurance provisions
- Negotiating insurance coverage
- Litigation of insurance coverage

Craig McCarthy, Senior Partner, 26 years' experience in Contractual Liability Defense

As insurance and coverage counsel to multiple insurers, businesses and public entities, Craig has reviewed thousands of insurance policies and contracts requiring certain coverages. He has drafted such contracts and even written insurance policies over the years. As a litigator, he has handled disputes concerning insurance provisions and contractual obligations to provide certain insurance protections and uses his knowledge of insurance and indemnity law to better serve clients with ever-changing insurance needs.

Robert Haws, Senior Partner, 27 years' experience in Contract Disputes

Rob represents school districts and municipalities in a wide range of employment issues, including employment contracts, drug testing, severance agreements, employee first amendment issues and much more.

Charles Wirken, Senior Partner, 41 years' experience in Contract Disputes

Charles Wirken has tried a wide variety of contract disputes to judges and juries in state and federal courts. Examples include construction, franchise, insurance, intellectual property, purchase and sale, real estate, and vendor contracts. He brings to his advocacy the perspective of 32 years' experience as a judge pro tem of the Maricopa County Superior Court civil division, and as a former commercial and construction arbitrator for the American Arbitration Association. In recognition of his trial skills, he was elected as a Fellow of the Litigation Counsel of America, and was recently named among the Top 100 Lawyers in Arizona.

Richard Hood, Senior Partner, 42 years' experience in Contract Disputes

Rick has represented businesses, including manufactures, service industries and banks, in contract enforcement and defense, trade secrets, franchise, officer and director liability, derivative actions and environmental liability defense. He has also represented public entities in defense of validity of

enforcement regulations, revocation of special use permits, necessity for improvements to and scope of improvements to water treatment facility remediation of hazardous waste.

VIII. Election and Voter Registration Law

At Gust Rosenfeld, we have well-rounded experience handling issues and litigation springing from elections and voting rights law. We advise municipal elections officials and city and town councils on election law and procedures, and our attorneys defend litigation involving candidate elections as well as initiative and referenda of municipal actions.

We also conduct investigations and take enforcement action on behalf of the City Attorney, pursuant to A.R.S. § 16-924, of alleged violation of campaign finance laws. Further, we are aware of the various election actions that must occur in order for tax-supported organizations to receive money. We also fully understand the effort that goes into seeking and receiving new funds. In this area, our clients include cities, towns, community colleges, school districts, and many types of special districts. In addition, our attorneys have completed election work, including budget override, bond, land sale, and lease elections, for a majority of the school districts throughout the state.

Many of the lawyers in the Public Law practice group represent cities, towns, school district boards, county agencies, and a host of special districts/political subdivisions. Their practice frequently involves providing advice on election law issues as well as defending referendum and initiative law matters.

We also defend municipalities and other agencies in OML challenges and public records actions in the Superior Court, appellate courts, and for OML issues in AG OMLET Team investigations.

General Elections

- Sale of land
- General obligation bonds
- Utility system revenue bonds
- Highway User Revenue Bonds
- Tax levy limits
- Approval of general plans
- Initiative and referendum
- Budget overrides
- Ballot Issues
- Campaign Finance
- Petition Issues

Related Legal Services

- Election planning, advice and procedures
- Ballot language
- Voter information pamphlet format and requirements
- Election campaign issues/campaign finance investigations and enforcement
- Post-election document preparation

Representative Engagements

- Recently successfully represented Lake Havasu City on a referendum action.

- Represented the City of Phoenix on all types of election law issues.
- Represented the Town of Fountain Hills in a tax levy election in the amount of \$4,500,000 (5/20/08).
- Represented the City of Kingman in a land sale election (11/6/07).
- Represented the City of Buckeye in a general plan amendment election (5/20/08).
- Represented the Town of Fountain Hills in a referendum challenge before the Arizona Superior Court (7/16/08).

Gary Verburg, Senior Partner, 38 years’ experience in Elections and Voting Rights

Gary focuses his practice in the areas of municipal law, commercial law, civil litigation, administrative law and Federal Indian law. Experience includes contracts, real estate transactions, federal, state and tribal litigation, zoning, elections, resolutions and ordinances. As City Attorney for the City of Phoenix, Gary has first-hand knowledge on all issues related to elections including but not limited to ballot language, publicity pamphlets, voting rights, campaign finance and referendum and initiative issues.

Andrew McGuire, Senior Partner, 21 years’ experience in Elections and Voting Rights

Andrew focuses his practice on issues affecting municipal clients. His expertise and experience includes in part, election law issues related to his various municipal clients.

Susan Goodwin, Senior Partner, 39 years’ experience in Elections and Voting Rights

Susan’s public law practice encompasses representation of over eleven municipalities. She has handled a wide variety of elections law issues on behalf of her municipal clients.

IX. Eminent Domain and Relocation

Our firm’s attorneys have extensive experience representing municipal clients in real property and utility condemnation actions and in defending inverse condemnation and regulatory takings claims. Our real property acquisition work has involved a wide variety of purposes and public projects, including the Light Rail Transportation System, public buildings, an airport, streets, parks, bus bays, and utility improvements to name a few.

We also have the unique experience of handling the intricate and often highly contested acquisition of utilities through eminent domain processes. Our expertise in this area involves valuation methods and statutes that differ in several key respects from those for real property acquisitions. Our attorneys also commonly defend inverse eminent domain, regulatory takings, and civil rights actions that arise out of municipal decision-making and operations.

General Expertise

- Federal and state constitutional, statutory and case law involving eminent domain, just compensation, and inverse and regulatory takings.
- Federal and state court eminent domain proceedings, court rules and processes.
- Defense of inverse condemnation and regulatory taking claims in federal and state courts.
- Administrative hearings on alleged takings.
- Trial court and appellate litigation of statutory and constitutional issues.
- Real property and utility appraisal, valuation and related issues.
- Acquisition of public utilities through utility-specific eminent domain.
- Pre-condemnation strategies and proceedings.
- Eminent domain litigation avoidance and/or settlement.

Representative Engagements

- Represented the City of Buckeye in a federal court quick-take condemnation case brought by a utility using the Natural Gas Act as a defense. Court ruled in favor of the City of Buckeye.
- Provided advice to numerous municipal clients regarding pre-condemnation strategies and proceedings and litigation avoidance/settlement.
- Represented the City of Phoenix in numerous condemnation cases (since 2003) related to the Light Rail Transit Project as well as other matters such as street widenings, bus bay development, drainage improvements, and assistance on a water utility condemnation.
- Represented the City of Phoenix and other SROG cities in defending an inverse condemnation action by Dos Rios LLC.
- Represented the Cities of Avondale and Buckeye in acquiring water companies.
- Several eminent domain actions brought for Cities of Avondale and Buckeye.

Christopher W. Kramer, Partner, 30 years' experience in Eminent Domain law

Christopher W. Kramer is a condemnation trial lawyer with thirty years' experience. His practice emphasizes the representation of condemning authorities at all levels. He has represented the State, Counties, Cities and Towns, utilities and special taxing districts in eminent domain matters. During his career, he has litigated condemnation cases with an aggregate of over \$600,000,000 in controversy, and has acquired properties worth in excess of \$200,000,000 for public projects. Some representative projects include: Project and condemnation counsel for the \$1.5 billion Red Mountain Freeway project (SR 202), Super Red Tan Traffic Interchange (Superstition, Red Mountain and San Tan Freeways), State Route 179, East Flagstaff Traffic Interchange (US 89 and I-40), Twin Peaks Traffic Interchange (I-10), Northwest Extension of light rail, Downtown Mesa extension of light rail, as well as many other projects including road widening and intersection improvements, electrical, sewer and water infrastructure, park, airport, other transit, and government facilities. Mr. Kramer has represented Pinal County in at least two significant matters: Assisted in negotiating with SRP regarding 550 kV power lines across the County Fair Grounds; and the Dudleyville Crossing matter (also known as Pinal County v. Schwennessen). Mr. Kramer currently serves as condemnation counsel to the Town of Florence, and is actively litigating Town of Florence v. Curis Resources, Inc.

Mr. Kramer's representative current and past clients include (but are not limited to): ADOT, the Cities of Phoenix, Tucson, Flagstaff, Yuma, Nogales and El Mirage; the Towns of Florence, Sahuartia and Marana; Coconino and Mohave Counties, and various utilities throughout the state. He is also deeply versed in issues arising with federal funding and the "Uniform Relocation Assistance and Real Property Acquisition" Act, intergovernmental, utility and railroad agreements, regulatory matters (e.g., USACOE, ADEQ, SHPO) and similar issues. He has relationships based on a long history of mutual trust and respect with stakeholders at all levels, which allows him to assist his clients to achieve their objectives efficiently and effectively while maintaining collegial relationships with critical partners.

Laura Curry, Associate, 4 years' experience in Eminent Domain law

Laura has spent most of her career working on behalf of government clients on condemnation matters. Current representative clients include cities and special districts.

X. Environmental Law

Our environmental law attorneys focus on balancing the needs of commerce and industry with the protection of the environment. Our lawyers are both counselors and litigators. Through creative

planning, conflict resolution and preventative methodology, we protect clients from unanticipated costs and risks.

We offer common-sense strategies that increase money-making opportunities while optimizing environmental protection. We advise clients on environmental due diligence prior to real property acquisition, air and water quality permitting, solid and hazardous waste permitting, underground storage tank compliance and enforcement and Superfund liability and remediation activities.

Our clients include counties, cities and towns, landowners, developers, school districts, irrigation districts and business entities that are confronted with the complex and often intimidating array of environmental laws, rules and regulations on the federal, state and local level. On behalf of our clients, we have negotiated consent Judgments and filed and defended lawsuits resulting from air quality violations such as permitting, asbestos, hazardous air pollutants and regulatory non-compliance.

Recently our environmental attorneys played a key role in the negotiation of a county air quality permit amendment for a local government entity. Our contributions included reviewing the proposed permit, participating in technical meetings with our client and environmental consultants, negotiating directly with the county on permitting terms and attending public meetings.

Our attorneys also have extensive experience in water law. We represent municipalities, irrigation and water improvement districts and landowners on a wide variety of matters including water rights, water quality issues and Clean Water Act compliance.

General Expertise

- Public and private land development
- Contaminated properties
- NEPA compliance
- Environmental permits and challenges
- Environmental risk assessment analysis
- Reclaimed water usage
- Air quality issues
- Archaeological issues
- Enforcement actions (federal, state, county and city)
- Intergovernmental agreements for water and sewer treatment plants
- Insurance disputes related to pollution and coverage issues
- Toxic tort litigation
- Underground and aboveground storage tanks, including leaking underground storage tanks (LUST) issues
- State Assurance Fund Application

Federal, State and Local Regulatory Programs

- Clean Water Act (including AZPDES)
- Federal and state level Superfund issues (CERCLA, WQARF, etc.)
- RCRA solid and hazardous waste programs
- Endangered Species Act
- Brownfield redevelopment
- Toxic Substance Control Act
- Safe Drinking Water Act

- National Environmental Policy Act (NEPA)
- Pollution Prevention Act
- Maricopa County air quality regulations
- Asbestos emission standards
- Clean Air Act
- Aquifer protection permits

Due Diligence

- Environmental audits
- Document review and reporting
- Environmental site assessments, including compliance with “all appropriate inquiries” regulations.

Representative Engagements

- Represented a county in conducting environmental due diligence prior to real property acquisition.
- Represented a county in an action involving revocation of special use permits and enforcement of air quality regulations.
- Represented a city and its Wastewater Treatment Plan in a variety of issues including air permitting, AZPDES and Aquifer Protection permitting, intergovernmental agreements, compliance, enforcement, and litigation matters.
- Represented a city in various environmental matters including conducting due diligence prior to real property acquisition, complying with NEPA, and handling litigation as necessary.
- Represented extensive array of developers, retailers, home builders, lenders, and other private sector companies in matters concerning acquisition, disposition, permitting, regulatory enforcement, environmental audits, and environmental litigation.
- Represented a city before the Federal Energy Regulatory Commission regarding placement of a natural gas pipeline.

Barbara Pashkowski, Senior Partner, 35 years’ experience in Environment Law

Barbara focuses her practice on environmental law, including due diligence and air and water quality. Her experience includes air and water quality permitting, compliance and enforcement issues, asbestos, environmental rule writing and legislation, state Superfund and litigation. She interacts with various Arizona governmental entities and private companies on a broad range of environmental issues. Prior to joining Gust Rosenfeld, Barbara worked in the Environmental Enforcement Section of the Arizona Attorney General’s Office as Chief Counsel for the Air, Game and Fish, Underground Storage Tanks and Agriculture (AGUA) Unit and represented the Arizona Department of Environmental Quality.

1. National Retail Corporation – Over the last nine years I have assisted this client with:
 - a. the review of its environmental due diligence for properties, purchased and leased, to ensure compliance with the federal CERCLA innocent landowner defenses conducted pursuant to the “all appropriate inquiry” and the ASTM E 1527-13 standards;
 - b. the review of proposed Phase II Site Assessment scopes of work for soil, groundwater, and vapor sampling, analysis, remediation, and monitoring;
 - c. the review of the analytical data resulting from the performance of the Phase II Site Assessment;
 - d. making recommendations for additional environmental site assessments or to pursue regulatory site closure; and

- e. acting as a liaison between the client, its civil engineer, its environmental consultant, and the appropriate regulatory agency.

I perform these duties in Arizona and approximately 10 other states. Over the last nine years I have assisted with and have read hundreds of Phase I and Phase II Environmental Site Assessment reports, remediation plans, and proposals for site closure.

- 2. Firm's municipal clients and real estate developers – As the firm represents a large number of municipal clients and real estate developers for whom we conduct real estate transactional work, I assist these clients with:
 - a. the review of their environmental due diligence for properties, purchased, leased, or obtained through donations or eminent domain authority, to ensure compliance with the federal CERCLA innocent landowner defenses conducted pursuant to the “all appropriate inquiry” and the ASTM E 1527-13 standards;
 - b. the review of proposed Phase II Site Assessment scopes of work for soil, groundwater, and vapor sampling, analysis, remediation, and monitoring;
 - c. the review of the analytical data resulting from the performance of the Phase II Site Assessment;
 - d. making recommendations for additional environmental site assessments or to pursue regulatory site closure; and
 - e. acting as a liaison between the client, its environmental consultant, and the appropriate regulatory agency.

I perform these duties on a regular basis.

- 3. Municipal Wastewater Treatment Plant (“WWTP”) – Over the last nine years I have assisted this client with its regulatory compliance and enforcement. I have worked with the Arizona Department of Environmental Quality (“ADEQ”) to secure the renewal of the client’s Arizona Pollutant Discharge Elimination System Permit and its Aquifer Protection Permit; and, I have assisted the client with the resolution of permit violations issued by the ADEQ. I also assisted the client with the renewal of its Maricopa County Air Quality Permit. In additions, two non-municipal entities have capacity in the WWTP pursuant to separate contractual agreements between those non-municipal entities and our client. I have assisted our client in the enforcement of the terms of those contractual agreements. And, with Rick Hood (litigation), we filed a lawsuit to enforce the terms of the agreement for the payment of capital improvements to the WWTP, and successfully settled the lawsuit (summer 2015). I also represent this client in the enforcement of its pretreatment regulations against industry within its community. Each industry located within the City must adhere to certain wastewater and/or stormwater discharge limitations; exceedances of those limitations can result in violations and potentially in penalties assessed against that industry. I also assist this client with the preparation of procurement documents for the engagement of environmental consultants to assist the City on various projects affecting the WWTP.
- 4. Roosevelt Irrigation District (“RID”) CERCLA Litigation – The RID filed suit against many potentially responsible parties for their alleged contribution to contamination in the West Van Buren Area WQARF site. We (includes Rick Hood) represented 2 clients at the onset of the threatened litigation and successfully, through a detailed legal analysis, convinced RID to drop these clients from the proposed litigation.

5. Municipal Client – We (including Rich Hood and Jim Speer) are currently representing a municipal client in a lawsuit against the U.S. and its agency, the Army Corps of Engineers, under RCRA, for their failure to remediate a site they formerly owned, operated, and/or leased. The site is contaminated with metals from old airplane parts. The buried metals are volatilizing and causing eruptions on an airplane taxiway. A favorable settlement in concept has been reached; the parties are preparing the written agreement to be filed with the court for approval and entry.
6. Firewood industry – I successfully represented a client who is in the wholesale firewood industry against the former Arizona Department of Weights and Measures (“DW&M”). I received a favorable ruling from the Administrative Law Judge (“ALJ”) on the proper interpretation of the regulations affecting how bundled firewood is measured. The ALJ’s recommended ruling was rejected by the Director of Weights and Measures, but on an appeal by our client, I negotiated a favorable settlement with the DW&M.
7. Small MS4 General Stormwater Permit – I am currently representing two of our municipal clients who will be affected by the proposed revised ADEQ Small MS4 General Stormwater Permit. As such, I have participated on a coalition with 3 other lawyers, who represent other affected clients, in analyzing the proposed revised Permit, preparing and filing written comments to the Permit, and making recommendations on alternative actions in the event the Permit is issued without the incorporation of our recommended changes.
8. Energy Policy Act/Underground Storage Tank Owner/Operator Training – I have been providing training since about 2012 on the enforcement and financial responsibility components for the required certification of Class A, Class B, and Class C owners and operators of underground storage tanks.

XI. Federal and State Taxation Matters

Our firm represents clients in tax matters before the Arizona Tax Court, the Municipal Tax Hearing Office, the Arizona Department of Revenue and the Internal Revenue Service. Our firm advises its clients on a full range of tax issues affecting our clients, including joint ventures and other affiliations, unrelated business income, sponsorship relationships, state tax exemptions (income, sales/use and property), executive compensation, charitable contributions and endowment issues, and general tax compliance.

General Expertise

- buying, selling and exchanging properties and businesses
- choice of entity considerations
- corporate mergers and acquisitions
- deferred compensation
- division of marital property
- installment agreements
- municipal finance
- nonprofit organizations
- offers in compromise
- retirement and benefit plan consulting
- tax exempt financing

- tax free exchange
- 1031 compliance

Michael Bate, Senior Partner, 37 years' experience in Federal and State Tax Law

Michael Bate has extensive experience in preparing wills and trusts, premarital agreements and documents for succession plans and various estate planning strategies, as well as probate and estate/trust administration. He has vast experience in forming, structuring and unwinding corporations, limited liability companies and partnerships and in mergers, reorganizations, and acquisitions/sales of businesses, as well as general and complex business and contract matters. Mike also represents nonprofit corporations and advises clients on a wide range of income tax and estate tax matters. He has exceptional expertise in structuring transactions and explaining them to his clients. Mike is recognized as a superb draftsman, preparing organized, concise and well written documents

Kyle Bate, Associate, 4 years' experience in Federal and State Tax Law

Kyle Bate practices in the areas of business, nonprofit and corporate law, taxation, wills, probate, trusts and estates.

Timothy Stratton, Senior Partner, 17 years' experience in Federal and State Tax Law

Timothy Stratton focuses his practice on public finance and Section 103 tax law. He represents colleges and universities, special districts, cities, towns and other units of local government in Arizona and Illinois in all matters related to the issuance of municipal securities. He also maintains an active practice as underwriter, disclosure and bank counsel on publically and privately offered debt issues.

XII. General Governmental Practice (Open meetings, public records, etc.)

Many of the lawyers in the Public Law practice group represent cities, towns, school district boards, county agencies, and a host of special districts/political subdivisions. Their practice frequently involves providing advice on open meeting law and public records requests. Some of our attorneys devote much more of their practice to these areas of the law, training of client's boards and entities, and to non-client entities on an as-needed basis and public speaking on these topics. One of our partners, Susan Segal, devotes much of her practice to this area. Susan, before rejoining our firm in 2011, served as a chief member of the Attorney General's OMLET Team under a former AG and frequently provides particularly valuable insight into Open Meeting Law matters. Gary Verburg developed and authored a training pamphlet on the Open Meeting Law for Phoenix Board and Commissions.

We also defend municipalities and other agencies in Open Meeting Law challenges and public records actions in the Superior Court, appellate courts, and for Open Meeting Law issues in Attorney General's OMLET Team investigations.

With respect to our public records practice, several attorneys in the firm are experts in this field. Gary Verburg has been personally involved in the briefing of three public records cases involving the City of Phoenix in recent years.

We also have well-rounded experience handling issues and litigation springing from elections and voting rights law. We advise municipal and school elections officials, municipal councils and school boards on election law and procedures, and compliance with the Federal Voting Rights Act, and our attorneys defend litigation involving candidate elections as well as initiative and referenda of municipal actions and bond and override elections.

Gary Verburg, Senior Partner, 38 years’ experience in General Governmental Practice

Gary focuses his practice in the areas of municipal law, commercial law, civil litigation, administrative law and Federal Indian law. Experience includes contracts, real estate transactions, federal, state and tribal litigation, zoning, elections, resolutions and ordinances.

Andrew McGuire, Senior Partner, 21 years’ experience in General Governmental Practice

Andrew focuses his practice on issues affecting municipal clients. His expertise and experience includes real estate, development agreements, zoning, condemnation, planning, land use and contract and procurement law.

Susan Goodwin, Senior Partner, 39 years’ experience in General Governmental Practice

Susan’s public law practice encompasses representation of over eleven municipalities. She has handled a wide variety of land use, development, open meeting law, conflict of interest, public records, construction law, elections, campaign finance law, annexations, civil rights, code compliance, employment law, community facilities districts and utility matters on behalf of her municipal clients.

XIII. General Litigation

Our firm offers our municipal clients a particularly strong and well-established litigation practice. The firm’s litigators provide a full range of litigation and dispute resolution services, including jury and non-jury trials, appeals, mediations, arbitrations, and negotiations.

Litigation Expertise

- General tort liability
- Contract disputes
- Publicly elected official liability
- Governing board liability
- Bankruptcy and creditors’ rights
- Construction liability and construction defect
- Construction and architect contract disputes
- Copyright and trademark infringement
- Employment
- Environmental
- Insurance
- Personal injury
- Professional liability
- Tax disputes

Representative Engagements

- Represented municipalities in actions brought by contractors.
- Represented a city in an action brought by the Homebuilders Association.
- Represented a town before the Federal Energy Regulatory Commission regarding placement of a natural gas pipeline.
- Represented a city regarding aquifer protection permits, air quality permits and AZPDES issues.
- Represented a county in an action involving revocation of special use permits and enforcement of air quality regulations.
- Represented a school district and board members in a discrimination case. Defendant’s motion to dismiss was granted on the grounds that the plaintiff failed to comply with the Arizona Notice of Claim statute.

Richard Hood, Senior Partner, 42 years’ experience in General Litigation

Rick has represented businesses, including manufactures, service industries and banks, in contract enforcement and defense, trade secrets, franchise, officer and director liability, derivative actions and environmental liability defense. Mr. Hood has also represented public entities in defense of validity of

enforcement regulations, revocation of special use permits, necessity for improvements to and scope of improvements to water treatment facility remediation of hazardous waste.

Craig McCarthy, Senior Partner, 26 years' experience in General Litigation

Craig practices in the areas of civil litigation and insurance. He represents governmental and nonprofit entities, insurance carriers and self-insured businesses. His practice includes all phases of litigation, from discovery through trial and appeals. Craig has practiced extensively in the areas of public official liability, catastrophic injury, construction defect, product liability, commercial litigation, regulatory law and insurance coverage.

XIV. Health Care, including public health and managed care

Gust Rosenfeld offers our clients extensive knowledge and experience in health care law. Our attorneys represent health care providers in malpractice litigation, vulnerable adult abuse litigation, wrongful death claims, drug and device litigation, and regulatory disputes. They also counsel and represent health care providers in licensing and regulatory compliance. Our attorneys have been in the vanguard of health care litigation for four decades, handling cases at the trial and the appellate levels in state and federal courts. Gust Rosenfeld's health care lawyers are also accomplished teachers. They have published, taught law school classes, and presented numerous seminars on substantive law, regulatory compliance, and litigation strategy. Our depth of knowledge and experience allows us to provide integrated service to individual health care providers, hospitals, skilled nursing facilities, assisted living facilities, clinics, outpatient surgical centers, subacute hospitals, and many others.

General Expertise

- medical malpractice claims
- vulnerable adult abuse claims
- wrongful death claims
- drug and medical device litigation
- pharmacy claims, including claims involving compounding pharmacies
- behavioral health claims
- health care provider licensing
- physician and health care provider agreements, including STARK analysis
- regulatory compliance
- HIPAA compliance
- interpretation and application of the Affordable Care Act
- staff training and in-service education
- risk management advice and consultation
- alternative dispute resolution, including arbitration and mediation

James W. Kaucher, Senior Partner, 33 years' experience in Health Care & Medical Malpractice Defense

Jim Kaucher has handled patient care litigation for 30 years. He has been lead counsel for 28 of those years. He has managed matters from the initial report of the incident through the completion of the appellate process. He has successfully tried cases to juries, the court, administrative law judges, and arbitrators. He has briefed and argued multiple cases before the Arizona Court of Appeals, the Arizona Supreme Court, and the U.S. Court of Appeals for the Ninth Circuit. Jim's practice focuses primarily on representation of health care providers in patient care claims, health care regulatory matters, employment law, and general civil litigation.

Jim has researched, written, published, and lectured extensively. He has taught at seminars, provided in-service training, and delivered lectures to hospitals, health care providers, employers, government entities, community groups, professional associations, bar associations, and affinity groups on a wide range of topics. This includes health care litigation, vulnerable adult abuse, medical records, health care regulation, employment law, and EEO matters. Since 2012, Jim has written all four employment law chapters in the ARIZONA BUSINESS LAW DESKBOOK.

Kelli Williams, Associate, 12 years' experience in Health Care & Medical Malpractice Defense

Kelli concentrates her practice in litigation, specifically in the areas of elder abuse and medical malpractice. She has extensive experience in the defense of skilled nursing facilities, assisted living facilities, group homes, physicians and other health care providers. She also practices in the areas of catastrophic accidents, personal injury and toxic tort litigation.

William Sowders, Partner, 13 years' experience in Health Care & Medical Malpractice

Bill possesses extensive litigation and trial experience in the areas of products liability, medical malpractice, healthcare, transportation, accident and personal injury. He has appeared before state and federal courts in Arizona, California and Nevada.

Heather Neal, Partner, 12 years' experience in Health Care & Medical Malpractice Defense

Heather concentrates her practice on medical malpractice litigation, administrative law and catastrophic injury defense. She has extensive experience defending physicians in various specialties, as well as hospitals, long term care facilities, assisted living facilities, group homes and home health care groups.

XV. Housing

Gust Rosenfeld attorneys have also represented the Arizona Department of Housing for years in handling matters related to the Low Income Housing Tax Credit Program, a competitive program that awards federal tax credits to housing projects who commit to provide a specific percentage of housing to certain low income populations and targeted tenant groups such as the Tribal populations, the homeless or veterans. Our representation includes drafting of the Qualified Allocation Plan (Plan) for the competitive process, assistance in assessing legal compliance with the Plan in areas of legal formation, property ownership, non-profit qualification, developer agreements, foreclosure of property and identity of interest requirements and the drafting of the land use restrictions agreements regarding rental restrictions. We have also represented the Arizona Department of Housing in various challenges to its allocation of tax credits.

Gary Verburg, Senior Partner, 38 years' experience in Housing

Gary focuses his practice in the areas of municipal law, commercial law, civil litigation, administrative law and Federal Indian law. Experience includes contracts, real estate transactions, federal, state and tribal litigation, zoning, elections, resolutions and ordinances. His experience includes representing the Phoenix and Glendale Housing authorities. Primarily, he focuses on regulatory compliance issues.

Zachary Sakas, Associate, 10 years' experience in Housing

Zach Sakas has represented developers (both for profit and non-profit), industrial development authorities, and lenders, investment banks and tax credit investors for a variety of housing matters. Zach's experience in the housing area also includes representation of the Arizona Commerce Authority as well as the Arizona Housing Finance Authority in the context of rural and urban qualified residential rental projects.

XVI. Infrastructure Design *(See Construction Litigation Section of this Submittal)*

XVII. Insurance Contracts *(See Contractual Liability Defense Section of this Submittal)*

XVIII. Intellectual Property

As technology transforms the face of business, our practice has evolved to meet our clients' needs. The firm maintains an active intellectual property practice. We provide expertise in this area to many public entities, so we understand the unique intellectual property challenges affecting city, county and state clients. We also work with franchise systems, retail sellers of goods and services, startup companies, software developers, hardware manufacturers, value added resellers (VARs) and original equipment manufacturers (OEMs) as well as publishers, broadcasters and other media and art professionals. We regularly file and maintain trademark registrations with the U.S. Patent and Trademark Office ("USPTO").

General Expertise

- Copyright
- Trademarks and service marks
- Libel and privacy issues
- Character, idea and other creative and literary property rights
- Domain name and Cyber-squatting
- Piracy
- State and federal registration
- Litigation and alternative dispute resolution
- Technology
- Trade secrets
- Trade names
- Branding

Intellectual Property Contracts

- Transfer agreements
- Confidentiality agreements
- Development agreements
- Distribution agreements
- Commercial endorsement contracts
- Licensing agreements
- Personal service agreements
- Sponsorship agreements

Representative Engagements

- Represented Williams-Gateway Airport Authority in renewing existing trademarks and filing for registration of several new trademarks with the USPTO and the Arizona Secretary of State in conjunction with the airport's re-branding initiative.

- Represented the Town of Fountain Hills in obtaining registration of a certification mark at the USPTO, which allows it to license the mark to local businesses for promotional purposes.
- Represented the City of Avondale in obtaining registration of several trademarks at the USPTO for various municipal services, including police protection, fire prevention, and waste disposal.
- Represented the City of Apache Junction in obtaining registration of its trademarks at the USPTO and the Arizona Secretary of State for chamber of commerce services, including promoting business, municipal services, residential services, history, culture and tourism.
- Represented the Arizona Science Center in obtaining registration of its trademarks at the USPTO.
- Advised the City of Apache Junction about proper and impermissible uses of its city seal and other town indicia under the trademark and copyright laws.
- Represented the City of Avondale in obtaining ownership of copyrighted designs.
- Completed trademark registration work for many corporate/franchise clients, including Buffalo Exchange, Pita Jungle Restaurants, and O.P.E.N. America, Inc.
- Represented the Mesa Arts Center in registering a trademark with the U.S. Patent and Trademark Office.
- Represented various corporate clients in filing challenges with the Trademark Trial and Appeal Board against new registrations similar to clients' trademarks.
- Represented Streets of New York, Terry's Home Furnishings, Arcadia Fine Wine, and other corporate clients in trademark licensing among affiliated companies for asset protection purposes.

Representative Intellectual Property Clients

- Buffalo Exchange
- Classy Closets
- Village Voice/Phoenix New Times
- Streets of New York
- Arcadia Fine Wine
- Pita Jungle Restaurants
- HomeBase Youth Services
- Town of Fountain Hills
- City of Avondale
- City of Apache Junction
- Arizona Science Center
- O.P.E.N. America, Inc.

Christina Noyes, Senior Partner, 16 years' experience in Intellectual Property Law

Christina Noyes focuses her practice on intellectual property, franchise and corporate law. This includes handling federal and state trademark registrations and renewals, filing copyright applications, preparing copyright and trade mark infringement notices, filing challenges at the federal trademark appeals board, drafting confidentiality, licensing and other agreements, analyzing franchise and business opportunity laws, and preparing and reviewing franchise agreements, franchise disclosure documents and registrations.

Richard Hood, Senior Partner, 30 years' experience in Intellectual Property Law

Rick Hood practices in the areas of business and commercial law with an emphasis on commercial litigation in both state and federal courts. He represents manufacturers, contractors, banks, service industry businesses and various governmental entities. Matters handled by Rick include contract, trade

secret, trademark and trade dress infringement cases in state and federal courts, and banking disputes, as well as trademark disputes before the Trademark Board of Trials and Appeals.

XIX. Labor Law and Employment

Gust Rosenfeld has a very experienced team representing public entities in all areas of labor and employment law, defending public entities and businesses against harassment, discrimination and wrongful termination allegations. Our experience includes investigations, administrative hearings, all phases of trial and appellate work when necessary. In addition to traditional labor law and discrimination matters, we also advise clients on matters concerning pensions/benefits, employee testing and employee privacy. Our attorneys have extensive experience handling the employment needs of any large, public clients, and as a result, have provided counsel on virtually every employment law matter imaginable.

Robert Haws, Senior Partner, 27 years' experience in Labor Law and Employment

Rob represents municipalities and school districts in a wide range of employment issues, including employment contracts, drug testing, severance agreements, employee first amendment issues and much more.

Susan Segal, Senior Partner, 37 years' experience in Labor Law and Employment

Susan represents school districts and municipalities in all phases of employment law. She has performed employment investigations for numerous clients as well as appeared in numerous administrative hearings.

Jennifer MacLennan, Senior Partner, 24 years' experience in Labor Law and Employment

Jennifer represents cities, towns and school districts. She offers substantial experience in the labor and employment area, including representation at National Labor Relations Board proceedings, OSHA citations and matters before the Department of Labor. She is admitted and has litigated before the Ninth Circuit Court of Appeals, the Federal District Courts and local state courts. She has also handled countless administrative hearings.

XX. Land Use

The legal landscape in Arizona regarding land use, planning and zoning presents many challenges to municipalities looking to effectively plan for and address sustainable growth. From annexation to final plat approval and beyond, the legal issues municipalities face can be complex, especially when a community is seeking to balance the need for appropriate land-use controls and compatibility with property owners' rights. Our attorneys understand that creative approaches to land-use decisions are more imperative than ever because of the approval of Proposition 207.

Our lawyers work with governmental entities, property managers, owners and developers to identify the land-use approvals best suited for their projects. We help our clients obtain approvals from public agencies and implement cost-effective strategies to see their projects through completion.

General Expertise

- Project preparation/planning
- Annexation

- Plat approval
- Proposition 207 implications
- General plan amendments/updates
- State land development issues
- Development agreements
- Rezoning ordinances and issues
- Sustainability considerations
- Zoning code updates
- Small- and large-scale projects (2 to 5,000 acres or more)
- Voter approval processes
- Referendums
- Litigation

Representative Engagements

- Represented the City of Phoenix on State land issues involving Desert Ridge and other large developments.
- Represented a city in land-use issues associated with Verrado, Sundance, Festival Ranch and Tartesso West master plan developments.
- Represented a city in its complete general plan update (voter approval in May), zoning code updates (in progress), development agreements, annexations, plan amendments and rezonings.
- Represented a city in many land-use issues such as annexations, general plan amendments, zoning text amendments and numerous economic development agreements for an auto mall, Hilton Hotels, Costco Center and additional development at Phoenix International Raceway.
- Represented a town in preparing development agreements for several proposed hotels and the development agreement and annexation process for a 1,200-acre state land parcel.
- Represented a city in resolving many land use matters including commercial rezonings and sign ordinances.
- Represented a town regarding legal non-conforming use issues and other issues raised by transitions between old and new zoning codes.
- Represented a town in preparing and negotiating several development projects, including those involving state land.

Gary Verburg, Senior Partner, 38 years' experience in Land Use

Gary focuses his practice in the areas of municipal law, commercial law, civil litigation, administrative law and Federal Indian law. Experience includes contracts, real estate transactions, federal, state and tribal litigation, zoning, elections, resolutions and ordinances. He is currently representing the City of Surprise in a development impact fee suit against home builders.

Andrew McGuire, Senior Partner, 21 years' experience in Land Use

Andrew focuses his practice on issues affecting municipal clients. His expertise and experience includes real estate, development agreements, zoning, condemnation, planning, land use and contract and procurement law. He is currently an adjunct professor at Arizona State University teaching land use law.

Susan Goodwin, Senior Partner, 39 years' experience in Land Use

Susan's public law practice encompasses land use, development, open meeting law, conflict of interest, public records, construction law, elections, campaign finance law, annexations, civil rights, code compliance, employment law, community facilities districts and utility matters.

Phyllis Smiley, Associate, 16 years' experience in Land Use

Phyllis has represented cities in all aspects of municipal law, including general legal advice, contracts, employment, open meeting law, elections, land use, real estate transactions, telecom and eminent domain. Currently serves as Town attorney for the Town of Miami and Town of Chino Valley. Litigation experience includes condemnations, quiet title, discrimination, civil rights defense, campaign finance enforcement actions, and transaction privilege tax collections

XXI. Medical Malpractice *(See Health Care, including public health and managed care Section of this Submittal)*

XXII. Planning and Zoning *(See Land Use Section of this Submittal)*

XXIII. Probate Litigation

Gust Rosenfeld trusts and estates attorneys strive to understand the current and future needs of our clients in order to preserve and protect family wealth. Our estate planning attorneys assist clients in achieving their goals to minimize income, gift and estate taxes. In addition, clients rely on us to coordinate business, insurance and estate planning alternatives to achieve generational transfers with maximum tax savings.

General Expertise

- annuities
- charitable trusts
- family partnerships
- federal and state estate tax returns
- fiduciary income tax return preparation and filing
- gifting programs
- guardianships and conservatorships
- lifetime and testamentary trusts
- power of attorney
- premarital agreements
- probate litigation
- qualified residence trusts
- sophisticated planning strategies
- title transfers
- trust and estate administration
- wills

Thomas Hickey, Partner, 27 years' experience in Probate Litigation

Tom concentrates his practice in the areas of estate planning, probate and estate and trust administration. He also has expertise in the fields of commercial litigation, construction disputes, surety claims and defenses, real estate disputes, and business formation. Tom has argued appeals in the Arizona Court of Appeals.

Patrick Farrell, Partner, 40 years' experience in Probate Litigation

Pat Farrell's practice encompasses real estate, business law, probate and estate planning. Pat has been representing businesses of all sizes throughout southern Arizona as a commercial and transactional lawyer. He also provides legal counsel to individuals for estate planning and probate issues. Pat advises business owners and individuals on real estate transactions and disputes, commercial dispute litigation, wills, trusts and other estate planning services. He counsels start-ups during formation and advises businesses during acquisitions and sales. Recently, Pat helped a client resolve a complicated real estate issue over the disposition of a building situated on two lots and owned by separate individuals.

XXIV. Property Tax Appeals

General Expertise

- Classification disputes (Property Tax Appeals)
- Appraisal/valuation disputes (Property Tax Appeals)

Craig McCarthy, Senior Partner, 10 years' experience in Property Tax Appeals

Craig and his team have defended property tax appeals in litigation for Maricopa County and other Arizona counties. This work primarily involves legal briefing regarding property classification and assessments and disputed valuation issues involving competing expert witness opinions as to Fair Market Value.

XXV. Public Contracts and Procurement

Arizona's growth has put pressure on many areas of concern for public entities, including the need for expansion and installation of public improvements necessary to meet the demands of new and current residents. Proactively addressing this infrastructure pressure involves procuring and contracting with qualified designers and contractors, professionals who will work with clients on the frontlines to meet their specific infrastructure needs.

Our firm has extensive experience in meeting the needs of rapidly growing communities in the engineering, architectural and construction areas. We advise public clients on all aspects of the public infrastructure process—from the development of procurement documents, to the preparation of contracts, to resolving disputes during project delivery. In addition, our attorneys also advise public entities seeking to use alternative project delivery methods, which have become a growing preference for public entities. Ultimately, our role is to work with our clients to help bring these types of projects to a successful completion and operation.

Gary Verburg, Senior Partner, 38 years' experience in Public Contracts and Procurement

Gary focuses his practice in the areas of municipal law, commercial law, civil litigation, administrative law and Federal Indian law. Experience includes contracts, real estate transactions, federal, state and tribal litigation, zoning, elections, resolutions and ordinances. He has personally worked on several bid protests at the administrative level with procurement involving millions of dollars. He is also very familiar with Title 34 requirements for construction contracts.

Andrew McGuire, Senior Partner, 21 years' experience in Public Contracts and Procurement

Andrew focuses his practice on issues affecting municipal clients. His expertise and experience includes real estate, development agreements, zoning, condemnation, planning, land use and contract and procurement law.

Susan Goodwin, Senior Partner, 39 years' experience in Public Contracts and Procurement

Susan public law practice encompasses land use, development, open meeting law, conflict of interest, public records, construction law, elections, campaign finance law, annexations, civil rights, code compliance, employment law, community facilities districts and utility matters. She is also very familiar with Title 34 requirements for construction contracts and has provided CLE training on Title 34 compliance issues.

Phyllis Smiley, Associate, 16 years' experience in Public Contracts and Procurement

Phyllis is familiar with all aspects of municipal law, including general legal advice, contracts, employment, open meeting law, elections, land use, real estate transactions, telecom and eminent domain. She is also well versed in general procurement issues as well as Title 34 requirements.

XXVI. Public Official Liability *(See Section 1983 Civil Rights Defense Section of this Submittal)*

XXVII. Real Estate Transactions

Gust Rosenfeld's premier real estate team works efficiently across practice areas, drawing on expertise in specialty areas such as tax liens and assessments, 1031 exchanges, historic preservation and regulatory law. We have represented municipalities and national retail clients in various real estate matters, including the acquisition of numerous parcels for commercial development, roadways and sites for municipal facilities such as fire stations, police facilities, court buildings and other government buildings.

Our attorneys also represent the majority of the title insurance companies doing business in Arizona. We have specific knowledge of title insurance and real estate litigation as they apply to public entities. Because of our extensive work with municipal clients, our team of lawyers has handled virtually every type of real estate matter imaginable.

Our real estate group has exceptional experience negotiating real estate acquisitions and sales and assisting diverse clients in all types of real estate development. Our attorneys guide clients through the preparation of purchase agreements, escrow instructions, tax-deferred and multiple-party exchange agreements, conveyancing documents, financing documents and other related materials. Our development projects include shopping centers, downtown office buildings, condominiums and townhouses, hotels and industrial developments.

We strive to help clients reach their goals beyond a singular transaction through authentic working relationships. Like other real estate lawyers, we assist clients with the structuring and closing of transactions, but we also help them identify and cultivate business opportunities.

Real Estate Transactions

- Acquisitions and purchase contracts
- Title insurance

- Leases and easements
- Disposal to private and public entities
- Condemnation
- Sales of government property
- Cell tower land use agreements
- Development agreements
- Real estate donation agreements
- Real estate environmental reports
- Archaeological surveys
- Pesticide covenants
- Water rights matters

Representative Engagements

- Represented a city in purchasing real property from various private individuals for development of a new fire station and civic center including city hall, police facilities and state court buildings.
- Represented a city in leasing real property from the Maricopa County Community College District for the development of a new fire station.
- Represented a city in the condemnation/purchase of property for the purpose of expanding several arterial roads.
- Represented a city in the sale of unused well sites.
- Represented various cities and towns in negotiating and drafting numerous development agreements and pre-annexation agreements with private developers in connection with residential subdivision and commercial projects.
- Represented multiple cities in negotiating and drafting public infrastructure construction agreements including water, wastewater, effluent recharge, streets, interstate interchanges, fire, police and sanitation facilities.
- Represented multiple cities in negotiating and drafting numerous financial reimbursement agreements for the provision by private developers of public infrastructure through development impact fee credits, reimbursements and buy-in agreements.
- Represented multiple cities in negotiating and drafting numerous community facilities district and municipal improvement district agreements.
- Represented multiple towns in negotiating and drafting a pre-annexation and development agreement in connection with State Trust Lands.
- Represented a county in negotiating and drafting a development agreement with a private developer for an expansive residential and commercial project.
- Represented a city with the San Marcos Commons development in negotiating a definitive agreement with various developers.

Tom Halter, Senior Partner, 24 years' experience in Real Estate Transactions

Mr. Halter represents developers and lenders in real estate acquisitions, dispositions and financings. Mr. Halter has been involved in numerous transactions all over the western United States. He has recently represented a client which acquired and financed the Hilton Village and Borgata shopping centers in Scottsdale, Arizona. He has also represented a client which has refinanced its loans secured by the Town and Country Shopping Center in Phoenix, Arizona and the Razor Ranch Shopping Center in Denton, Texas.

Raul Abad, Senior Partner, 13 years' experience in Real Estate Transactions

Raul's practice focuses on commercial real estate transactions including development, leasing, real estate financing and acquisitions and dispositions of various real estate assets. He works with both public and private clients on complex commercial real estate matters on a local, regional and national basis. Raul recently closed a major real estate transaction for the City of Glendale.

XXVIII. Road Design, Construction or Maintenance Liability

The professional art of advising clients in the construction and maintenance area is aiding the client in keeping focused on the first successful step in the process, the completion of the project, while also managing and having a clear idea of the risks associated with that step and the steps that follow. Our firm has attorneys with vast experience in both the pre-construction and construction contracting side of the equation, and also those who aid our clients when things go wrong either before or after completion. Knowing the risks, and being able to address those risks in the documents that govern the project, is only the start of what we do for our public clients. We help our clients understand the potential risks and liabilities associated with all aspects of a project, both before, during and after a project is complete. The completion of the project is arguably just the beginning of the effort. Clients are confronted with the success of completion, but then there is the great opportunity of managing the ongoing operation of the facility, and potential liability associated with the use of that new facility. Or, maybe the district finds that things aren't quite right with the completed project. The breadth of knowledge and experience at our firm allows us to efficiently and effectively address these issues as they may arise throughout the lifecycle of a new facility.

Craig McCarthy, Senior Partner, 26 years' experience in Road Design, Construction & Maintenance Liability

Craig has defended cases involving signage and barricading issues where road construction was involved, both for the contractors and for the government. He has defended cases involving road design issues pertaining to guardrails and median barriers. He has defended cases involving road conditions (snow and ice) and deployment of mitigation resources such as plows, sand, salt and message boards. I have also defended cases involving vehicular loss of control on the shoulder or median and allegations of unsafe conditions.

Peter Collins, Jr., Senior Partner, 27 years' experience in Litigation related to Road Design, Construction & Maintenance Liability

Peter Collins, Jr. has handled a couple dozen such cases for the City of Tucson, ADOT, Granite Construction, Pulice-Granite Joint Venture, and KE&G Construction.

Most recent case was Moreland v. Pulice-Granite, Maricopa County Cause # CV-2012-014092 (wrongful death claims), and Lundquest v same defendants, CV 2012-014268, a serious neurological injury. Mr. Collins has also represented Granite and local governments, due to additional insured endorsements, in dozens of highway collisions and claims. Mr. Collins has also been lead counsel in motorcycle cases where claims were made against Pima County and KE&G Construction, with issues of road design, construction failures and traffic control issues.

William Sowders, Partner, 13 years' experience in Litigation related to Road Design, Construction & Maintenance Liability

William Sowders has most recently represented the Arizona Department of Transportation in a case where a driver rear-ended another driver, leaving the plaintiff driver a quadriplegic. The allegations

against the State were that there was not proper signage to warn of the traffic diversion and the traffic diversion was insufficient.

XXIX. Section 1983 Civil Rights Defense

Gust Rosenfeld attorneys are experienced in handling matters related to civil rights and discrimination. This includes housing discrimination, employment discrimination and disability discrimination. We are well versed in the laws governing civil rights including the ADA, IDEA, and Section 504 and we also have extensive experience with housing and workplace discrimination matters.

When necessary, we represent clients in state and federal court and before agency bodies, providing a broad range of litigation, appellate and dispute resolution services. We resolve our clients' problems as quickly, efficiently and cost effectively as possible. Our experienced attorneys deliver innovative solutions to achieve our clients' goals.

We represent clients in jury and non-jury trials, appeals, mediation, arbitration and negotiation and before administrative agencies such as the U.S. Department of Labor and Equal Employment Opportunity Commission.

General Expertise

- Section 1983
- Civil rights litigation
- Discrimination (including desegregation)
- Harassment
- FMLA
- ADA
- IDEA
- Section 504
- Fair Housing

Representative Engagements

- Represented various municipalities in defending police officers regarding claims of constitutional violations under 42 U.S.C. § 1983.
- Represented the City of Buckeye when a former employee alleged racial discrimination, which required a mandatory arbitration according to the City's rules. The arbitrator ruled in favor of Buckeye on all counts.
- Represented a school district in a federal court jury trial where a former principal alleged sex discrimination. The jury returned a unanimous defense verdict on all counts.
- Represented several public entities where our clients were awarded summary judgment in federal court rulings involving discrimination issues such as age, disability, sex, etc.

Representative Litigation Experience:

Malone v. Dysart Unified School District No. 89, 2011 WL 2118945 (2011) - Former principal sued alleging breach by contract, violation of due process and other claims.

Hance v. Fountain Hills Unified School District, et al., 2010 WL 2773545 (2010) - Former student sued alleging IDEA violations, civil rights violations and other claims.

Stallings, ex rel. Stallings v. Gilbert Unified School Dist. No. 41, 2009 WL 3165452 (2009) - Severely disabled student brought an IDEA due process hearing to challenge the IEP team's recommended placement.

Davis v. Roosevelt Elementary School Dist. No. 66, 2009 WL 2032029 (2009) – Parent sued district for administrative relief but she failed to exhaust administrative remedies as required under IDEA

Scottsdale Unified School Dist. No. 48 of Maricopa County v. KPNX Broadcasting Co., 191 Ariz. 297, 955 P.2d 534, 1998 WL 122591 (1998) – districts filed action for declaratory judgment regarding whether they were required to disclose teacher's birth dates under the public records law

Hodge v. Mayer Unified School District No. 43 Governing Board, 2007 WL 1112954 (2007) - Principal sued alleging sex discrimination and other civil rights violations.

Addvensky v. Dysart Unified School Dist. No. 89, 2011 WL 1882289 (2011) - Former teacher sued alleging breach of contract, violation of due process and related claims.

Williams ex rel. T.W. v. Yuma School Dist. No: 1, 2010 WL 5421304 (2010) - Father sued challenging the long term suspension his son received and alleging civil rights violation.

Rodriguez v. Casa Grande Elementary School Dist. No. 4, 2010 WL 4629914 (2010) – parents filed claim against district for various claims, including civil rights violations.

Smith ex rel. Smith v. Seligman Unified School Dist. No. 40 of Yavapai County, Ariz., 644 F. Supp.2d 1070, 2009 WL 3270885 (2009) - Mother sued challenging the discipline her daughter received and alleged the district and staff had violated the child's civil rights.

Ernst v. Wheeler Const., Inc., 2009 WL 1513106 (2009) - Heavy equipment operator sued alleging disability discrimination and other civil rights violations.

Robert Haws, Senior Partner, 27 years' experience in Civil Rights Law and Litigation

Rob has represented municipalities in a wide range of employment issues, including discrimination and litigation. Mr. Haws has successfully represented clients before juries, state and federal judges, appellate courts, numerous government board, the EEOC, the DOL, the Attorney General's office and a number of alternative dispute resolution formats.

Jennifer MacLennan, Senior Partner, 24 years' experience in Civil Rights Law and Litigation

Jennifer represents cities, towns and school districts. She offers substantial experience in the labor and employment area, including representation at National Labor Relations Board proceedings, OSHA citations and matters before the Department of Labor. She is admitted and has litigated before the Ninth Circuit Court of Appeals, the Federal District Courts and local state courts.

Craig McCarthy, Senior Partner, 26 years' experience in Civil Rights Law and Litigation

Craig practices civil litigation, including helping municipalities and nonprofits with discrimination matters. His experience includes defending clients against claims under Title VII and Section 1983, wrongful termination matters and employee defamation issues.

Gary Verburg, Senior Partner, 38 years' experience in Civil Rights Law and Litigation

As City Attorney for the City of Phoenix, Gary was regularly involved in the defense of Section 1983 actions. He currently is handling two Section 1983 claims on behalf of Avondale. He also defended governments in Section 1983 claims involving equal protection, due process and first amendment rights claims.

XXX. Special Taxing District Law (See Bond and Disclosure Counsel Section of this Submittal)

XXXI. Tort Liability

Throughout Gust Rosenfeld’s history, our attorneys have represented clients in many tort liability issues, including those involving negligence, civil rights, insurance matters and more. Our attorneys also have expertise defending third-party claims and first-party bad faith and breach of contract claims in various state and federal trial and appellate courts. To help advocate for our clients, we also work to maintain relationships with regulatory agencies and represent clients in administrative proceedings before these administrative bodies. Gust Rosenfeld annually revises the Arizona portion of the “Digest of Insurance Law” for presentation in Best’s Directors of Recommended Insurance Attorneys and Adjusters. We also author the Arizona Law Summary provided to the National Retail Defense Group and Vess Insurance Guide.

Areas of Expertise

- Aviation accident liability
- Automobile liability
- Bad faith
- Civil rights
- Construction defect litigation, including construction coverage issues
- Construction liability
- Coverage
- Education issues
- Employment matters
- Environmental insurance defense, including environmental coverage issues
- General insurance defense
- Premises liability
- Product manufacturers’ and sellers’ liability
- Professional liability (architects, accountants, brokers, doctors, engineers, lawyers, etc.)
- Real estate title insurance
- Wrongful death and serious bodily injury defense

General Expertise

- Initial case assessment
- Budgeting
- Development of litigation strategy
- Client contact / management
- Expert witnesses
- Deposition in-take and defense
- All court appearances, including jury and bench trials, settlement negotiations, mediations and arbitrations
- Pleadings, motions, discovery requests and responses and all trial-related documents

Representative Engagements

- Successfully defended Maricopa County in tortious interference/takings case by wealthy private developer in connection with special use permit for outdoor recreation facility.
- Represented Maricopa County in dispute with construction manager at risk (CMR) over payments owed for work performed and construction defects and damages relating thereto at the new criminal courts tower in downtown Phoenix.

- Obtained summary judgment for Maricopa County in catastrophic injury claim by public invitee at marina owned by private entity but adjacent to property owned by federal government and managed by the county.
- Won summary judgment for City of Avondale on 1983 claim by property owner whose property was seized and sold at auction by the State of Arizona.
- Represent several national insurance companies and their insureds in wrongful death and catastrophic injury cases, including an electrocution case involving a rural power district.
- Represent architects, developers, general contractors and subcontractors in construction litigation involving single-family, tract and multi-family homes, condominiums and commercial buildings.
- Represent individuals and entities in defending against claims of slip and fall, dangerous conditions and other premises liability matters.
- Represent accountants in professional liability matters arising out of their appraisal work on single-family and commercial properties.
- Retained by the Arizona Insurance Guaranty Fund to defend insureds in various types of matters when their insurers have become insolvent.
- Draft insurance coverage opinions for national insurers on auto, homeowners, CGL, EP(L, CGI and other policies.

Craig McCarthy, Senior Partner, 26 years' experience in Tort Liability

Craig practices in the areas of civil litigation and insurance. He represents governmental and nonprofit entities, insurance carriers, and self-insured businesses. His practice includes all phases of litigation, from discovery through trial and appeals. Mr. McCarthy has practiced extensively in the areas of public official liability, catastrophic injury, construction defect, product liability, commercial litigation, regulatory law, and insurance coverage.

Wendy Weigand, Senior Partner, 18 years' experience in Tort Liability

Wendy has considerable insurance defense experience, defending individuals, entities and municipalities in personal injury, wrongful death and other tort claims. She has first and second chaired several bench and jury trials and has appeared in numerous arbitrations and administrative hearings. She has defended the City of Phoenix in a non-injury case involving fraud and misrepresentation in addition to land use claims. Other injury cases have involved road design, utility issues in electrocution cases, premises liability, motor vehicle accidents, driver impairment, fire and arson issues, and many other causation, coverage and liability-related issues. She spends approximately 80% of her time representing clients in insurance defense-related matters with that time split almost evenly between personal injury and construction-related claims.

John Kastner, Jr., Partner, 14 years' experience in Tort Liability

John practices in the areas of civil litigation and insurance. He represents governmental and nonprofit entities, insurance carriers, and self-insured businesses. His practice includes all phases of litigation, from discovery through trial and appeals. John has practiced extensively in the areas of public official liability, governmental liability, employment discrimination, civil rights, catastrophic injury, product liability, and insurance coverage. John recently tried and successfully defended an employment discrimination case against Santa Cruz County. Over the years John has won numerous cases on summary judgment for Counties in Southern Arizona. John Kastner has represented Pinal County and other counties in litigation matters involving employment disputes, HR issues and claims of discrimination and other Title VII claims. John Kastner has represented Pinal County and other counties in litigation matters involving employment disputes, HR issues and claims of discrimination and other Title VII claims.

Peter Collins, Jr., Senior Partner, 27 years' experience in Tort Liability

Peter Collins, Jr. has handled a couple dozen such cases for the City of Tucson, ADOT, Granite Construction, Pulice-Granite Joint Venture, and KE&G Construction. Most recent case was Moreland v. Pulice-Granite, Maricopa County Cause # CV-2012-014092 (wrongful death claims), and Lundquest v same defendants, CV 2012-014268, a serious neurological injury. Mr. Collins has also represented Granite and local governments, due to additional insured endorsements, in dozens of highway collisions and claims. Mr. Collins has also been lead counsel in motorcycle cases where claims were made against Pima County and KE&G Construction, with issues of road design, construction failures and traffic control issues.



GARY VERBURG
gverburg@gustlaw.com
602.257.7463

PRACTICE AREAS
Public Law
Litigation
Real Estate

Gary Verburg focuses his practice in the areas of municipal law, commercial law, civil litigation, administrative law and Federal Indian law. His experience includes contracts, real estate transactions, federal, state and tribal litigation, zoning, elections, resolutions and ordinances.

Verburg served as the City Attorney for the City of Phoenix from 2005 - 2014 where he managed a public law firm of 200 - 250 employees and oversaw a budget of \$20,000,000 to \$25,000,000. He managed the City's self-insurance program with approximately 100 civil cases per year and 100 administrative cases per year. Mr. Verburg supervised the City's prosecutorial function with 50,000 misdemeanor cases per year.

Previously Verburg was an Interim City Attorney and Deputy City Attorney for the City of Glendale, and a partner in the firm of Margrave, Celmins & Verburg and the firm of Vlassis & Verburg. In private practice, Verburg provided contract legal services to municipalities and Indian Tribes.

Gary is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- University of Utah, magna cum laude, (B.S. 1975)
- Antioch School of Law (now University of the District of Columbia, David A. Clarke School of Law) (J.D. 1978)

ADMISSIONS

- Arizona (1978)
- United States Supreme Court
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Tenth Circuit
- Federal Court of Appeals (formerly Court of Claims)
- United States District Court for the District of Arizona

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona (member, public law section)
- Arizona Association for Economic Development (member)



CRAIG A. MCCARTHY
mccarthy@gustlaw.com
602.257.7974

PRACTICE AREAS
Casualty Insurance
Commercial Litigation
Construction Litigation
Governmental Defense
Insurance Insolvency
Nonprofit Organizations Law
Products Liability
Property Insurance

Craig A. McCarthy practices in the areas of civil litigation and insurance. He represents governmental and nonprofit entities, insurance carriers, and self-insured businesses. His practice includes all phases of litigation, from discovery through trial and appeals. Craig has practiced extensively in the areas of public official liability, catastrophic injury, construction defect, dram shop liability, product liability, commercial litigation, regulatory law, and insurance coverage.

Craig McCarthy is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- Baylor University/Willamette University (B.A., high honors, Political Science/Economics, 1985)
- Willamette University (M.B.A., 1989)
- Willamette University College of Law (J.D., 1989)

ADMISSIONS

- Arizona (1990)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona
- Maricopa County Bar Association
- American Bar Association (member, Tort, Trial and Insurance Practice Section)
- Arizona Association of Defense Counsel (Executive Board Member)
- Defense Research Institute
- Property Loss Research Bureau
- Arizona Insurance Claims Association
- Fraternal Order of the Blue Goose (National Chairman, Jurisprudence Committee)

COMMUNITY INVOLVEMENT

- Ahwatukee YMCA (Board Chair)



RAUL ABAD
rabad@gustlaw.com
602.257.7452

PRACTICE AREA
Real Estate
Creditors' Rights

Raul Abad's practice focuses on commercial real estate transactions including development, leasing, real estate financing, and acquisitions and dispositions of various real estate assets. Raul works with both public and private clients on complex commercial real estate matters on a local, regional and national basis.

Before joining Gust Rosenfeld, Raul routinely served as lead real estate counsel for clients around the country. He negotiated and closed a multi-million dollar credit facility transaction for a client. He also completed numerous multi-million dollar real estate deals, including representing clients in the acquisition of a \$400 million 26-property portfolio of shopping centers in Massachusetts and a 13-property portfolio of restaurant leases in California and Michigan.

Raul has represented various banks and mortgage lenders in bankruptcy, restructuring and creditors' rights matters, including deed in lieu arrangements, receiverships, distressed assets, evictions and related litigation. He represented a global financial services firm in drafting and negotiating a deed in aid of foreclosure agreement and supporting documents for an \$11.4 million loan on a resort in Breckenridge, Colorado. He also represented a lender in securitizing a loan on a mining company located in Spain.

In 2005, he served as Editor of that year's edition of *Ins and Outs of Foreclosure*, the definitive guide on foreclosure issues in Arizona. While in law school, he was a law clerk for the Honorable Henry Budzinski, then-Presiding Judge of the Probate Division, Circuit Court of Cook County, Chicago. Raul is fluent in Spanish and Portuguese.

EDUCATION

- Regis University (B.S., Accounting, 1998; M.B.A., 1999)
- The John Marshall Law School (J.D., 2002; LL.M., Employee Benefits, 2003)

ADMISSIONS

- Illinois (2002)
- Arizona (2003)
- Colorado (2006)
- Texas (2013)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona
- Maricopa County Bar Association
- Hispanic National Bar Association
- Los Abogados, Hispanic Bar Association of Maricopa County, Arizona



MICHAEL H. BATE
mhbate@gustlaw.com
602.257.7406

PRACTICE AREAS
Business/Corporate
Mergers and Acquisitions
Partnership
Probate
Taxation
Trusts and Estates
Wills

Michael Bate has extensive experience in preparing wills and trusts, premarital agreements and documents for succession plans and various estate planning strategies, as well as probate and estate/trust administration.

He has vast experience in forming, structuring and unwinding corporations, limited liability companies and partnerships and in mergers, reorganizations, and acquisitions/sales of businesses, as well as general and complex business and contract matters.

Mike also represents nonprofit corporations and advises clients on a wide range of income tax and estate tax matters.

He has exceptional expertise in structuring transactions and explaining them to his clients. Mike is recognized as a superb draftsman, preparing organized, concise and well written documents. Mike Bate has enjoyed practicing law for almost 40 years. He is AV[®] Preeminent[™] rated by Martindale-Hubbell[®], representing the highest rating in legal ability and ethical standards.

EDUCATION

- Utah State University (B.S., Accounting, 1973, Phi Kappa Phi)
- University of Utah College of Law (J.D., 1976)
- New York University School of Law (LL.M., Taxation, 1977)

ADMISSIONS

- Utah (1976)
- United States Tax Court (1976)
- Arizona (1979)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona (member, Probate & Trust and Tax Law Sections)
- State Bar of Utah
- Maricopa County Bar Association (member, Estate Planning, Probate & Trust Section)
- Gust Rosenfeld Executive Committee (former member)

COMMUNITY INVOLVEMENT

- Desert Botanical Garden (former member, Board of Trustees)



KYLE B. BATE
kbate@gustlaw.com
602.257.7437

PRACTICE AREAS
Taxation
Estate Planning
Business/Corporate

Kyle practices in the areas of business, nonprofit and corporate law, taxation, wills, probate, trusts and estates. He received his LL.M. in Taxation from the University of Florida Levin College of Law.

While in law school, Kyle served as a judicial extern to the Honorable G. Murray Snow of the United States District Court for the District of Arizona and to the Honorable Thomas D. Thalken, Magistrate Judge of the United States District Court for the District of Nebraska. Kyle also earned CALI Excellence for the Future Awards in Business Planning, Nonprofit Organizations, Trusts & Estates I, and Legal Research.

During his LL.M. program, Kyle worked as a graduate assistant to Professor Karen C. Burke.

Kyle is fluent in Spanish.

EDUCATION

- Arizona State University (B.S., Economics, *magna cum laude*, 2009)
- Creighton University School of Law (J.D., *cum laude*, 2012)
- University of Florida Levin College of Law (LL.M., Taxation, 2013)

ADMISSIONS

- Arizona (2013)
- United States Tax Court (2014)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona
- Maricopa County Bar Association

PRESENTATIONS

- Speaker, "Form 1099-C Issues," Arizona Credit Union Collector's Council, October 2013



KENT E. CAMMACK
kcammack@gustlaw.com
602.257.7459

PRACTICE AREAS
Commercial Litigation
Real Estate Litigation
Creditors' Rights

Kent Cammack focuses on commercial disputes in both the state and federal courts, where he has extensive litigation and trial experience in the areas of commercial disputes, real estate, receiverships, lender liability, products liability, landlord/tenant and employment issues (including non-competition agreements and sexual harassment). In addition to his trial experience, Kent has an extensive background in the collection and "workouts" of secured and unsecured loans. He is a recognized authority on foreclosure law, including related topics of state court receiverships, collection of deficiencies, and workouts of defaulted real estate loans.

Kent is one of the authors of *Ins and Outs of Foreclosures*, published by the State Bar of Arizona, and he is the author of numerous educational materials. He is a popular speaker at state and county bar seminars and private seminars on foreclosure law, lender liability, bad faith, title insurance and related topics. He has also drafted and testified regarding proposed legislation relating to mortgages, deeds of trust, and lien enforcement. Kent is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- Brigham Young University (B.A., *magna cum laude*, 1976)
- Brigham Young University J. Reuben Clark Law School (J.D., *cum laude*, 1979)

ADMISSIONS

- Arizona (1979)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona (member, Trial Practice Section)
- Maricopa County Bar Association (member, Litigation Section)
- Arizona Trustee Association
- Lecturer for the State Bar of Arizona, Maricopa County Bar Association, Arizona Trustee Association, and Lorman Education Services
- J. Reuben Clark Law Society (Chair, Greater Phoenix Chapter)



PETER COLLINS, JR.
pcollins@gustlaw.com
520.628.7073

PRACTICE AREAS
Personal Injury
Medical Malpractice
Aviation Litigation
Environmental
Insurance Coverage
Litigation

Peter Collins concentrates his practice in general litigation with an emphasis on insurance defense and coverage, construction, personal injury, aviation, medical malpractice and products liability claims, including wrongful death. Peter represents insurers, manufacturers, contractors, and a variety of businesses and individuals. He also represents people with serious injury claims. In addition, Peter Collins has represented trucking and construction companies in wrongful death and injury litigation since 1990.

A former prosecuting attorney, Peter has substantial jury trial experience in civil, medical malpractice and personal injury litigation matters, with over 80 jury trials. He was chief trial counsel for Associated Aviation Underwriters in a massive environmental insurance coverage dispute in Tucson, Arizona, from 1996 through 2005.

Peter served in the United States Air Force (Lt. Col., 1969-1973) and the Air National Guard from 1973 - 1991. He flew over 4,000 hours in jet fighter and other aircraft with the U.S. Air Force and Air National Guard in 22 years of service and was awarded the Distinguished Flying Cross three times.

He has been recognized for Insurance Law and Personal Injury Litigation in *The Best Lawyers in America*® since 2009 and was selected for inclusion on the *Southwest Super Lawyers*® list for Insurance Coverage. Peter was also recognized in Top Lawyers 2010, *Corporate Counsel Magazine* and is AV® Preeminent™ rated by Martindale Hubbell®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- Georgetown University (B.A., 1969)
- Ohio State University College of Law (J.D., 1978, Order of Barristers, American Jurisprudence Award)

ADMISSIONS

- Arizona (1989)
- Ohio (1978)
- U.S. District Courts, Southern District of Ohio (1979); Northern District of Ohio (1980); District of Arizona (1990)
- U.S. Court of Appeals, Ninth Circuit (1991)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona
 - Executive Council, Trial Practice Section (Chair)
 - Arizona College of Trial Advocacy (Presenting Faculty Member, 2010; Chair, 2006-2007)
 - Military Committee (Member)
 - Veterans Benefits and Resources Seminar (Faculty Member)
 - Civil Practice and Procedure Committee (Member)
- American Bar Association (member, Forum on Air and Space Law, Litigation, and Tort and Insurance Practice Sections)
- Lawyer-Pilots Bar Association
- Tucson Defense Bar
- Pima County Bar Association
- Defense Research Institute
- Ohio State Bar Association (former chairman, Law Related Education Committee)
- Arizona Supreme Court Committee on Keeping of the Record (2004-05)

PRESENTATIONS AND PUBLICATIONS

- Arizona College of Trial Advocacy, July 2010, "Cross Examination of Plaintiff"
- Arizona College of Trial Advocacy, July 2008, "Demonstration of Direct Examination of an Expert Witness"
- Arizona College of Trial Advocacy, July 2007, "Demonstration of Direct Examination of Party"
- State Bar of Arizona, CLE by the Sea, June 2007, "Demonstration of Voir Dire for the Defense"
- State Bar of Arizona Convention, June 2006, "ABC's and Ethics of Mediation"
- National Business Institute, June 2006, "Uninsured and Underinsured Motorist Claims"
- State Bar of Arizona, CLE by the Sea, June 2006, "Morris, Damron and Peaton Agreements"
- American Bar Association Insurance Committee, March 2005, "Sweetheart Deals and Squeezes"

COMMUNITY INVOLVEMENT

- Tucson AIDS Project (former board member)
- Tucson Classics (former tournament chairman)



LAURA R. CURRY
lcurry@gustlaw.com
602.257.7970

PRACTICE AREAS
Eminent Domain
Litigation

Laura Curry is known primarily for her top-notch eminent domain work. She represents condemning authorities, acquiring or condemning property for the expansion of roads, parkways and utilities. She advises clients in all aspects of civil litigation, including motion practice, discovery, trial and appeals.

After graduating from law school, Laura clerked for Judge Diane Johnson at Division One of the Arizona Court of Appeals, where she researched diverse civil and criminal appellate issues and assisted with the drafting of decisions.

Laura is a graduate of the Sandra Day O'Connor College of Law at Arizona State University. While pursuing a bachelor's degree at Loyola University in Chicago, Laura received the Charles W. Hart Prize in English.

EDUCATION

- Arizona State University (J.D., magna cum laude, 2011)
- Loyola University (B.A., English and history, summa cum laude, 2008)

ADMISSIONS

- Arizona Supreme Court (2012)
- United States District Court, District of Arizona (2012)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona

PUBLICATIONS

- *The Elusive Right to Cross-Examine Individuals Presenting Victim Impact Statements in Arizona Capital Sentencing Proceedings*, 43 Ariz. St. L.J. 563 (2011)



PATRICK J. FARRELL
pfarrell@gustlaw.com
520.388.4789

PRACTICE AREAS
Corporate Law
Estate Planning
Probate Law
Real Property Law

Pat Farrell's dynamic real estate practice encompasses business law, probate and estate planning. For more than 35 years, Pat has been representing businesses of all sizes throughout southern Arizona as a commercial and transactional lawyer. He also provides legal counsel to individuals for estate planning and probate issues.

Pat advises business owners and individuals on real estate transactions and disputes, commercial dispute litigation, wills, trusts and other estate planning services. He counsels start-ups during formation and advises businesses during acquisitions and sales. Recently, Pat helped a client resolve a complicated real estate issue over the disposition of a building situated on two lots and owned by separate individuals.

A Tucson native, Pat attended the University of Arizona, where he earned both his undergraduate and law degrees. Hard work, patience and creative problem solving define his practice.

Pat is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- University of Arizona (J.D., 1976)
- University of Arizona (B.S., Economics and Finance, magna cum laude, 1973)

ADMISSIONS

- Arizona (1976)
- United States District Court, District of Arizona (1977)
- United States Court of Appeals, Ninth Circuit (1987)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona
 - Business Law Section
 - Probate and Trust Law Section
 - Real Property Law Section
- Pima County Bar Association
 - Corporation, Banking and Business Law Section
 - Real Property, Probate and Trust Law section
 - Law Practice Management Section
- Southern Arizona Estate Planning Council
- American Bar Association

COMMUNITY INVOLVEMENT

- University of Arizona College of Law & Pima County Bar Association Mentoring Program
- Lohse Family YMCA Board of Managers
- Rotary Club of Tucson
- Saints Peter and Paul School Board (past president)



SUSAN D. GOODWIN
sgoodwin@gustlaw.com
602.257.7671

PRACTICE AREAS
Public Law
Construction Law
Employment Law
Elections
Land Use

Susan Goodwin's public law practice encompasses land use, development, open meeting law, conflict of interest, public records, construction law, elections, campaign finance law, annexations, civil rights, code compliance, employment law, community facilities districts and utility matters.

Since 1978, Susan has represented cities and towns as general counsel through periods of record growth, overcoming the obstacles and complex legal and political issues associated with dramatic growth. Susan works closely with City and Town Managers, councils and staff to address a large variety of issues confronting Arizona cities and towns.

Susan is the past president of the Arizona City Attorneys Association and chaired the 2015 Arizona City Attorneys Association legal conference. Susan also conducts the annual City Attorneys Fundamentals program.

Susan is listed in Best Lawyers® for her Municipal Law work. She is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

Susan received her J.D. degree and her master's and bachelor's degrees from Arizona State University.

EDUCATION

- Sandra Day O'Connor College of Law, Arizona State University (J.D., 1977)
- Arizona State University (M.A. Philosophy, 1973)
- Arizona State University (B.A. Philosophy, 1970)

ADMISSIONS

- Arizona (1977)
- Federal District Court for the District of Arizona (1977)

PROFESSIONAL AFFILIATIONS

- American Bar Association
- State Bar of Arizona, Public Law Section, Sole Practitioners Section
- Maricopa County Bar Association
- Arizona City Attorney Association
- Arizona Women Lawyers Association
- Arizona State University Alliance for Construction Excellence



THOMAS E. HALTER
tehalter@gustlaw.com
602.257.7991

PRACTICE AREAS
Real Estate Acquisitions
Real Estate Dispositions
Commercial Lending
Asset-Based Financing

Thomas E. Halter has been certified as a real estate specialist by the Arizona Board of Legal Specialization. He practices in the areas of commercial real estate and secured lending. His real estate practice emphasizes representing clients in sophisticated commercial real estate transactions, including the negotiation and preparation of all relevant documents such as leases, purchase agreements, joint development agreements, CC&Rs, easements and financing documents. Tom's real estate clients include national and regional retailers and developers.

Tom's secured lending practice emphasizes representing lenders in commercial lending transactions, including negotiating and preparing all relevant documents, such as promissory notes, credit and security agreements, guaranties, intercreditor agreements and subordination agreements. He represents, among others, Wells Fargo Capital Finance in connection with its asset based lending loan origination and loan management businesses.

Tom is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- University of Arizona (B.S., *cum laude*, Finance, 1989)
- University of Arizona College of Law (J.D., 1992)

ADMISSIONS

- Arizona (1992)
- Utah (2003)
- Colorado (2004)
- Texas (2013)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona (member, Business Law and Real Property Sections)
- Maricopa County Bar Association (member, Real Property Section)
- Utah Bar Association
- Colorado Bar Association



ROBERT D. HAWS
rhaws@gustlaw.com
602.257.7976
Executive Committee Member

PRACTICE AREAS
Labor and Employment
Education Law

Robert Haws, Chair of the firm's Employment and Education Law Practice Groups, concentrates his practice on employment law and education law, advising employers on the full range of challenges and opportunities presented by employees. Robert is an experienced litigator and legal counselor, having successfully represented clients before juries, state and federal judges, appellate courts, numerous government boards, the Equal Employment Opportunity Commission, the United States Department of Labor, and the Attorney General's office, as well as and in a number of alternative dispute resolution formats.

Robert is listed in *The Best Lawyers in America*® for both Labor and Employment, and Education Law. He is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- University of Utah (B.S., *cum laude*, Finance, 1986)
- University of Utah College of Law (J.D., 1989, Leary Scholar; *Utah Law Review*)

ADMISSIONS

- Arizona (1989)
- U.S. Court of Appeals, Ninth Circuit (1998)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona (member, Employment & Labor Law Section)
- Maricopa County Bar Association (member, Employment Law Section)
- American Bar Association
- Arizona Council of School Attorneys (past chairman, Executive Committee)

REPRESENTATIVE MATTERS

- Represented a rural school district in a federal court jury trial where a former principal alleged sex discrimination. The jury returned a unanimous defense verdict on all counts.
- Obtained summary judgment for a large construction company in a lawsuit filed by a heavy equipment operator that alleged disability discrimination and other civil rights violations.
- Represented a municipality in police and fire dismissal proceedings. All of which resulted in the dismissals being affirmed.
- Assisted a chain of fast food restaurants in a FLSA wage and hour audit which resulted in a finding of no violations.

REPRESENTATIVE MATTERS (CONT.)

- Represented an urban elementary school district opposing the state superintendent of education's landmark attempt to place the district into academic receivership. The state board of education voted against the receivership.
- Represented a large unified school district in a special education dispute involving the educational placement of a severely disabled student. The hearing officer ruled in the school district's favor on all issues.
- Represented a client before the Arizona State Personnel Board in a matter filed by a psychologist alleging she had been unlawfully retaliated against for her "whistleblowing" activities. The Board unanimously ruled in the district's favor on all claims.
- Represented an elementary school district in dismissal hearing of a tenured teacher charged with unprofessional conduct. The Governing Board unanimously accepted the hearing officer's recommendation of dismissal finding that charges had been proven.
- Defended a small elementary school district in an Attorney General's investigation of open meeting law violations. The investigation was resolved with no finding of wrongdoing and no sanctions against the district or its board members.

COMMUNITY INVOLVEMENT

- University of Utah Alumni Association (past vice president, Arizona Chapter)

REPORTED DECISIONS

- *Garcia v. Coolidge Unified School District No. 21*, 2014 WL 2215864 (2014) (Tenured teacher sued alleging age discrimination in connection with a reduction in force. The district was awarded summary judgment.)
- *Malone v. Dysart Unified School District No. 89*, 2011 WL 2118945 (2011) (Former principal sued alleging breach by contract, violation of due process and other claims. Trial court awarded summary judgment and over \$20,000 in attorneys' fees to the school district. That decision was upheld by the Court of Appeals and the Arizona Supreme Court).
- *Hance v. Fountain Hills Unified School District, et al.*, 2010 WL 2773545 (2010) (Former student sued alleging IDEA violations, civil rights violations and other claims. Trial court granted the school district's motion to dismiss. That decision was upheld by the Court of Appeals and the Arizona Supreme Court).
- *Stallings, ex rel. Stallings v. Gilbert Unified School Dist. No. 41*, 2009 WL 3165452 (2009) (Severely disabled student brought an IDEA due process hearing to challenge the IEP team's recommended placement. The hearing officer ruled in the school's favor on all claims and that ruling was upheld on appeal).
- *Hodge v. Mayer Unified School District No. 43 Governing Board*, 2007 WL 1112954 (2007) (Principal sued alleging sex discrimination and other civil rights violations. Many of her claims were dismissed on summary judgment. The remaining claims were tried to a jury and unanimously resolved in the school district's favor. The trial court results were affirmed on appeal).
- *Addvensky v. Dysart Unified School Dist. No. 89*, 2011 WL 1882289 (2011) (Former teacher sued alleging breach of contract, violation of due process and related claims. The court granted the district's motion to dismiss).
- *Williams ex rel. T.W. v. Yuma School Dist. No. 1*, 2010 WL 5421304 (2010) (Father sued challenging the long term suspension his son received and alleging civil rights violation. The court upheld the discipline imposed by the district and dismissed the other claims).

REPORTED DECISIONS (CONT.)

- *Smith ex rel. Smith v. Seligman Unified School Dist. No. 40 of Yavapai County, Ariz.*, 644 F. Supp.2d 1070, 2009 WL 3270885 (2009) (Mother sued challenging the discipline her daughter received and alleged the district and staff had violated the child's civil rights. The court granted the district's motion to dismiss the lawsuit).
- *Epps v. Phoenix Elementary School Dist.*, 2009 WL 996308 (2009) (Former principal sued alleging race discrimination and other civil rights violations. The district was awarded summary judgment on all claims.)
- *Ernst v. Wheeler Const., Inc.*, 2009 WL 1513106 (2009) (Heavy equipment operator sued alleging disability discrimination and other civil rights violations. The employer was awarded summary judgment on all claims).
- *Testerman v. Somerton Elementary School Dist.*, 2008 WL 5082164 (2008) (Math teacher sued alleging age and race discrimination and other civil rights violations. The court resolved all of the claims in the district's favor).
- *Krestan v. Deer Valley Unified School District No. 97 of Maricopa County*, 561 F. Supp.2d 1078, 2008 WL 2026340 (2008) (Student brought First Amendment claim alleging the school had violated her right to fully exercise her religious beliefs. The court resolved part of the case in the school's favor on a pre-trial motion. The remainder of the case was settled on mutually agreeable terms.)
- *Guse v. Alhambra School Dist. No. 68*, 2007 WL 1810504 (2007) (Teacher sued alleging disability discrimination and other civil rights violations. The district was awarded summary judgment on all claims).



THOMAS F. HICKEY
thickey@gustlaw.com
602.257.7665

PRACTICE AREAS
Business/Corporate Law
Real Estate
Wills/Trusts/Estate

Tom concentrates his practice in the areas of estate planning, probate and estate and trust administration. He also has expertise in the fields of commercial litigation, construction disputes, surety claims and defenses, real estate disputes, and business formation.

Tom has argued appeals in the Arizona Court of Appeals.

Born and raised in Alaska, Tom is an Eagle Scout. He was selected by the Anchorage Rotary Club to be an exchange student to Finland.

EDUCATION

- Northern Arizona University (B.S., B.A. 1986)
- University of Arizona, College of Law (J.D., 1989)

ADMISSIONS

- Arizona (1989)
- U.S. District Court, District of Arizona

PROFESSIONAL ASSOCIATIONS

- Maricopa County Bar Association

COMMUNITY INVOLVEMENT

- Past President, Kyrene Corridor Rotary Club
- Habitat for Humanity, assisted in building homes
- Wills for Heroes Arizona



RICHARD B. HOOD
rbhood@gustlaw.com
602.257.7470
Executive Committee Member

PRACTICE AREAS
Business Law
Commercial Law
Commercial Litigation

Richard B. Hood practices in the areas of business and commercial law with an emphasis on commercial litigation in both state and federal courts. He represents manufacturers, contractors, banks, service industry businesses and various governmental entities. Matters handled by Rick include contract, trade secret and banking disputes, as well as trademark disputes before the Trademark Board of Trials and Appeals.

Rick is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- Purdue University (B.S., Industrial Economics, 1968)
- University of Connecticut School of Law (J.D., 1971)

ADMISSIONS

- Arizona (1974)
- Connecticut (1971)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona (member, Trial Practice Section)
- American Bar Association
- Maricopa County Bar Association
- Connecticut Bar Association
- *Maricopa Lawyer* (former member, Editorial Board)

COMMUNITY INVOLVEMENT

- HomeBase Youth Services, Inc. (pro bono counsel to Board of Directors)
- Phoenix Youth at Risk (pro bono counsel to Board of Directors)
- YWCA of Maricopa County (former pro bono counsel and member of Advisory Board of Directors)
- The Economic Club of Phoenix (former member)
- The World Trade Center of Arizona (former member)



JOHN J. KASTNER, JR.
jkastner@gustlaw.com
520.388.4788

PRACTICE AREAS
Litigation
Insurance Defense
Premises Liability
Accident and Personal Injury
Public Law

John Kastner's insurance defense practice is anchored in his belief that there is no substitute for hard work. He approaches all of his cases, which range from car accidents to securities fraud and employment discrimination, with that mantra in mind.

Based in Tucson, John's practice extends throughout Arizona and encompasses insurance defense, insurance coverage, premises liability, defense of governmental entities, civil rights defense, bodily injury, wrongful death, defamation and discrimination.

John represents insurance carriers in first-party claims. He also represents self-insured businesses and individuals. John's experience working with insureds and insurers provides him with a unique perspective that is further diversified by his tenure as Judge Pro Tem for the Pima County Superior Court.

Upon graduation from law school, John worked for the Office of the Hennepin County Public Defender in Minneapolis and then clerked for the Honorable Carmine Cornelio after moving to Tucson.

John is AV® Preeminent™ Peer Review rated by Martindale-Hubbe®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- Hamline University School of Law (J.D., cum laude, 1996)
- University of Wisconsin (B.A., 1991)

ADMISSIONS

- Arizona (2002)
- United States District Court, District of Arizona (2003)
- 9th Circuit Court of Appeals (2003)

PROFESSIONAL ASSOCIATIONS

- Tucson Defense Bar Association
- Pima County Bar Association
- Arizona Association of Defense Counsel
- Arizona State Bar
- Defense Research Institute
- Federal Bar Association

PROFESSIONAL ASSOCIATIONS (CONT.)

- American Bar Association
- Minnesota State Bar Association

PRESENTATIONS & PUBLICATIONS

- Presenter, “Can I Settle My Personal Injury Case?” Pima County Bar Association (2014)
- Presenter, “Dram Shop Claims: Perspectives from the Plaintiff, Tavern and Criminal Defense,” State Bar of Arizona (2013)
- Presenter, “Arizona Biennial Case Law, Procedure & Statute Review,” Tucson Defense Bar Association (2010)
- Presenter, “In Search of the Crystal Skull – An Update Regarding Case Law and Court Rules for 2006–2008,” Tucson Defense Bar Association (2008)
- Presenter, “Winning Strategies in Summary Jury Trials,” State Bar of Arizona (2007)
- Presenter, “Juror Notebooks and the Last 30 Days before Trial,” State Bar of Arizona (2007)



JAMES W. KAUCHER
jkaucher@gustlaw.com
520.388.4792

PRACTICE AREAS
Litigation
Hospital Law
Health Care Law
Medical Malpractice Defense
Employment

James Kaucher maintains a broad-based litigation practice focusing primarily on the defense of claims asserted against members of the health care industry, including medical malpractice, vulnerable adult abuse and other professional liability claims. His experience also extends to medical staff matters, employment law and general commercial litigation.

Jim has given more than thirty presentations on health care law, employment law, and trial techniques to nursing groups, physician groups, hospitals, bar associations, lawyers, human relations professionals, and other interested parties.

He is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards and named "Best of the Best" in health care law by the *Arizona Business Magazine*. Jim has been listed in the Professional Malpractice Law category of *The Best Lawyers in America*® since 2012.

EDUCATION

- University of Colorado (B.A., 1980, with distinction, Phi Beta Kappa, Omicron Delta Epsilon)
- University of Illinois College of Law (J.D., 1983; articles editor, *University of Illinois Law Review*, 1982-1983; Harno Fellow, Rickert Scholar)

ADMISSIONS

- Arizona (1983)
- U.S. District Court, District of Arizona (1983)
- U.S. Court of Appeals, Ninth Circuit

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona
- Pima County Bar Association (1992 - present)
- Tucson Defense Bar
- Defense Research Institute (1987 - present)
- Arizona Association of Defense Counsel (1988 - present)

PRESENTATIONS AND PUBLICATIONS

- Author, "Arizona Business Law Deskbook" (2013), chapters on:
 - Employers, Employees, and Independent Contractors;
 - Employment at-will and Employment Contracts;
 - Discrimination and Sexual Harassment; and
 - Miscellaneous Employment Law Issues.

PRESENTATIONS AND PUBLICATIONS (CONT.)

- Speaker, "How Can I Be Sued . . . , When I Did Everything Right?" Tucson Nurses Week Foundation, Educational Conference, May 11, 2012
- Speaker, "Technology In The Courtroom," Pima County Bar Association, June 21, 2010
- Speaker, "Health Care Law," Gust Rosenfeld, Tucson, Arizona, January 28, 2009
- Speaker, "EEOC Compliance in Arizona," Lorman Education Services, Tucson, Arizona, January 23, 2009
- Speaker, "Employment Law Update," Sterling Educational Services, Tucson, Arizona, September 25, 2008
- Speaker, "Medical Records Law," Lorman Educational Services, Tucson, Arizona, September 23, 2008
- Speaker, "Best Practices in ADA, FMLA, and Worker's Compensation," Lorman Educational Services, Tucson, Arizona, May 20, 2008
- Speaker, "Elder Abuse Litigation: It's Much More than You Think," Tucson Defense Bar, October 22, 2007

COMMUNITY INVOLVEMENT

- City of Tucson Planning Commission (member, 2004 - 2005)
- Winterhaven Water and Development Co., Inc., Tucson, Arizona (president, 2004 - 2007)
- Northwest Hospital (member, Ethics Committee, 1994 - 2004)
- Certificate of Recognition from the Mayor of Tucson, 2006 (for work as Chair of the Meth-Free Alliance's Neighborhood Task Force)
- Common Grounds Award for best public project, 2006 (Meth-Free Alliance's, Focused Neighborhood Project)



CHRIS KRAMER
ckramer@gustlaw.com
602.257.7962

PRACTICE AREAS
Eminent Domain
Condemnation Litigation
Right of Way
Property Valuation
Property Rights
Public-Private Partnerships

Eminent domain and condemnation litigation form the bedrock of Chris Kramer's practice. Chris primarily represents condemning authorities. His project experience includes acquiring or condemning property for new or expanding urban freeways, roads and parkways, traffic interchanges, bridges, transit, light rail, flood control, airports, parks, wetlands, public buildings and utilities.

Chris' mantra: Project delivery cheaper, better and faster. Chris often collaborates with the project design team early in the life of a project. He evaluates plans and explores design alternatives to identify and mitigate project impacts and avoid costly litigation. Chris makes a point to coordinate the legal needs of a project with the needs of other stakeholders. He guides clients through complex federal and state regulations, helps obtain timely clearances and agreements and negotiates and drafts project documents.

Chris also helps clients choose appraisers and identify other consultants, who are not only technically competent but also make good witnesses, because he believes that the best way to avoid litigation is to be well prepared for it.

Chris has spoken at dozens of programs on eminent domain and related topics, including presentations at the National Eminent Domain Conference, the Arizona Eminent Domain Conference (co-chair, 2007-2009), the International Right of Way Association, the Transportation Research Board of the National Academies and the American Council of Engineering Companies. He has served as co-chair of the biannual Arizona Condemnation Summit since 2009.

EDUCATION

- University of Notre Dame School of Law (J.D., 1986)
- Illinois State University (B.S., 1981)

ADMISSIONS

- Arizona (1990)
- Arizona Federal District Court (1990)
- California (1986)
- Central California District Court (1987)
- Nevada (2014)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona; Civil Jury Instructions Committee 2003-2005; Civil Practice and Procedure Committee 1992-1994

- PROFESSIONAL ASSOCIATIONS (CONT.)
- Transportation Research Board of the National Academies, Eminent Domain and Land Use Committee 2014–Present
- Arizona Condemnation Summit, Co-Chair 2009–present

PUBLICATIONS

- Author, “Eminent Domain” section of the Revised Arizona Jury Instructions (RAJI, Civil, 4th)(2004)
- Contributing Editor, *Eminent Domain in Arizona*, State Bar of Arizona (2013)

COMMUNITY INVOLVEMENT

- Judge pro-tem, 1996–1999
- Director, Notre Dame Club of Phoenix, 1999–2009



JENNIFER N. MACLENNAN
maclennan@gustlaw.com
602.257.7475

Practice Areas

Education Law
Labor and Employment Law

Jennifer N. MacLennan's practice consists of representation of school districts in all legal matters. Jennifer assists school districts with their business needs and compliance reviews, including review of procurement issues; preparation of intergovernmental agreements; lease-purchase agreements; Open Meeting Law compliance; counseling human resource departments; special education litigation; representing clients in civil rights and employment discrimination matters.

Jennifer also represents cities and towns with their legal needs. She brings substantial experience in the labor and employment area, including representation at National Labor Relations Board proceedings, on Occupational Safety and Health Administration citations, complaint to the Equal Employment Opportunity Commission and matters before the Department of Labor.

She is admitted and has litigated before the Ninth Circuit Court of Appeals, the Federal District Courts and local state courts. Jennifer is a frequent speaker on topics related to school law and has provided training on public law, employment law and special education law. She is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- University of California at Berkeley (A.B., 1989)
- Arizona State University College of Law (J.D., 1992, Order of the Coif)

ADMISSIONS

- Arizona (1992)

PROFESSIONAL ASSOCIATIONS

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

COMMUNITY INVOLVEMENT

- Valley Presbyterian Day School (Board President)
- Downtown Urban Community Kids
- Junior League of Phoenix (former leadership)
- Phoenix Museum of History (former leadership)



ANDREW J. MCGUIRE
amcguire@gustlaw.com
602.257.7664

PRACTICE AREAS
Municipal Government
Special Districts
Real Estate
Land Use
Zoning Law

Andrew McGuire focuses his practice in the areas of government and municipal law with an emphasis on special districts, real estate, land use and zoning. His experience includes annexation law, election law, condemnation, code enforcement, contract and procurement law, public bidding, open meeting law, employment law and improvement districts. He currently serves as City/Town Attorney for multiple Arizona municipalities.

Prior to joining Gust Rosenfeld, Andrew was a member of a local law firm where he served as District Counsel to an Arizona sanitary district in addition to his work as City/Town Attorney. Andrew also represents Arizona Native American Communities in solid waste and real property matters. He is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- Arizona State University (B.S., Urban Planning, 1992)
- Gonzaga University School of Law (J.D., 1995)

ADMISSIONS

- Arizona (1995)
- U.S. District Court, District of Arizona (1999)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona (member, Public Lawyers Section)
- Arizona Planning Association
- Arizona City Attorneys Association, (President)
- Maricopa County Bar Association (member, Public Lawyers Division)

PRESENTATIONS AND PUBLICATIONS

- Speaker, “The Sandbox Rules: Basics of Intergovernmental Agreements,” Arizona City Attorneys Association, May 2014
- Speaker, “Koontz v. St. Johns River Water Management District,” Gust Rosenfeld City Attorneys Lunch & CLE Series, March 2014
- Speaker, “Infrastructure: Viable Economic Development Incentive?” Arizona Association for Economic Development, October 2013
- Speaker, “Open Meetings and Conflicts of Interest,” Mesa City Council, October 2013
- Speaker, “The Balanced Approach to a Capital Improvement/Infrastructure Improvement Program,” Growth and Infrastructure Consortium, October 2013

PRESENTATIONS AND PUBLICATIONS (CONT.)

- Speaker, “National Trends on Infrastructure Funding – The “GIC” Resource,” Government Finance Officers of Arizona, August 2013
- Speaker, “Land-Use Law 101,” Sahuarita Town Council, May 2013
- Speaker, “Frequently-Asked Questions in Implementing SB 1525,” League of Arizona Cities and Towns, February 2013
- Speaker, “Unintended Consequences of Developer Agreements,” Growth and Infrastructure Consortium, October 2012
- Speaker, “Implementing SB 1525: Key Provisions and Considerations,” League of Arizona Cities and Towns, May 2012
- Speaker, “Arizona Impact Fees Under SB 1525,” Growth & Infrastructure Consortium, October 2011
- Speaker, “Impact Fees: Interim Implementation Requirement of SB 1525,” Government Finance Officers of Arizona Budget Forum, October 2011
- Speaker, “A Robust Discussion Concerning an Issue Critical to Arizona’s Development Future . . . ,” Urban Land Institute Arizona, October 2011



HEATHER A. NEAL
hneal@gustlaw.com
602.257.7672

PRACTICE AREAS
Medical Malpractice and
Healthcare Litigation
Administrative Law and
Regulatory Investigations
Accident and Personal Injury
Litigation

Heather Neal concentrates her practice on medical malpractice litigation, administrative law and catastrophic injury defense. She has extensive experience defending physicians in various specialties as well as hospitals, long term care facilities, assisted living facilities, group homes and home health care groups.

After graduating from law school, Heather practiced general litigation, personal injury, employment law, collections and premises liability in South Carolina. Inspired by her father who was a physician, Heather aspired to defend health care practitioners. After several years representing plaintiffs in a variety of litigation, she moved to Phoenix, where her primary focus of practice shifted to health care and catastrophic injury defense.

Heather regularly publishes articles on various issues concerning health law and litigation, and she frequently speaks on medical malpractice issues, litigation strategies and regulatory law. She is also an active member in many professional organizations, several of which encourage and support the progression of female attorneys in the work place.

Heather has been recognized as a Southwest Super Lawyer® for the past three consecutive years and has also been awarded the title of "Rising Star."

In furtherance of her pro bono commitments, Heather serves as a mock trial coach for middle and high school students in the Phoenix area. She is also an adjunct professor at Arizona Summit Law School, where she teaches courses in health law.

EDUCATION

- University of Pittsburgh (J.D., 2003)
- University of Virginia (B.A., Psychology, 2000)

ADMISSIONS

- Arizona (2005)
- South Carolina (2004)
- U.S. District Court, District of Arizona (2008)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona
 - Mentor Committee
- South Carolina Bar Association
- American Bar Association
- American Association for Justice

PROFESSIONAL ASSOCIATIONS (cont.)

- Professional Liability Defense Federation
 - Vice Chair
 - Medical Committee

PRESENTATIONS AND PUBLICATIONS

- Presenter, “A Paralegal’s Guide to Pleadings, Motions, Discovery Requests and Briefs,” Institute for Paralegal Education (2015)
- Author, “How Should Experts Be Retained and Utilized in Pain Pump Cases?” Medical Law Perspectives (2014)
- Co-Author and Contributor, Chapter 18 of “Arizona Tort Law Handbook” entitled ‘Medical Malpractice Tort Liability,’ State Bar of Arizona (2012)
- Co-Author and Contributor, “ALFA Health Care Law Compendium 2011: Physician Extenders, A Fifty State Survey of the Licensure, Accreditation, Certification and Scope of Practice Regulatory Requirements for Nurse Practitioners, CRNAs, Nurse Midwives and Physician Assistants,” ALFA International (2011)
- Co-Author, “ALFA 50-State Healthcare Compendium: Document Retention”, Course Book Materials (2008)
- Co-Author and Contributor, “ALFA Fifty State Health Care Law Compendium: Medical Spa Law,” ALFA International (2007)
- Presenter, “Reasonable Accommodations, the ADA & Discrimination,” Association of Corporate Counsel – Arizona Chapter (2014)
- Presenter, “A Paralegal’s Guide to Pleadings, Motions, Discovery Requests, and Briefs,” Institute for Paralegal Education (2014)
- Presenter, “Using Experts to Win Defective Medical Device Cases,” National Business Institute (2014)
- Presenter, “Enforceability of Arbitration Agreements in Healthcare Settings,” Professional Liability Defense Federation (2013)
- Presenter, “Assessing and Addressing Fraud in the Claims Environment,” CLM Live Training (2013)
- Presenter, “Case Assessment and Evaluation,” Claims & Litigation Management Alliance (2013)
- Presenter, “Handling the Medical Malpractice Case in Arizona,” National Business Institute (2013)
- Presenter, “A Paralegal’s Guide to Pleadings, Motions, Discovery Requests and Briefs,” National Business Institute (2013)
- Presenter, “Drafting Motions and Pleadings for Paralegals,” Institute for Paralegal Education (2012)
- Presenter, “Medical Records Law,” Lorman Education Services (2011)
- Presenter, “Medical Records Law,” National Business Institute (2011)
- Presenter, “Drafting Pleadings for Paralegals,” Institute for Paralegal Education, (2010)
- Presenter, “Legal Drafting for Paralegals,” Institute for Paralegal Education (2010)
- Presenter, “Medical Records Law in Arizona,” Lorman Education Services (2009)

PRESENTATIONS AND PUBLICATIONS (CONT.)

- Presenter, "The Course of a Medical Malpractice Suit: How to Obtain a Positive Outcome and Avoid Common Pitfalls," Arizona Podiatric Medical Association (2009)

COMMUNITY INVOLVEMENT

- Arizona Law Alliance, committee member
- Arizona Summit Law School, adjunct professor
- Ingleside Middle School, mock trial attorney coach



CHRISTINA M. NOYES
cmnoyes@gustlaw.com
602.257.7488
Executive Committee Member

PRACTICE AREAS
Franchises and Franchising
Commercial Law
Corporate

Christina M. Noyes focuses her practice on franchise, corporate, and intellectual property law. Her practice includes drafting agreements and analysis of franchise and business opportunity laws, preparation and review of franchising agreements, offering circulars and registrations, as well as handling trademark registrations and renewals. She represents franchisees and franchisors and has been listed in the Franchise Law category of *The Best Lawyers in America*® since 2009. She also earned the title of *Best Lawyers 2015 Franchise Law Lawyer of the Year* for Arizona.

Christina's practice also includes representing business clients with respect to formation contracts with vendors and customers, mergers and acquisitions, and relationships with owners.

Before joining Gust Rosenfeld, Christina was a certified public accountant and employed by one of the Big Six accounting firms in Cincinnati, Ohio.

EDUCATION

- Miami University (B.A., *cum laude*, Accounting, 1990)
- Arizona State University College of Law (J.D., *cum laude*, 1996, Order of the Coif; managing editor, *Arizona State University Law Journal*)

ADMISSIONS

- Arizona (1996)

PROFESSIONAL ASSOCIATIONS

- American Bar Association Forum on Franchising (Women's Caucus)
- Arizona Women Lawyer's Association (leadership)
- State Bar of Arizona (member, Business Law Section)
- Maricopa County Bar Association
- Ranking Arizona Best of the Best Award Winner, *Arizona Business Magazine* (2008)
- Chosen as "Best of the Bar" by *The Business Journal* (2005)
- Chosen as "Up-and-Comer" by *BizAZ Magazine* (2004)
- Listed in *The International Who's Who of Franchise Lawyers* since 2010 published by *Who's Who Legal*

COMMUNITY INVOLVEMENT

- Phoenix Community Alliance (Executive Board Member and Secretary)
- Paradise Valley Girls Softball League (Board Member and Treasurer)
- Girls Ranch Inc., of Arizona (former Board Member)

PRESENTATIONS AND PUBLICATIONS

- Co-Author and Speaker, “How to Review Franchise Documents for a Prospective Franchisee,” State Bar of New Mexico 2014 Business Law Institute
- Co-Author and Speaker, “Annual Franchise and Distribution Law Developments 2014” American Bar Association, Forum and Franchising
- Co-Editor, *Mergers and Acquisitions of Franchise Companies*, American Bar Association, Forum on Franchising 2014, 2nd Edition
- Co-author, “Agreements and Issues Related to the Franchise Sales Process,” *Collateral Issues in Franchising Beyond Registration and Disclosure* (1st Ed.) published by the American Bar Association, Forum on Franchising, 2013
- Speaker, “Form 1099-C Issues,” Arizona Credit Union Collector’s Council, October 2013
- Author, Arizona chapter in *Covenants Against Competition in Franchise Agreements* (3rd Edition) published by the American Bar Association, Forum on Franchising, 2012
- Author and Speaker, “Pros and Cons of Third Parties Selling and Servicing Your Brand,” Client Seminar, 2012
- Author and Speaker, “Vendor Rebate Considerations,” Client Seminar, 2012
- Author and Speaker, “Recent Actions in Case Law and the New Federal Business Opportunity Law,” Client Seminar, 2012
- Co-Author and Speaker, “The Perils of Third Parties Selling or Servicing Your Brand: Broker, Area Representative and Area Developer Programs,” A.B.A. Forum on Franchising, Annual Forum, October 2011
- Co-Author and Speaker, “Oh No, Is That Really a Material Change?” International Franchise Association, Legal Symposium, May 2011
- Author and Speaker, “Gift Card Programs,” Client Seminar, 2011
- Author and Speaker, “Handling Material Changes After Your Annual Update,” Client Seminar, 2011
- Author and Speaker, “Types of Business Structures and Trademarks 101,” Kingdom Business Institute, 2010
- Author and Speaker, “Escrows, Deferrals and Bonds,” Client Seminar, 2010
- Author, “Yes! You REALLY Need an Operating Agreement—and Here’s Why,” Gust Rosenfeld Business Bulletin, 2009; Reprinted in *The SMART Systems Insider*, 2010
- Author and Speaker, “Electronic Disclosure of the FDD,” Client Seminar, 2010
- Author and Speaker, “Earnings Claims—Are They Worth the Trouble?” Client Seminar, 2009
- Co-author and Speaker, “New Developments Regarding FTC Rules,” Client Seminar, 2009
- Author, “New Facebook Feature Could Threaten Your Trademark,” Gust Rosenfeld Client Alert, 2009
- Co-author and Speaker, “The New Federal Disclosure Law and Its Impact on Your Sales Procedures, UFOC and Closings,” Client Seminar, 2008
- Author, “Positioning Your Business for Franchising,” Gust Rosenfeld Newsletter, 2007
- Co-author and Speaker, “The Proposed New Business Opportunity Rule and State Business Opportunity Laws,” A.B.A. Forum on Franchising, Annual Forum, 2007
- Co-author and Speaker, “Playing in the Big Leagues,” Client Seminar, 2006
- Co-author and Speaker, “Tough Challenges of Franchising,” Client Seminar, 2005
- Co-author and Speaker, “Tying It All Together,” Arizona Franchisor Association, 2005
- Co-author and Speaker, “The Road to Success,” Client Seminar, 2004
- Co-author and Speaker, “Note’-able Hot Topics,” Client Seminar, 2003
- Co-author and Speaker, “Welcome to the Big Leagues!” Client Seminar, 2001

PRESENTATIONS AND PUBLICATIONS (CONT.)

- Co-author, “Advertising – Doing It Right Legally,” Maricopa County Bar Association Corporate Counsel Division, 2000
- Co-author, “Franchising and Trademark Law – Where It’s At and Where It’s Going,” The Arizona Paralegal Association, 2000
- Co-author and Speaker, “Advertising – Doing It Right Legally,” Client Seminar, 1999



BARBARA U.
RODRIGUEZ-PASHKOWSKI
bpashkowski@gustlaw.com
602.257.7494

PRACTICE AREAS
Environmental Law
Natural Resources
Administrative Law
Litigation

Barbara Rodriguez-Pashkowski, Chair of the firm's Diversity Committee, concentrates her practice on environmental law, including UST matters, due diligence, air quality, water quality, RCRA, CERCLA, and WQARF. She brings to her clients years of experience including UST and State Assurance Fund compliance and appeals, air quality and water quality permitting and regulatory compliance, asbestos compliance, RCRA regulatory compliance, state and federal Superfund and litigation, environmental rule writing and legislation. Barbara works with various federal, state, and local governmental entities and private companies on a broad range of environmental issues.

Prior to joining Gust Rosenfeld, Barbara worked in the Environmental Enforcement Section of the Arizona Attorney General's office as Chief Counsel for the Air, Game and Fish, Underground Storage Tanks and Agriculture (AGUA) Unit. She represented the Arizona Department of Environmental Quality in administrative hearings, litigation and litigation coordination, rule writing, legislation, the negotiation of complex environmental settlements, and training for its state Superfund, UST, State Assurance Fund and air quality programs.

EDUCATION

- St. Mary's University (B.A., *summa cum laude*, 1978)
- University of Houston Law Center (J.D., 1981)

ADMISSIONS

- Arizona (1981)
- U.S. District Court, District of Arizona (1981)
- U.S. Court of Appeals, Ninth Circuit (1989)
- Oklahoma (2014)
- Texas (2014)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona (member, Environmental & Natural Resources Law Section)
- Gust Rosenfeld P.L.C., Chairperson, Diversity Committee
- Maricopa County Bar Association (Executive Committee Board Member of the Environmental & Natural Resources Law Section; member, Diversity Committee; member, CLE Committee)
- American Bar Association (member, Environment, Energy and Resources Section)
- Hispanic National Bar Association (member, Public Interest Law Section; member, Litigation & Dispute Resolution Section)
- Attorney General's Office (former member, CLE Committee, 1998-2007)
- Environmental Bankers Association

PROFESSIONAL ASSOCIATIONS (CONT.)

- Arizona Department of Environmental Quality (former member, Continuing Education Committee, 1998-2003)

PRESENTATIONS AND PUBLICATIONS

- Featured Speaker, “UST Operator Training”
- Featured Speaker, “Environmental Considerations for Franchisors”
- Featured Speaker, “Effluent Guidelines for Discharge of Pollutants from Construction Sites”
- Featured Speaker, “Ins and Outs of Foreclosure – Environmental Considerations”
- *New EPA Guidance on the Applicability of the Bona Fide Prospective Purchaser Defense to Tenants*, January 2013
- *Asbestos in School, the Penalties, the Dangers*, April 2012
- *Ins and Outs of Foreclosure, CERCLA and WQARF Environmental Considerations in Foreclosures*, Chapter 16, 3rd Edition

COMMUNITY INVOLVEMENT

- Los Abogados (member)
- Aid to Adoption of Special Kids (Board Member)



FRED H. ROSENFELD
rosenfeld@gustlaw.com
602.257.7413

PRACTICE AREAS
Public Finance
Governmental Law
Municipal Finance
Legislative Practice

Fred H. Rosenfeld's practice emphasizes governmental law, including municipal finance, real estate and legislative law. Fred is experienced in general obligation, revenue, special tax and assessment bonds. He represents issuers, borrowers, trustees, underwriters and financial institutions and also represents governmental entities before the State Legislature.

Fred has been recognized in the Corporate Law and Public Finance categories of *The Best Lawyers in America*® since 1983. He is also listed in the Bonds/Government Finance category of the 2007 *Southwest Super Lawyers*® magazine. Fred is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- University of Arizona (B.S., 1959)
- University of Arizona College of Law (LL.B., 1961, Phi Delta Phi)

ADMISSIONS

- Arizona (1961)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona (member, Business Law Section; member, Board of Legal Specialization)
- Maricopa County Bar Association
- American Bar Association
- American College of Bond Counsel (co-founder, fellow and member of board of directors, board secretary 1998 – 1999)
- National Association of Bond Lawyers (former chairman, Trustee and Banking Committee; former secretary, former member of the Board of Directors; moderator and member, steering committee, Bond Attorneys' Workshop)

COMMUNITY INVOLVEMENT

- Arizona Town Hall (member, panelist, moderator and current research committee member)
- Kenilworth Foundation (founding member; past president)



ZACHARY D. SAKAS
zsakas@gustlaw.com
602.257.7439

PRACTICE AREA
Public Finance

Zach focuses his practice in the area of public finance. He has broad bond counsel experience and provides advice to universities, school districts, industrial development authorities, municipalities, counties, non-profit hospitals, tribal governments and special taxing districts. He also provides advice to underwriters for transactions including fixed rate and variable rate tax-exempt bonds, lease-purchase certificates of participation, revolving fund loan programs and tax credit bonds.

EDUCATION

- University of Arizona (B.S.B.A. *summa cum laude* with Honors 2003)
- University of Texas School of Law (J.D. with Honors 2006)

ADMISSIONS

- Arizona (2006)

COMMUNITY INVOLVEMENT

- Phoenix Art Museum Men's Art Council
- University of Arizona Honors College Advisory Board

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona
- National Association of Bond Lawyers
- International Municipal Lawyers Association

PRESENTATIONS AND PUBLICATIONS

- Water Infrastructure Finance Alternatives in Arizona
- New Economic Development Bonds Available to Indian Tribal Governments
- Disclosure Roles of Counsel



SUSAN PLIMPTON SEGAL
spsegal@gustlaw.com
602.257.7425

PRACTICE AREAS
Public Law
Municipal Law
Education Law
Employment Law

Susan Segal brings exceptional expertise in the area of public law and employment law. Susan has represented the State of Arizona, the Arizona Department of Education and the Arizona Board of Education in complex litigation regarding financing of public education. She is a recognized expert in procurement law and advises both public entities and private sector clients on a broad range of legal issues and challenges. She was formerly a member of the Arizona Attorney General Open Meeting Law Enforcement Team and the Opinion Review Committee. Susan also has extensive experience in advising and representing employers in the private sector on employment matters. She has drafted employment agreements and manuals and has appeared before administrative and state and federal courts on behalf of employers.

Susan speaks frequently on Arizona Procurement Law, Conflict of Interest Law, Procurement, Public Records and the Arizona Open Meeting Law. She is a contributing author, "From the Ground Up; Legal Issues in School Construction" published by the National School Boards Association.

Prior to joining Gust Rosenfeld, Susan was Division Chief in the Public Advocacy Section of the Arizona Attorney General's office. She also served as Section Chief in the Education and Health Section. She has advised state regulatory boards, including the Arizona State Board of Education and has been in-house counsel to a large public school district.

Susan is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- University of Kansas (B.A., with Distinction, 1970)
- Arizona State University College of Law (J.D., 1979)

ADMISSIONS

- Arizona (1979)
- U.S. District Court, District of Arizona
- U.S. Court of Appeals, Ninth Circuit
- U.S. Supreme Court

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona, Ethics Committee
- Maricopa County Bar Association
- Arizona Supreme Court Committee on Character and Fitness, Chair and Member

PRESENTATIONS AND PUBLICATIONS

- *From the Ground Up; Legal Issues in School Construction*, published by The National School Boards Association (contributing author)

COMMUNITY INVOLVEMENT

- Arizona Theatre Company, Board of Trustees, Vice President - Phoenix
- Fresh Start Women's Foundation, Executive Board
- Sandra Day O'Connor College of Law Ambassador



PHYLLIS L. N. SMILEY
psmiley@gustlaw.com
602.257.7675

PRACTICE AREAS
Public Law
Litigation

Phyllis Smiley's practice is focused on all aspects of municipal law, including general legal advice, contracts, employment, open meeting law, elections, land use, real estate transactions, telecom, and eminent domain. She serves as City/Town Attorney for multiple Arizona cities and towns and provides support for other municipalities represented by the firm.

Phyllis's litigation experience includes condemnations, quiet title, discrimination, civil rights defense, campaign finance enforcement actions, and transaction privilege tax collections.

Phyllis is a graduate of the Sandra Day O'Connor College of Law, where she served as the Executive Managing Editor of the Arizona State Law Journal.

EDUCATION

- Sandra Day O'Connor College of Law, Arizona State University (J.D., cum laude, 2000)
- University of Michigan (B.Ed. Mathematics, cum laude, 1972)

ADMISSIONS

- Arizona (2000)

PROFESSIONAL AFFILIATIONS

- American Bar Association
- Maricopa County Bar Association
- Arizona Women Lawyers Association
- Arizona State University Alliance for Construction Excellence

PRESENTATIONS AND PUBLICATIONS

- Municipal Budgeting Process, Arizona City Attorneys Association
- Alternative Expenditure Limitations, Arizona City Attorneys Association
- City Attorneys 101, Arizona City Attorneys Association
- Land Use and Zoning Law, National Business Institute
- Annexations, League of Arizona Cities and Towns



WILLIAM S. SOWDERS
wsowders@gustlaw.com
602.257.7478

PRACTICE AREAS
Products Liability Litigation
Medical Malpractice and
Healthcare Litigation
Transportation Litigation
Accident and Personal Injury
Litigation

William (Bill) Sowders possesses extensive litigation and trial experience in the areas of products liability, medical malpractice, healthcare, transportation, accident and personal injury. He has appeared before State and Federal Courts in Arizona, California and Nevada.

Super Lawyers® designated Bill as one of its Rising Stars in 2012 and 2013.

In 2011, *Arizona Attorney* recognized Bill for his Top 8 Significant Defense Verdict (*Aqua Speed, Inc. dba International Hot Boat Association adv. Neuharth*). He also earned two Top 6 Significant Defense Verdicts (*L.A. Fitness Sports Club adv. Pellegrini; John Christner Trucking v. Mary Cameron*) in 2010.

During his time at The Catholic University of America's Columbus School of Law, Bill worked as a Research Assistant, assisting Law Professor Kathryn Kelly with the editing of academic publications in the areas of tort law and civil procedure. He also played for the Northern Arizona University Lumberjacks football team.

EDUCATION

- The Catholic University of America, Columbus School of Law (J.D., 2002)
- Northern Arizona University (B.S., 1997)

ADMISSIONS

- Nevada (2004)
- Arizona (2003)
- California (2002)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona
- State Bar of California
- State Bar of Nevada
- Maricopa County Bar Association
- Arizona Association of Defense Lawyers

PRESENTATIONS AND PUBLICATIONS

- Presenter, "Medical Records Review and Analysis" National Business Institute Webinar (2010)
- Contributor, "The Manufacturer's Duty to Defend and Indemnify its Sellers: Arizona," Products Liability Perspectives, ALFA International (2009)

PRESENTATIONS AND PUBLICATIONS (CONT.)

- Contributor, “ABA Transportation Compendium: Spoliation of Evidence” (2008)
- Regional Editor, “ALFA 50-State Transportation Compendium” (2008)
- Author, “A Formula for Effective Subrogation, *Subrogator Magazine* (2004)

COMMUNITY INVOLVEMENT

- Arizona Summit Law School, guest lecturer
- Sandra Day O’Connor College of Law Undergraduate Mock Trial Tournament, judge
- St. Francis Xavier Athletic Association, softball coach



TIMOTHY A. STRATTON
tstratton@gustlaw.com
602.257.7465

PRACTICE AREAS
Public Finance
Municipal Law
Tax
Education Law

Timothy Stratton focuses his practice on public finance and Section 103 tax law. He represents colleges and universities, special districts, cities, towns and other units of local government in Arizona and Illinois in all matters related to the issuance of municipal securities. He also maintains an active practice as underwriter, disclosure and bank counsel on publically and privately offered debt issues.

Tim has been counsel in hundreds of bond transactions aggregating billions of dollars and is a frequent speaker on public finance. He is on the Securities Law Committee of the National Association of Bond Lawyers (NABL) and is a contributing author for the Federal Securities Laws of Municipal Bonds, Fifth Edition, Matthew Bender & Co. He has authored articles on many public finance topics, including tax and securities law issues, post-issuance compliance and public-private partnerships. Tim Stratton currently serves as the treasurer of the City of Scottsdale Industrial Development Authority and has previously served as the Chairman of the City of Scottsdale Board of Adjustment.

EDUCATION

- Ball State University (B.S., Political Science and History, 1996)
- Western Michigan University, Cooley Law School (J.D., *cum laude*, 1999)

ADMISSIONS

- Illinois (1999)
- Arizona (2010)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona
- Maricopa County Bar Association
- Government Finance Officers Association of Arizona
- National Association of Bond Lawyers (Committee on Securities Law)
- State Bar of Illinois (Section Council on Local Government Law)
- Illinois Government Finance Officers Association
- National Association of College and University Business Officials
- Outside General Counsel to the Arizona State University Athletic Facilities District

REPRESENTATIVE TRANSACTIONS

- \$22,735,000 City of Scottsdale, Arizona Municipal Property Corporation Excise Tax Revenue Refunding Bonds, Series 2014
- \$83,150,000 City of Scottsdale, Arizona General Obligation Refunding Bonds, Series 2014
- \$8,660,000 City of Chandler, Arizona Street and Highway User Revenue Refunding Bonds, Series 2014

REPRESENTATIVE TRANSACTIONS (CONT.)

- \$15,400,000 City of Chandler, Arizona Water and Sewer Revenue Refunding Bonds, Series 2014
- \$12,000,000 Nevada System of Higher Education, Promissory Note (University of Nevada, Reno), Series 2014, (Counsel to JPMorgan Chase Bank, N.A.)
- \$16,000,000 Taxable Parity Obligation Credit Agreement Revenue Bonds, Series 2013 of Electrical District Number 3, Pinal County, Arizona
- \$5,000,000 Financing for the Western Will County Communications Center (WESCOM), Will County, Illinois intergovernmental 9-1-1 Call Center and Public Safety Dispatch Center. Agency is comprised of 19 municipalities. (April, 2013)
- \$151,090,000 General Obligation Bonds (2013), Maricopa County Community College District, Maricopa County, Arizona
- \$34,495,000 Variable Rate Revenue Bonds (Arizona State University Foundation – Brickyard Project) Series 2004; Letter of Credit Extension (2012)
- \$69,135,000 General Obligation Bonds (2012), Maricopa County Community College District, Maricopa County, Arizona
- \$28,450,000 General Obligation Refunding Bonds (2012), Yavapai County Community College District, Yavapai County, Arizona
- \$7,005,000 General Obligation Bonds, Series 2012A and \$12,765,000, General Obligation Refunding Bonds, Series 2012B, City of Tempe, Arizona
- \$58,975,000 Pinal County Community College District (Central Arizona College) of Pinal County, Arizona General Obligation Bonds Project of 2008, Series B (2012)
- \$120,235,000 Electric System Revenue Refunding Bonds, Series 2011, Electrical District No. 3, Pinal County, Arizona
- Remarketing (2011) of \$60,000,000 Refunding and Capital Improvement Electric System Revenue Bonds, 2006 Series A and \$25,590,000 Refunding and Capital Improvement Electric System Revenue Bonds, 2006 Series B, Electrical District No. 3, Pinal County, Arizona
- \$150,000,000 General Obligation Bonds (2011), Maricopa County Community College District, Maricopa County, Arizona
- \$17,910,000 Performing Arts Center Excise Tax Revenue Refunding Obligations (2011), City of Tempe, Arizona
- \$31,825,000 Tax Exempt 2011A Excise Tax Revenue Obligations, City of Tempe, Arizona
- \$14,000,000 Pledged Revenue Obligations (2011), Yavapai County Community College District, Yavapai County, Arizona
- \$7,300,000 Excise Tax Revenue Obligations, Qualified Energy Conservation Bonds (2011), City of Tempe, Arizona
- \$43,115,000 Excise Tax Revenue Refunding Bonds (2011), City of Scottsdale, Arizona
- \$22,525,000 General Obligation Bonds, Preserve Acquisition Project of 2004 (2011), City of Scottsdale, Arizona

PUBLICATIONS

- Contributing author to the Federal Securities Laws of Municipal Bonds Deskbook, Fifth & Sixth Editions, Mathew Bender & Company (2013) (2014)

COMMUNITY INVOLVEMENT

- City of Scottsdale Board of Adjustment (former chairman)
- City of Scottsdale Industrial Development Authority (member and treasurer)



TODD B. TUGGLE
ttuggle@gustlaw.com
602.257.7961

PRACTICE AREAS
Bankruptcy and Creditors' Rights
Litigation

Todd Tuggle brings extensive experience in a broad range of creditor rights matters. His practice focuses on bankruptcy and debt restructuring and general commercial litigation. He has additional expertise in the areas of general litigation, officers and directors liability, state court receiverships, bad faith lending defense, MERS mortgage fraud related litigation and general probate matters.

During his career Todd has worked for clients in significant cases in Arizona, including a Chapter 11 restructuring of a company that owned 56 quick service restaurants in Arizona and New Mexico where he led critical three-party negotiations between the secured lender, franchisor and debtor. He represented the controlled liquidation and transfer of IP assets of a company specializing in electric charging stations and nationwide power grip. He also represented the controlled liquidation of a lender holding nearly \$1 billion in mortgage-backed securities and commercial property.

Todd Tuggle clerked for the 9th Circuit Bankruptcy Appellate Panel, Honorable Robert Clive Jones.

EDUCATION

- J. Reuben Clark Law School, Brigham Young University (J.D., 1996) (*cum laude*)
- Brigham Young University (B.A. and B.S. 1993)

ADMISSIONS

- U.S. Court of Appeals, Ninth Circuit (2014)
- Arizona (2001)
- Federal District Court for the District of Arizona (2001)
- Nevada (1996)
- Federal District Court for the District of Nevada (1996)

PROFESSIONAL AFFILIATIONS

- State Bar of Arizona

PRESENTATIONS

- “*Can Your Business’s Bankruptcy Imperil Your Personal Finances?*” March 2015 Channel 3 Morning Scramble.
- “*Purchasing Assets out of Bankruptcy,*” September 2014 YouTube short.
- “*Ethical Considerations for Corporate Counsel Regarding the Finance Committee Audit,*” July, 2014 to the Arizona Association of Corporate Counsel.
- “*Preferences in Bankruptcy,*” April 2014, YouTube short.
- “*The Automatic Stay, What Does It Really Stop?*” January 2014 YouTube short.



WENDY N. WEIGAND
weigand@gustlaw.com
602.257.7410

PRACTICE AREAS
Construction Law
Civil Litigation
Commercial Litigation
Insurance Defense

Wendy Weigand is a litigator who practices in various areas including construction, breach of contract, and commercial law. She is experienced in managing a diverse caseload of general civil litigation and insurance defense matters in various state and federal trial and sometimes appellate courts. She is responsible for initial case assessment and budgeting, development of litigation strategy, extensive client contact, supervision of paralegals and staff assignment to files, hiring of experts, taking and defending depositions, all court appearances, including jury and bench trials, settlement negotiations, mediations and arbitrations, and drafting of pleadings, motions, discovery requests and responses, and all trial-related documents.

Wendy has represented clients before various administrative bodies, including the Equal Employment Opportunity Commission, the Arizona Registrar of Contractors, and the Department of Economic Security.

Wendy is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- Northwestern University (B.A., Political Science, 1990)
- Cleveland-Marshall College of Law (J.D., 1993)

ADMISSIONS

- Ohio (1993, inactive)
- Illinois (1994, inactive)
- Arizona (1998)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona (member, Trial Practice and Construction Law Sections; State Bar Convention Committee Member)
- Maricopa County Bar Association (member, Construction Law and Litigation Sections)
- American Bar Association (member, Litigation and Tort, Trial & Insurance Practice Sections)
- Arizona Association of Defense Counsel
- Arizona Women Lawyers Association
- Defense Research Institute
- Arizona Insurance Claims Association

PRESENTATIONS AND PUBLICATIONS

- Author, “Has the Time Come for Dr. Death: Should Physician-Assisted Suicide Be Legalized?,” *Journal of Law and Health*, Volume 8, Issue 2.

COMMUNITY INVOLVEMENT

- Professionals Investing in People (Vice President)
- Florence Crittenton INSPIRE member



KELLI K. WILLIAMS
kwilliams@gustlaw.com
602.257.7954

PRACTICE AREAS
Insurance Coverage and Bad
Faith Litigation
Accident and Personal Injury
Litigation
Medical Malpractice and
Healthcare Litigation

Kelli Williams concentrates her practice in litigation, specifically in the areas of elder abuse and medical malpractice. She has extensive experience in the defense of skilled nursing facilities, assisted living facilities, group homes, physicians and other health care providers. She also practices in the areas of catastrophic accidents, personal injury and toxic tort litigation.

Kelli spent her early years of practice advocating on behalf of elder and infirm adults at a nationally recognized elder abuse boutique law firm where she actively participated in successfully obtaining substantial relief for that firm's clients.

Seeking to further broaden her experience base, Kelli added complex civil litigation to her repertoire. She has a significant amount of trial experience both as a Plaintiff's attorney and Defendant's attorney. It is this perspective that provides her clients with a lawyer who is well-rounded and uniquely qualified to see the "big picture."

Kelli is a graduate of the University of California at Berkeley where she completed her undergraduate degree in just three years. She is also a graduate of Southwestern University where she excelled as a moot court participant and served as Chair of the Moot Court Board of Governors for the Moot Court Honors Program. Kelli also served as the President of the Black Law Student's Association.

EDUCATION

- Southwestern University School of Law (J.D., 2001)
- University of California at Berkeley (B.A. 1997)

ADMISSIONS

- Arizona (2004)
- U.S. District Court, District of Arizona (2005)
- U.S. Court of Appeals for the Ninth Circuit (2014)

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona
- American Bar Association
- Defense Research Institute

COMMUNITY INVOLVEMENT

- Florence Crittenton of Arizona, Board Member



CHARLES W. WIRKEN
cwirken@gustlaw.com
602.257.7959

PRACTICE AREAS
Appellate Practice
Commercial Litigation
Franchise Litigation
Real Estate Litigation

Charles (Chas) Wirken's extensive appellate experience coupled with his expertise has earned the respect of his peers and appellate judges, as indicated by his election as a Fellow in the American Academy of Appellate Lawyers, inclusion in *Best Lawyers in America*® in the Appellate Law category, and listings in the Appellate practice category of *Southwest Super Lawyers*® and among *Arizona's Finest Lawyers*.

Having briefed and argued more than 160 appeals involving a broad range of cases and issues in both state and federal appellate courts, Chas has become a valuable resource to trial lawyers inside and outside of Gust Rosenfeld. He has served as a judge *pro tem* of the Arizona Court of Appeals and co-founded the State Bar Appellate Practice Section. A true "lawyer's lawyer," Chas regularly shares his knowledge with other lawyers as a faculty member of the State Bar's Appellate Practice Institute.

In 2009, Chas successfully petitioned the United States Supreme Court to hear the case of *United Student Aid Funds, Inc. vs. Espinosa*. He was the primary draftsman of the briefs that led to a favorable decision that settled the procedural requirements for the discharge of student loan debt in bankruptcy cases.

The other focus of Chas's practice is the resolution of business disputes. He has tried a wide variety of commercial disputes to judges and juries in state and federal courts. He has a national reputation for the litigation of cases involving franchises, dealers, distributors and licensors. Since 1980, Chas has represented both franchisors and franchisees from various franchise systems, in contract, business tort, intellectual property and government regulation disputes typically encountered by such clients. Chas was recently named among the Top 100 Lawyers in Arizona and as the *Best Lawyers*® 2016 Franchise Law Lawyer of the Year for Phoenix.

Chas brings to his advocacy the perspective of years of experience as a judge *pro tem* of the Maricopa County Superior court and as a former arbitrator for the American Arbitration Association. As President of the State Bar of Arizona, Chas promoted the revival of the Arizona College of Trial Advocacy, where he annually serves as a faculty member. In recognition of his trial skills, Chas was elected as a Fellow of the Litigation Counsel of America.

In 2013, Chas was elected to membership in The American Law Institute, the leading, independent organization in the United States producing scholarly work to clarify, modernize and otherwise improve the law. In recognition of his many contributions to the law and justice in Arizona, Chas was recently inducted into the Maricopa County Bar Association Hall of Fame. Chas is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- University of Arizona (B.S. Business Administration, 1972)
- University of Arizona College of Law (J.D. 1975)

ADMISSIONS

- Arizona (1975)
- U.S. Supreme Court (1980)
- U.S. Court of Appeals, Ninth, Tenth and Federal Circuits

PROFESSIONAL AFFILIATIONS

- American Academy of Appellate Lawyers
- American Law Institute
- American Bar Association House of Delegates
- American Bar Association Forum on Franchising
- State Bar of Arizona (former president)
- Maricopa County Bar Association (former president)

COMMUNITY INVOLVEMENT

- Mesa Rotary Club (former president)
- Mesa United Way (former campaign co-chair)
- Arizona Town Hall (delegate)

REPRESENTATIVE CASES

- *Price v. City of Mesa*, 236 Ariz. 267, 339 P.3d 650 (App. 2014)
- *Weitz Co., LLC v. Heth*, 235 Ariz. 405, 333 P.3d 23 (2014)
- *In re Estate of Gardner*, 230 Ariz. 329, 283 P.3d 676 (App. 2012)
- *Sourcecorp, Inc. v. Norcutt*, 229 Ariz. 270, 274 P.3d 1204 (2012)
- *In re Estate of Olson*, 223 Ariz. 441, 224 P.3d 938 (App. 2010)
- *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260 (2010)
- *In re Hamm*, 211 Ariz. 458, 123 P.3d 652 (2005)
- *Pleak v. Entrada Prop. Owners' Ass'n*, 207 Ariz. 418, 87 P.3d 831 (2004)
- *Maricopa County v. Barfield*, 206 Ariz. 109, 75 P.3d 714 (App. 2003)
- *Mealey v. Arndt*, 206 Ariz. 218, 76 P.3d 892 (App. 2003)
- *White Mountain Apache Tribe v. Smith Plumbing Co., Inc.*, 856 F.2d 1301 (9th Cir. 1988)
- *Henderson v. Duncan*, 779 F.2d 1421, 3 Fed.R.Serv.3d 1547 (9th Cir. 1986)
- *Smith Plumbing Co., Inc. v. Aetna Cas. & Sur. Co.*, 149 Ariz. 524, 720 P.2d 499 (1986)
- *Campbell v. Westdahl*, 148 Ariz. 432, 715 P.2d 288 (App. 1985)
- *Birds Int'l Corp. v. Arizona Maint. Co., Inc.*, 135 Ariz. 545, 662 P.2d 1052 (App. 1983)
- *Harris v. Arizona Bd. of Regents*, 528 F. Supp. 987 (1981)
- *Nelson v. Cannon*, 126 Ariz. 381, 616 P.2d 56 (App. 1980)
- *Matter of Chase's Estate*, 125 Ariz. 270, 609 P.2d 85 (App. 1980)