



PINAL COUNTY
wide open opportunity

Offer and Acceptance

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

OFFER AND ACCEPTANCE FORM

TO PINAL COUNTY:

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

Authorized Signature	Partner/President
<u>Michele M. Iafrate</u>	Title
Printed Name	<u>03/29/2016</u>
	Date
<u>Iafrate & Associates</u>	<u>(602) 234-9775</u>
Company Name	Telephone
<u>649 N. 2nd Avenue</u>	<u>Phoenix, Arizona, 85003</u>
Address	City, State, Zip

For clarification of this offer, contact:

Name: Michele M. Iafrate Phone: (602) 234-9775 Fax: (602) 254-9733

Email: miafrate@iafratelaw.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 Hulse</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.

Iafrate & Associates

Firm

Authorized Signature



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PROFESSIONAL SERVICES CONTRACT

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

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

AND

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

SECTION 1. PURPOSE AND SCOPE

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

SECTION 2. TERM

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

SECTION 3. PRICING AND PAYMENT TERMS

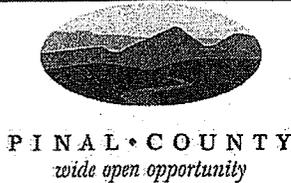
All pricing and terms associated with this professional service requested are specified on Schedule A of the Supplement.

SECTION 4. INSURANCE

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

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

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



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

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

SECTION 5. SUBCONTRACTOR INSURANCE

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

SECTION 6. INDEMNIFICATION

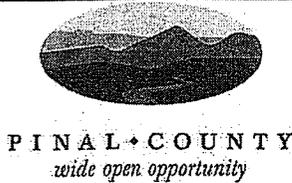
In addition to the requirements in Section 6.2 of the Uniform Terms and Conditions, Contractor shall indemnify, defend, save and hold harmless Customer, its officials, employees and agents, from any and all claims, demands, suits, actions, proceedings, loss, costs and damages of every kind and description,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

SECTION 7. NOTICE OF CLAIM

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

SECTION 8. CLAIMS/LIMITATION OF ACTION

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



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

SECTION 9. CANCELLATION OR TERMINATION OF CONTRACT

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

SECTION 10. INCORPORATION OF UNIFORM GENERAL TERMS AND CONDITIONS

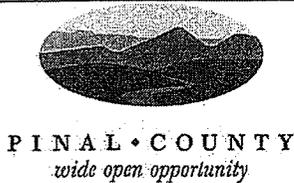
The Contractor agrees that the county's Uniform General Terms and Conditions for this ROQ are incorporated herein as if they were recited in full. If the Contractor takes exception to any such Terms and Conditions, such exception is fully explained on Response Form 1 and is subject to acceptance in writing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

SECTION 11. DISPUTE RESOLUTION

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

SECTION 12. MISCELLANEOUS

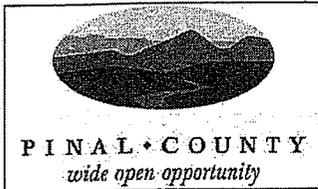
- a) **Assignability.** This contract is non-assignable in whole or in part by either party without the written consent of both parties.
- b) **Authority of Signatory.** The individuals signing this Contract and any supplements, warrant that they have been duly authorized and vested with the power to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



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- 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 1st day of June, 2016.

CONTRACTOR

Law Offices of Michele M. Iafrate, P.C.

By: Michele M. Iafrate

Title: President

Date: 3/29/2016

PINAL COUNTY

Todd House
Todd House, Chairman
Board of Supervisors

Date: 6/1/16

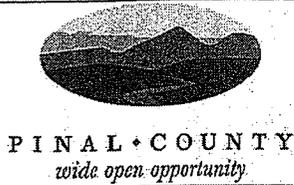


ATTEST:

Sheri Cluff
Sheri Cluff
Clerk of the Board

Approved as to Form:

Chris Keller
Chris Keller, Deputy County Attorney



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SCHEDULE A: PRICING SUPPLEMENT

The hourly rate of \$ (see attached table) 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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SCHEDULE A
Pricing Supplement Table

POSITION	HOURLY RATE
Partner:	\$300
Associate:	\$250
Law Clerk:	\$200
Paralegal/Legal Assistant:	\$175



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Responder's Checklist

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

Responder Name: *Responder Response*

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

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

Acceptability of Responses

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

1 Responders Profile

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

Firm Name: Law Offices of Michele M. Iafrate, P.C., dba Iafrate & Associates

Mailing Address: 649 N. 2nd Avenue

City: Phoenix State: Arizona Zip Code: 85003

Representative Name: Michele M. Iafrate Title: President/Partner

Phone Number: (602) 234-9775 Fax Number: (602) 254-9733

Email Address: miafrate@iafratelaw.com

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

20 years

- 1.3 How many years of experience does the local Respondent have: 20 years

- 1.4 How many years of experience does the key employee have: 20 years

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

If yes, identify who: Michele M. Iafrate



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

Pinal County
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Liaison Phone: (602) 234-9775

Liaison Email Address: miafrate@iafratelaw.com

How many years of experience does Liaison have handling public entity clients? 20 years

2 Areas of Practice

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

Area of Practice	Check Yes or No	
	Yes	No
Appellate Practice	✓	
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		✓
Housing		✓
Immigration law		✓



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



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Response Form 1
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3 References

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

1. Company Name: City of Glendale - City Attorney's Office
Address: 5850 W. Glendale Avenue, Suite 450, Glendale, AZ 85301
Contact Person: Aaron Schepler, Assistant City Attorney
Phone: (623) 930-2930 Email Address: aschepler@glendaleaz.gov
Project Name: Legal Services (various matters)

2. Company Name: City of Phoenix - City Attorney's Office
Address: 200 W. Washington Street, Phoenix, AZ 85003
Contact Person: Sharon Haynes, Assistant Chief Counsel
Phone: (602) 262-4563 Email Address: sharon.haynes@phoenix.gov
Project Name: Outside Counsel Services (various matters)

3. Company Name: Los Angeles County - Office of County Counsel
Address: 500 W. Temple Avenue, Los Angeles, CA 90012
Contact Person: Lauren Black, Risk Manager
Phone: (213) 687-4745 Email Address: lblack@counsel.lacounty.gov
Project Name: Outside Counsel - Walker v. Los Angeles County, et al.

4. Company Name: Maricopa County Attorney's Office
Address: 222 N. Central Avenue, Suite 1100, Phoenix, AZ 85003
Contact Person: Doug Irish, Chief Counsel
Phone: (602) 506-6173 Email Address: irishd@mcao.maricopa.gov
Project Name: Outside Legal Services (various matters)

5. Company Name: State of Arizona - Office of the Attorney General
Address: 1275 W. Washington Street, Phoenix, AZ 85007
Contact Person: Terry Harrison, Civil Division Section Chief
Phone: (602) 542-7680 Email Address: terry.harrison@azag.gov
Project Name: Outside Counsel Services (various matters)



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4 Prior Experience

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

Responder Response

See "Prior Experience" attachment for response.

5. Resumes

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

Responder Response

See "Resumes" attachment for response.

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

IAFRATE & ASSOCIATES

Attorneys at Law

FIRM RESUME

649 NORTH 2ND AVENUE
PHOENIX, ARIZONA 85003
(602) 234-9775
FAX: (602) 254-9733
www.iafratelaw.com

FIRM BACKGROUND

lafrate & Associates has established experience in representing its clients in the areas of civil rights litigation, general liability, employment, and appeals. The firm has well-defined goals, tools, and is committed to providing the personnel necessary to deliver expeditious, affordable, and effective full-service representation to its clients.

lafrate & Associates ensures that the attorneys selected to represent the firm's clients share in the fundamental philosophies of the firm and are dedicated to delivering effective representation. The firm's careful selection process ensures that its team is ready and willing to represent its clients' interests with the utmost ability and integrity.

lafrate & Associates focuses its practice in the areas of insurance defense, general liability defense, 42 U.S.C. section 1983, commercial products liability, personal injury, insurance coverage, employment law, and appeals. The firm possesses extensive trial and appeal experience in each of its areas of practice.

The firm has attorneys licensed in Arizona state courts, as well as Federal District Court, the Ninth Circuit Court of Appeals, and the United States Supreme Court.

lafrate & Associates is certified as a woman-owned business through the Women's Business Enterprise National Council.

ATTORNEYS



MICHELE M. IAFRATE

Senior Partner – 22 Years of Experience

Ms. Iafrate received a Bachelor of Arts degree from the University of Arizona where she graduated cum laude. In 1993, Ms. Iafrate graduated from the University of Arizona College of Law where she was a published note writer and editor for the International Journal of Comparative Law. After law school, Ms. Iafrate completed a clerkship with The Honorable Edward C. Voss at the Arizona Court of Appeals. Following her clerkship, Ms. Iafrate began prosecuting street crimes with the Maricopa County Attorney's Office. Shortly thereafter, she moved to a specialized unit where she prosecuted exclusively major drug crimes, and was the sole attorney in the Special Crimes Unit specializing in insurance fraud for the Arizona Department of Insurance.

Ms. Iafrate then moved to the County Counsel Division within the Maricopa County Attorney's Office where she represented the County's criminal justice agencies, specializing in 42 U.S.C. § 1983 lawsuits. Currently, Ms. Iafrate's practice focuses on 42 U.S.C. § 1983, elections, general tort liability, public official liability, road design/maintenance, police and fire liability, wrongful death, and appeals.

Ms. Iafrate is the sole partner at Iafrate & Associates. She continues to represent government agencies and their employees in tort claims, constitutional claims, and employment claims.



ARMAN R. NAFISI

Associate – 2 Years of Experience

Mr. Nafisi received his Bachelor of Arts degree in Political Science and Communication from the University of Washington. In 2013, Mr. Nafisi graduated from the Sandra Day O'Connor College of Law at Arizona State University. During law school, Mr. Nafisi interned for the United States Attorney's Office (Civil Division) and served as a judicial extern to the Honorable Charles Case II, United States Bankruptcy Court. After law school, Mr. Nafisi helped the Arizona Attorney General's Office achieve a trial victory in the landmark civil rights case involving the polygamous towns Colorado City, Arizona, and Hildale, Utah. Mr. Nafisi's practice focuses on defending government entities against tort and civil rights violation claims.



KATE C. NELSON

Associate – 2 Years of Experience

Ms. Nelson received a Bachelor of Arts degree and a Bachelor of Science degree from Arizona State University where she graduated magna cum laude. In 2013, Ms. Nelson graduated from Seattle University School of Law. Ms. Nelson was a domestic violence victim advocate prior to law school and continued to advocate for women and family rights during and after her legal education. During law school, Ms. Nelson was a recipient of the Public Interest Law Foundation Internship Grant and worked as a legal intern for both a moderate means program and a legislative advocacy and litigation firm. Ms. Nelson worked as a legal intern at Zachor & Thomas,

Inc., where she prosecuted misdemeanor crimes and traffic infractions. She then externed with the Maricopa County Attorney's Office Family Violence Bureau. After law school, Ms. Nelson joined the Maricopa County Attorney's Office as a research clerk and provided assistance in capital cases. Ms. Nelson then became a prosecutor for Maricopa County Attorney's Office where she managed a large misdemeanor and felony caseload. Ms. Nelson joined lafrate & Associates in 2015. She represents government agencies in constitutional claims and various tort claims, including but not limited to 42 U.S.C. § 1983.

RENEE J. WATERS

Senior Associate – 7 Years of Experience

Ms. Waters received her Bachelor of Arts degree with a double major in History and Political Science from East Central University. In 2008, Ms. Waters graduated from Washington University in St. Louis School of Law, where she was a Webster Society Scholar and a member of Washington University's highly ranked moot court and trial teams. After law school, Ms. Waters worked in St. Louis focusing on civil rights and public entity defense. She defended police officers and municipalities in both state and federal court, with an emphasis on 42 U.S.C. § 1983 claims. In 2014, Ms. Waters moved to Arizona where she worked as a prosecutor for two years, handling both trials and appeals.

MICHELE M. IAFRATE

1538 E. Eugie Avenue • Phoenix, AZ 85022 • (602) 234-9775 • miafrate@iafratelaw.com

EDUCATION:

University of Arizona College of Law, Tucson, AZ
Juris Doctorate, 1993

University of Arizona, Tucson, AZ
Bachelor of Arts Degree in Journalism/Political Science, 1990

EXPERIENCE:

Iafrate & Associates <i>Sole Partner/Owner</i>	10/2004 – Present
Iafrate & Rai, P.L.C. <i>Partner</i>	02/2002 – 10/2004
Kaites, Iafrate & Rai, P.L.C. <i>Partner</i>	01/2001 – 02/2002
Hoffman & Kaites, P.L.C. <i>Associate</i>	10/1999 – 01/2001
Maricopa County Attorney's Office <i>Deputy County Attorney</i>	06/1995 – 10/1999
Arizona Court of Appeals <i>Law Clerk for the Honorable Edward C. Voss</i>	06/1993 – 06/1995

BAR AND COURT ADMISSIONS:

State Bar of Arizona, 1993
Arizona Supreme Court, 1993
United States District Court for the District of Arizona, 1998
United States Court of Appeals for the Ninth Circuit, 1998
United States Supreme Court, 2000

ARMAN NAFISI

7849 E. Buena Terra Way • Scottsdale, AZ 85250 • 602-303-6629 • arman.nafisi@gmail.com

BAR ADMISSION

Admitted to Arizona Bar, October 2013.

EDUCATION

SANDRA DAY O'CONNOR COLLEGE OF LAW, ARIZONA STATE UNIVERSITY, J.D., May 2013

Honors: Willard H. Pedrick Scholar
Highest Pro Bono Distinction
2013 Pro Bono Achievement Award (Graduating student with the most pro bono hours)

Activities: Executive Moot Court Board
Moot Court Team: Wechsler National Moot Court Competition, Washington D.C., Oct. 2011

UNIVERSITY OF WASHINGTON, B.A., in Political Science, Communication, June 2008

Activities: Phi Alpha Delta Pre-Law Fraternity, *President*, 2007 - 2008
Department of Intercollegiate Athletics, *Sports Marketing Intern*, 2005 - 2006

Publications: Nafisi, Arman. "Blogging Outside Iran: A Tool for Internal Democratic Change?"
Center for Communication and Civic Engagement, University of Washington. June 13, 2008.

PROFESSIONAL EXPERIENCE

IAFRATE & ASSOCIATES, Phoenix, AZ April 2014 – Present
Associate Attorney - Draft pleadings, motions, discovery, and memoranda. Conduct extensive research. Attend client meetings, depositions, and court hearings.

OFFICE OF THE ARIZONA ATTORNEY GENERAL – CIVIL RIGHTS DIVISION, Phoenix, AZ Summer 2012, Fall 2013
Volunteer Attorney - Assisted the Office in preparing for a three-month trial beginning in January 2014. Helped formulate trial strategy and researched anticipated trial evidentiary issues.

Law Clerk - Assisted attorneys in preparing and responding to pleadings and motions, including motions for summary judgment. Drafted a successful motion to deny amending the scheduling order to introduce an expert witness.

CIVIL JUSTICE CLINIC, ARIZONA STATE UNIVERSITY, Tempe, AZ Aug. 2012 – May 2013
Student Attorney - Represented homeowners in mortgage fraud and wrongful foreclosure lawsuits. Drafted pleadings and discovery requests. Settled a Fair Debt Collection Practices Act lawsuit with financial servicer party. Obtained unemployment benefits for client after conducting direct examination, cross-examination, and closing argument at trial.

SANDRA DAY O'CONNOR COLLEGE OF LAW, Tempe, AZ
Teaching Assistant - Professors Beth DiFelice, Victoria Trotta (Advanced Legal Research) Fall 2012, Spring 2013
Research Assistant - Professor Laura Dickinson Spring 2011

HON. CHARLES CASE II, U.S. BANKRUPTCY COURT, DISTRICT OF ARIZONA, Phoenix, AZ Spring 2012
Judicial Extern - Prepared bench memoranda for assigned calendar matters. Briefed cases scheduled for oral argument. Assisted Judge Case in writing the Chapter 13 section of Bloomberg Law's forthcoming bankruptcy treatise. Drafted an opinion for a student loan discharge case.

U.S. ATTORNEY'S OFFICE, DISTRICT OF ARIZONA – CIVIL DIVISION, Phoenix, AZ June 2011 – Dec. 2011
Legal Intern - Researched and drafted memoranda in a variety of substantive areas including medical malpractice, secured transactions, employment compensation, and procedural issues under the Federal Rules of Civil Procedure. Gave a presentation to the Office on the Federal Tort Claims Act.

U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT, San Francisco, CA 2009 – 2010
Courtroom Deputy Clerk - Coordinated lawyer preparation for oral argument calendar. Managed courtroom proceedings.

LANGUAGE SKILLS AND INTERESTS

Farsi (Persian) • U.S. Civil War history • Playing Basketball • College sports • visiting the Middle East

Katherine C. Nelson

4040 E. Casitas del Rio Dr. | Phoenix, AZ 85050 | 480.510.9648 | katenelsonjd@gmail.com

BAR ADMISSION

STATE OF ARIZONA, Admitted October 2013

EDUCATION

SEATTLE UNIVERSITY, Seattle, WA

Juris Doctor, May 2013

GPA: 3.183

Grants: Recipient of the Public Interest Law Foundation Summer 2013 Internship Grant

Competitions: *3rd Place* and *Regional Competitor*, Client Counseling Competition; *5th Place*, Representation in Mediation Competition; *Competitor*, In-House Mock Trial

Student Boards: *President*, Criminal Justice Society; *Regional Committee Chairperson & Board Member*, Moot Court Board

Publications: Kate Dannenbaum, *Laws Fight Back Against Bullying*, KING CNTY. BAR ASSOC., Sept. 2011, at 1.

ARIZONA STATE UNIVERSITY, Tempe, AZ

B.A., Psychology, *magna cum laude* 2008; *B.S.*, Political Science, *magna cum laude* 2008

EXPERIENCE

IAFRATE & ASSOCIATES

Associate Attorney, May 2015 – Present

- Litigate civil defense cases in state and federal courts by preparing pleadings, motion and disclosures, taking and defending depositions, and conducting and facilitating large document production and review.
- Critique factual and legal issues to determine litigation strategy, project trial outcomes, and negotiate settlement of claims.
- Assist clients in accomplishing and maintaining compliance with federal and state laws, as well as court orders.

MARICOPA COUNTY ATTORNEY'S OFFICE, PRELIMINARY HEARINGS BUREAU

Deputy County Attorney, February 2014 – February 2015

- Analyze and appraise both facts and legal issues for assigned felony cases and create and extend initial plea offers, as well as effectively and efficiently negotiate the just resolution of these cases during the preliminary phase of the criminal justice process.
- Comply with victims' rights and advocate for victims, communicate restitution requests, and participate in restitution hearings.
- Communicate effectively and maintain a professional relationship with victims, witnesses, judges, and other agencies, and interview witnesses and consult experts as needed in assigned cases.
- Prosecute all criminal matters in the Country Meadows Justice Court, including but not limited to DUI offenses, other traffic offenses, assaults, thefts, and domestic violence-related crimes, from the arraignment in each case to its resolution.
- Conduct trials and evidentiary hearings, and present oral arguments as necessary in addition to applying legal analysis, research, and writing skills to draft clear, concise, organized, and persuasive pleadings, memoranda, and other legal correspondence.
- Utilize strong organizational and preparation skills to successfully manage a large caseload comprised of cases at various stages of the criminal justice process, as well as appropriately handle unforeseen problems.

MARICOPA COUNTY ATTORNEY'S OFFICE, RESEARCH BUREAU

Research Clerk, August 2013 – February 2014

- Analyze, research, and draft responses to office-wide research requests, including but not limited to general and case-specific inquiries and novel legal questions in the areas of capital litigation, family violence, gangs, drug enforcement, and vehicular crime.
- Identify case-specific legal issues and create objective in-office memoranda, as well as persuasive State motions, responses to defense motions, and filed memoranda for cases in pre-trial, trial, and appellate stages of litigation.
- Provide ongoing and long-term assistance to specific capital cases in both the trial and appellate process, including but not limited to drafting motions and responses, preparing responses to Rule 32 petitions, reviewing trial transcripts, assisting with evidence viewings, and reviewing evidence and records to create strategies and anticipate defense positions.

MARICOPA COUNTY ATTORNEY'S OFFICE, FAMILY VIOLENCE BUREAU

Rule 38 Extern, January 2013 – May 2013

- Actively and independently prepare criminal cases for trial, including but not limited to identifying and researching legal issues, drafting motions and responses, conducting witness interviews, assembling trial notebooks, preparing law enforcement personnel for testimony, creating demonstrative evidence.
- Appear in court during preliminary and trial proceedings; represent State in oral arguments; conduct voir dire.
- Quickly and efficiently respond to requests for legal research, motions, responses to Defense motions, and evidentiary analysis.

ZACHOR AND THOMAS, INC., P.S.

Rule 9 Intern, February 2012 – January 2013

- Prosecute misdemeanors, gross misdemeanors, and contested traffic infractions for several Washington cities.
- Conduct victim interviews, engage in negotiations with opposing counsel, provide jury trial support, and brief research and writing.
- Represent City of Lynnwood in regular arraignment and probation review calendars.

LEGAL VOICE

Legal Intern, May 2011 – August 2011

- Researched and investigated legal issues and policy questions in areas of education law, housing law, Violence Against Women Act, family law, and civil rights.
- Drafted legal memoranda and research summaries in support of ongoing impact civil litigation cases.

MODERATE MEANS PROGRAM

Legal Intern, February 2011 – December 2011

- Interviewed potential clients concerning family law and consumer issues; develop and provide intake and legal issue summaries to assigned attorneys; evaluate eligibility and refer appropriate cases to participating attorneys.

CHRYSALIS

Court Victim Advocate, May 2008 - July 2010

- Provided victim advocacy services for Maricopa County Superior Court's Domestic Violence Court and Adult Probation Domestic Violence Unit, and interfaced with commissioners, attorneys, and officers.
- Accompanied victims to court and assisted in staff meetings, court hearings, and impact statements.
- Created and implemented a domestic violence educational outreach program for community and law enforcement agencies that earned a \$79,400 grant awarded from the Arizona Governor's Office for Children and Families and the U.S. Department of Justice.

ARIZONA STATE ATTORNEY GENERAL, OFFICE OF VICTIM SERVICES

Victim Advocate Intern, January 2008 - May 2008

- Acted as a victim liaison; maintained correspondence with other assistance and compensation agencies; updated criminal files and provided notification to victims of all proceedings and case updates.
- Accompanied victims to court to provide criminal justice and legal rights education.

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE, PUBLIC POLICY OFFICE

Legal/Public Policy Intern, May 2007 - August 2007

- Analyzed Federal anti-violence legislation and appropriations; attended congressional hearings, and meetings.
- Compiled statistics and authored reports regarding family abuse, dating violence, pregnancy and reproductive health, specifically targeted to be used by victims and congressional districts.

TEEN LIFELINE

Intern, September 2005 - November 2006

- Supervised and provided telephonic suicide and crisis counseling for teens and adolescents
- Organized charity events and created educational outreach materials for adolescents, donors and media.

Renee J. Waters

946 W. Placita Luna Bonita · Oro Valley, AZ 85755 · renee_waters@icloud.com · (580) 310-2996

BAR MEMBERSHIPS:

State of Arizona
State of Missouri
United States District Court for the Eastern District of Missouri
Eighth Circuit Court of Appeals

EDUCATION:

Washington University School of Law, St. Louis, Missouri

J.D., May 2008

Honors and Activities:

Webster Society Scholar – full tuition, public service scholarship
Order of the Barrister
Champion, Wiley Rutledge Moot Court Competition (2L) Washington University
Washington University Trial Advocacy Team (2 years)
Washington University National Moot Court Team (2 years)
Legal Research and Writing Award for Excellence in Oral Advocacy (1L)

East Central University, Ada, Oklahoma

B.A. History, B.A. Political Science, May 2005

Honors and Activities:

Regents Scholar – full-tuition scholarship
Intercollegiate Forensics Speaker of the Year (2003, 2004, 2005)
Recipient, Louis Hornbeak Scholarship in History
Honors Societies: Speech, History, Political Science, and Alpha Chi

EXPERIENCE:

Iafrate & Associates, Phoenix, AZ

March 2016 – Present

Associate Attorney

Responsible for drafting pleadings, motions, discovery, and memoranda. Conduct extensive research. Attend client meetings, depositions, and court hearings

Pinal County Attorney's Office, Florence, AZ

October 2014 – February 2016

Deputy County Attorney

Responsible for handling all appellate work, including special actions, rule 32 petitions, and justice court and juvenile appeals; perform legal research and writing for trial attorneys; provide advice on legal issues for trial attorneys. Also maintained a trial docket: responsible for handling all stages of criminal prosecution; experience as first and second chair felony trial attorney prosecuting violent crimes.

Foreign Lawyer (awaiting admission on motion)

February 2014–October 2014

Responsible for drafting briefs, motions, and memorandums; performing legal research; consulting with trial attorneys; and assisting with research and drafting related to the office's legislative priorities. Completion of assignments required exercise of professional judgment but foreign lawyer status required supervision of licensed Arizona attorney.

Zoole & Associates, St. Louis, MO

September 2008-January 2014

Associate

Responsible for handling all stages of civil litigation, including preparing pleadings, motions, briefs, and pre-trial compliance; client contact; trials; and appeals. First-chair jury trial and appellate experience in both state and federal court. Experience handling complex federal civil litigation. Also responsible for supervising contract attorneys.

Harris County District Attorney's Office, Houston, TX

Summer 2007

Licensed Intern

Responsible for handling all stages of misdemeanor prosecution, including witness contact, plea negotiations, court docket appearances, trial preparation, and jury and bench trials. First-chair trial experience and experience handling a large caseload.

Oklahoma Court of Criminal Appeals, Oklahoma City, OK

Summer 2006

Summer Law Clerk, Judge Gary L. Lumpkin

Responsible for reviewing appellate briefs and trial records submitted by both parties, conducting legal research, authoring draft opinions, and reviewing circulated opinions for legal and factual accuracy. Attended oral arguments.

Pontotoc County District Judge's Office, Ada, OK

Summer 2002, 2003, 2004;

Intern – District Judge Tom Landrith

Fall 2003; Spring 2003, 2004, 2005

Observed all court proceedings, including motion hearings, preliminary hearings, and both civil and criminal trials. Reviewed submitted briefs and motions, conducted legal research, prepared memoranda and jury instructions. Completed plea of guilty paperwork for indigent defendants. Discussed cases at length with Judge Landrith.

AREAS OF CIVIL SPECIALIZATION:

Civil rights, particularly federal § 1983 litigation; employment discrimination; municipal and public entity defense; policy and practice liability assessment.

RESPONSE FORM 1

Prior Experience

The following are matters that were successfully handled by lafrate & Associates.

- 1. Case Name:** Barbara Cenite v. City of Phoenix
Maricopa County Superior Court Case No.: CV2009-037121
Represented: City of Phoenix
Staff Involved: Lead attorney: Michele lafrate; Associate: Arman Nafisi;
Law Clerk: Cari Shehorn; Legal Assistants: Tracy Cryan and Jill Laforanara

This matter arose from a car accident that occurred on November 30, 2008, at the intersection of 27th Drive and Carefree Highway. Plaintiff alleged in her Notice of Claim that a design defect at the intersection led to the accident. The alleged design defect resulted from a median that was excessively wide for traffic traveling east and west. In addition, Plaintiff alleged that the City of Phoenix had prior notice of the defect. In her Notice of Claim, Plaintiff demanded \$5,000,000 and \$1,000,000 to settle her and her son's claims, respectively. After years of discovery and Plaintiff's multiple trial delays, a six-day trial was held in August 2014. The trial resulted in a defense verdict. The Court entered its Judgment on September 29, 2014.

- 2. Case Name:** Placida Maldonado v. State of Arizona, et al
Maricopa County Superior Court Case No.: CV2010-011572
Represented: State of Arizona and Arizona Board of Education
Staff Involved: Lead attorney: Michele lafrate; Law Clerk: Cari Shehorn;
Legal Assistant: Jill Laforanara

High school math teacher Tamara Hofmann began a sexual relationship with her student Sixto Balbuena in 2006 when Balbuena was a junior at Marco de Niza High School. Hofmann and Balbuena's relationship was discovered and reported to school officials. Hofmann later resigned. Despite having been reported, there was no indication in the database that the Arizona State Board of Education was investigating Hofmann; therefore, Hofmann interviewed and accepted a teaching position with El Dorado High School. The school district checked the database to ensure that Hofmann's certification was valid. Because there was no indication in the database regarding any investigation, El Dorado High School hired Hofmann. At El Dorado High School, Hofmann began a sexual relationship with her student Samuel Valdivia when he was in his junior year. On April 9, 2009, Hofmann called Valdivia, now a high school senior, and invited

RESPONSE FORM 1

Prior Experience

him over to her house. Earlier in the evening, Hofmann's fiancé and former high school student, Balbuena, had phoned her from the U. S. Naval base in El Centro, California, indicating that he was granted three days liberty and would come to see her. Balbuena drove from California on April 10, 2009. He entered the home of Hofmann through an unlocked door. Balbuena found Hofmann and Valdivia in the bathroom. Hofmann was naked. Balbuena threw furniture at Valdivia and stabbed him with a knife. Valdivia died from his injuries.

Plaintiff Placida Maldonado, mother of Samuel Valdivia, filed suit against the State of Arizona, Arizona Board of Education, Arizona Board of Charter Schools, Tempe Union High School District, the Leona Group, Tamara Hofmann, and Sixto Balbuena. As to Defendants State of Arizona and Arizona Board of Education, Plaintiff alleged wrongful death, negligence, negligence per se, and intentional infliction of emotional distress. Defendants State of Arizona and Arizona Board of Education filed a Motion for Summary Judgment. The Court granted the Motion on October 26, 2011. The Court entered its Judgment on December 9, 2011. Plaintiff appealed to the Arizona Court of Appeals. After briefing was complete, the Court of Appeals issued a Memorandum Decision on March 26, 2013 affirming the trial court's ruling. Plaintiff filed a Petition for Review in the Arizona Supreme Court. The Arizona Supreme Court denied Plaintiff's Petition on September 24, 2013.

3. **Case Name:** Terry Stadler, et al. v. City of Phoenix, et al.
U.S. District Court Cause No.: CV10-1072-PHX-SRB
Represented: City of Phoenix and Phoenix Police Department
Staff Involved: Lead attorney: Michele Iafrate; Law Clerk: Cari Shehorn;
Legal Assistant: Jill Laforanara

On February 6, 2009, Kristi Stadler, armed with a Taurus model .38 caliber handgun, attempted to commit suicide near the South Mountain Preserve. The Phoenix Police Department responded and was successful in talking Kristi out of suicide. The gun was confiscated and stored as property at Ahwatukee's Foothills Police Station. On May 7, 2009, Kristi went to the property room at Phoenix Police Department and requested her gun. She was given it back pursuant to policy. On May 8, 2009, Kristi called a crisis hotline stating that she intended to kill herself if anyone came near her or chased her in their car. As Kristi left her residence in her car, a DPS officer followed Kristi from the location. He attempted to make a traffic stop; however, Kristi failed to stop. Kristi called 911 during this pursuit and asked

RESPONSE FORM 1

Prior Experience

the dispatcher to tell the officer to quit following her or she would kill herself. It is unclear whether the 911 communication was relayed to the DPS officer. After a high-speed pursuit, Kristi drove into the Circle K at 1501 West Warner Road in Tempe and parked her car. The officer pulled in behind her vehicle, blocking it. Kristi then shot herself in the chest. Plaintiffs claimed that the Phoenix Police Department was grossly negligent in giving Kristi's gun back without first conducting a background check to determine whether she was a suicide risk. Further, Plaintiffs argued that Phoenix Police Department called off a welfare check. If they had not done so, they likely would have saved Kristi's life. Plaintiffs' Notice of Claim demand was \$4,700,000.

Plaintiffs filed suit against City of Phoenix, Phoenix Police Department, State of Arizona, Arizona Department of Public Safety, and various officers claiming negligence, wrongful death, 42 U.S.C. § 1983 violations, and gross negligence. Defendants City of Phoenix and Phoenix Police Department ultimately filed a Motion for Summary Judgment. On December 10, 2012, the Court granted the Motion and entered its Judgment dismissing the case.

4. **Case Name:** Meghan Marie Moses v. City of Glendale, et al.
Maricopa County Superior Court Case No.: CV2011-017724
Represented: City of Glendale, Ryan Horrall, Thomas Robbins, Robert Schmuck, and William Downey, Jr.
Staff Involved: Lead attorney: Michele Iafrate; Associates: Arman Nafisi and Kate Nelson; Law Clerk: Cari Shehorn; Legal Assistants: Tracy Cryan and Jill Lafornera

On September 23, 2010, Plaintiff, a 25 year old pregnant woman, stole a bait car that was parked at an apartment complex parking lot. Plaintiff drove the bait car to a nearby gas station. Plaintiff exited the vehicle and, after recognizing police presence, began running from the car. Plaintiff ran across a busy street to a Circle K. Detective Horrall announced himself as a police officer and ordered Plaintiff to stop running. Plaintiff ignored Detective Horrall. While running, Plaintiff reached in her back pocket. Detective Horrall repeatedly told Plaintiff to freeze. Because she refused to obey, Detective Horrall drew his weapon. Detective Horrall immediately holstered his weapon when he realized that Plaintiff was not carrying a weapon. Officer Robbins stopped Plaintiff in the Circle K parking lot. Once Officer Robbins caught up to Plaintiff, she folded to the ground in a fetal position with her hands clamped at her chest. Officer Schmuck and Officer

RESPONSE FORM 1

Prior Experience

Downey removed Plaintiff's hands from under her chest and placed them in handcuffs. Plaintiff was arrested for: 1) criminal damage; 2) burglary from a vehicle; and 3) unlawful means of transportation.

Plaintiff was taken to the Glendale Police Detention Facility where she was read her Miranda Rights and questioned. Plaintiff never told Defendants that she was pregnant, and she had no visible signs to indicate she was pregnant. At the time of her arrest, Plaintiff was 5'5" tall and weighed less than 100 lbs.

On January 11, 2011, Plaintiff served a Notice of Claim alleging she had a miscarriage while at the Maricopa County Jail on September 24, 2010. In her Notice of Claim, Plaintiff demanded \$2,000,000 to settle her claim. Plaintiff served another Notice of Claim on March 21, 2011 stating she had a miscarriage on October 20, 2010. In her second Notice of Claim, Plaintiff demanded \$750,000 to settle her claim. On September 23, 2011, Plaintiff filed a Complaint against Defendants, alleging the following causes of action: 1) excessive use of force; 2) negligence per se; 3) aggravated negligence; and 4) personal injury. This case proceeded to trial on August 17, 2015. The trial resulted in a defense verdict. The Court entered its Judgment on November 3, 2015.

- 5. Case Name:** Danielle Powers v. Arizona Department of Corrections
U.S. District Court Case No.: CV13-00988-PHX-NVW
Represented: Arizona Department of Corrections
Staff Involved: Lead attorney: Michele Iafate; Law Clerk: Cari Shehorn;
Legal Assistant: Jill Laforanara

Plaintiff was a correctional officer with the Arizona Department of Corrections (ADOC). She alleged that a fellow corrections officer sexually harassed her. The officer was disciplined and removed from the same prison as Plaintiff. The two had some cross over during some shift changes but had no contact. Plaintiff filed a claim against ADOC alleging sexual discrimination and retaliation. ADOC filed a Motion for Summary Judgment. On July 29, 2014, the Court granted the Motion and entered its Judgment dismissing the case.

IAFRATE & ASSOCIATES

Attorneys at Law

MICHELE M. IAFRATE
ARMAN R. NAFISI
KATE C. NELSON
RENEE J. WATERS

649 N. Second Avenue
Phoenix, AZ 85003
(602) 234-9775
Fax (602) 254-9733
Tax ID 20-1803233

March 29, 2016

Via Bonfire Submission

Pinal County
Finance Department
31 N. Pinal Street, Building A
P.O. Box 1348
Florence, Arizona 85132

**Re: Request for Proposal for Legal Services for the
City of Glendale – RFP 15-29**

To Whom It May Concern:

This letter is intended to express the interest of IafRATE & Associates in developing a relationship with Pinal County as a specialty legal services provider. Early in my career, I prosecuted cases at the Maricopa County Attorney's Office. I later transitioned to County Counsel where I represented Maricopa County and its agencies. When I transitioned to private practice, I serviced the County and other governmental entities in personal injury and 42 U.S.C. § 1983 litigation, which I continue to do today.

Currently, IafRATE & Associates has cases with the City of Phoenix, the City of Glendale, Maricopa County, the State of Arizona, and private insurance carriers. Government entities are attracted to IafRATE & Associates because of our background in criminal law and 42 U.S.C. § 1983 cases. In addition, we currently have cases that deal with road construction and maintenance, general tort liability, civil rights, insurance coverage, appeals, public records, employment and personal injury.

As listed on Response Form 1 of our response to the Notice of Review of Qualifications, IafRATE & Associates has experience in the following areas: appellate practice; election and voter registration law; general governmental practice; general litigation; labor law and employment; public official liability; road design, construction or maintenance liability; § 1983 civil rights defense; and tort liability. We have successfully handled cases in all of the above-mentioned areas. We have participated in complex, multi-million dollar lawsuits. However, we also have handled frivolous lawsuits filed by inmates acting as their own

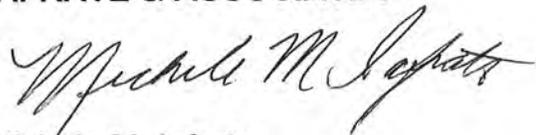
attorneys. We have filed dispositive motions to end the litigation short of trial, and we have defended cases in trial at the state and federal levels. We also have litigated matters at the Arizona Court of Appeals, the Arizona Supreme Court, and the Ninth Circuit Court of Appeals.

Uploaded for your review are our supporting documents in response to the Notice of Review of Qualifications for Specialty Legal Services for Pinal County. Included in our response is a copy of our firm resume. A review of the resume will reveal that the attorneys at lafrate & Associates have extensive experience in representing government entities.

The team at lafrate & Associates enjoys the variety of opportunities provided when representing government agencies. We have been fortunate to gain such experience representing government entities throughout Arizona. lafrate & Associates would like the opportunity to use this experience to develop a position as outside counsel for Pinal County.

Sincerely,

IAFRATE & ASSOCIATES

A handwritten signature in black ink, appearing to read "Michele M. lafrate", written in a cursive style.

Michele M. lafrate

MMI/as