

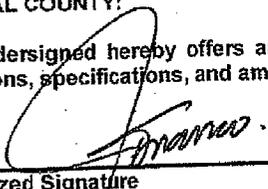
 PINAL COUNTY <i>wide open opportunity</i>	<h2>Offer and Acceptance</h2>	Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132
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ORIGINAL

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	Senior Partner Title
Jorge Franco, Jr.	April 7, 2016 Date
Printed Name	Jennings, Haug & Cunningham, L.L.P.
Company Name	602-234-7800 Telephone
2800 N. Central Avenue, Suite 1800, Phoenix AZ 85004 Address	City, State, Zip

For clarification of this offer, contact: (602) 234-7810

Name: Jorge Franco Phone: (602) 312-0888 Fax: (602) 255-7795

Email: jf@jhc-law.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 Huse</u> Name (Print)	<u>Chairman</u> Title	 Signature
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Approved as to form: 
Pinal County Attorney's Office

 <p>PINAL COUNTY <i>wide open opportunity</i></p>	<h2>Offer and Acceptance</h2>	<p>Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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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.

Jennings, Haug & Cunningham, L.L.P.

Firm

Authorized Signature

 <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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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.



PINAL COUNTY
wide open opportunity

ROQ - 151721
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Pinal County
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P.O. Box 1348
Florence, AZ 85132

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

 <p>PINAL COUNTY <i>wide open opportunity</i></p>	<p align="center">ROQ – 151721 Specialty Legal Services</p>	<p align="right">Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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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.



ROQ – 151721
Specialty Legal Services

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

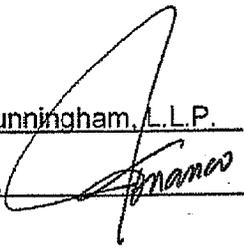
- g) **General Compliance with Laws.** Contractor is required to comply with all applicable federal and state laws and local ordinances and regulations.
- h) **Headings.** The headings for each paragraph of this Contract are for convenience and reference purposes only and in no way define, limit or describe 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.

 <p>PINAL COUNTY <i>wide open opportunity</i></p>	<p align="center">ROQ – 151721 Specialty Legal Services</p>	<p align="right">Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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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

Jennings, Haug & Cunningham, L.L.P.
 By: Jorge Franco, Jr. 
 Title: Senior Partner
 Date: 4/7/16

PINAL COUNTY

Todd House
 Todd House, Chairman
 Board of Supervisors
 Date: 6/1/16



ATTEST:
Sheri Cluff
 Sheri Cluff
 Clerk of the Board
 Approved as to Form:
Chris Keller
 Chris Keller, Deputy County Attorney



PINAL COUNTY
wide open opportunity

ROQ - 151721
Specialty Legal Services

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

RESPONDENT'S PROPOSED PRICING

Senior Partner (16+ years)	\$ 250.00	per hour
Partner (10-16 years)	200.00	per hour
Senior Associate (8-10 years)	175.00	per hour
Associate (0-5 years)	150.00	per hour
Paralegal	100.00	per hour

OFFER AND ACCEPTANCE TITLE PAGE

Solicitation No.: ROQ-151721

Responder's Name: Jorge Franco, Jr.

Responder's Address: Jennings, Haug & Cunningham, L.L.P.
2800 North Central Avenue, Suite 1800
Phoenix, AZ 85004-1049
Telephone: (602) 234-7800

Solicitation Contact Person: Jorge Franco, Jr.
Senior Partner
Jennings, Haug & Cunningham, L.L.P.
2800 North Central Avenue, Suite 1800
Phoenix, AZ 85004-1049
Telephone: (602) 234-7800



PINAL COUNTY
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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://pinalcountyz.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 *[Handwritten Signature]* Date *4/7/16*

ADDENDUM NO. 2 Acknowledgement _____
Signature *[Handwritten Signature]* Date *4/7/16*

ADDENDUM NO. 3 Acknowledgement _____
Signature _____ Date _____

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

Firm

Authorized Signature



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



March 16, 2016

Jennings, Haug & Cunningham, LLP
2800 N. Central Avenue
Suite 1800
Phoenix, AZ 85004

RE: **Professional Liability Insurance**
Policy Period: 12:01 a.m. March 11, 2016 to 12:01 a.m. March 11, 2017

Dear Scott:

The following carriers are on your professional liability insurance.

Primary

Brit (Lloyd's Synd.)
Swiss Re Intl. SE
Ace (Lloyd's Synd.)
Beazley (Lloyd's Synd.)
Nautilus (Berkley Select)
Ren Re (Lloyd's Synd.)

Limit: \$10,000,000 per claim / \$10,000,000 aggregate

Sincerely,

Chester D. White
Vice President



PINAL COUNTY
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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

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: Jennings, Haug & Cunningham, L.L.P.

Mailing Address: 2800 N. Central Avenue, Suite 1800

City: Phoenix State: AZ Zip Code: 85004

Representative Name: Jorge Franco Title: _____

Phone Number: 602-234-7810 Fax Number: 602-277-5595

Email Address: jf@jhc-law.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: 24 years

- 1.4 How many years of experience does the key employee have: 24 years

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

If yes, identify who: Scott Andersen



PINAL COUNTY
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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) 234-7816

Liaison Email Address: sa@jhc-law.com

How many years of experience does Liaison have handling public entity clients? 15 years

2 Areas of Practice

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

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



PINAL COUNTY
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Response Form 1
ROQ-151721
Specialty Legal Services

Pinal County
Finance Department
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Florence, AZ 85132

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



PINAL COUNTY
wide open opportunity

Response Form 1
ROQ-151721
Specialty Legal Services

Pinal County
Finance Department
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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: Rocky Armfield (former Director of Risk Management at Maricopa County and Maricopa Integrated Health Service)
Address: Arizona Counties Insurance Pool, 1905 West Washington Street, Suite 200, Phoenix, AZ 85009
Contact Person: _____
Phone: (602) 452-4523 Email Address: Rocky@aciponline.org
Project Name: _____

2. Company Name: Mark T. Blank, J.D. (former Claims Manager at Maricopa Integrated Health Service)
Address: Nationwide Insurance Company, 8877 N. Gainey Center Drive, Scottsdale, AZ 85258
Contact Person: _____
Phone: (480) 365-2494 Email Address: blankm2@scottsdaleins.com
Project Name: _____

3. Company Name: Wade Swanson (former Director and General Litigation Counsel for Maricopa County)
Address: Bar-S Foods, Company, 5090 North 40th Street, Suite 300, Phoenix, AZ 85018
Contact Person: _____
Phone: (602) 285-2652 Email Address: wswanson@bar-s.com
Project Name: _____

4. Company Name: Ted Howard (former Claims Manager at Maricopa County)
Address: Arizona Department of Transportation, 206 S. 7th Avenue, Phoenix, AZ 85007
Contact Person: _____
Phone: (602) 712-6546 Email Address: tedhoward@azdot.gov
Project Name: _____

5. Company Name: Jacquie Garrett (former Claims Adjuster of Maricopa County)
Address: 1232 East Meadow Lane, Phoenix, 85022
Contact Person: _____
Phone: 602-993-3784 Email Address: garrett.jacquie@gmail.com
Project Name: _____

(References continue on next page)



PINAL COUNTY
wide open opportunity

Response Form 1
ROQ-151721
Specialty Legal Services

Pinal County
Finance Department
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Florence, AZ 85132

6. Company Name: Don Stapley; Andrew Kunasek; Mary Lou Wilcox; Fulton Brock; Max Wilson (former Maricopa County Board of Supervisors)
Address: _____
Contact Person: _____
Phone: _____ Email Address: _____
Project Name: _____

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 attached)

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 attached)

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

ADDENDUM

Previous Experience

The relevant previous cases and projects that I have handled, which would be similar to the legal services described in the ROQ, date back many years and are too many to itemize. I was an approved lawyer for Maricopa County and for Maricopa Integrated Health Services (MIHS) for many years and have also represented many municipalities in matters that originated either as direct assignments from general liability insurance companies and risk pools or as a result of tenders of defense that were accepted. My experience in county and municipal cases has involved some unique and special assignments, as well as all aspects of general municipal liability including: roadway design (MCDOT); medical malpractice (MIHS); correctional health; Maricopa County Dept. of Public Health/Bob England, M.D.; Section 1983 cases; excessive force (MCSO); flood control districts; declaratory judgment actions; insurance coverage and indemnity litigation; and all torts including personal injury and wrongful death.

In addition, I have represented the Maricopa County Board of Supervisor, both as a body and as individuals acting in their official capacity. (For an example *see, Arpaio v. BOS et. al.*, CV2009-028910 / CA-CV 10-0490). I have also served as counsel for the individual board members in miscellaneous matters such as the Arizona State Bar disciplinary/disbarment case against former Maricopa County Attorney, Andrew P. Thomas, and his DCAs, Lisa Aubuchon & Rachel Alexander, in which Mr. Thomas' defense counsel sought to interview and depose various Board members as part of discovery despite numerous immunity and privilege protections. (See, PDJ 2001-9002.)

Upon request, I am happy to provide any additional specific materials or answer any questions in regards to my, and my firm's, experience in the areas of legal services sought by Pinal County.

RESUMES

Arizona Business and Litigation Law Firm

At the law firm of Jennings, Haug & Cunningham, LLP, we are noted for the exceptional quality of our service and the consistent follow-through that our attorneys and staff provide to every client. Each case is overseen by a senior attorney in the firm, with support of associates and a professional administrative staff. The partner-level attorneys at Jennings, Haug & Cunningham, LLP, are seasoned lawyers, fully capable of handling all matters from start to finish.

We adapt our approach to suit the needs of each client because we recognize that a legal strategy used in one case may not necessarily be effective in the next. We also recognize that the best legal strategies, compliance programs and remediation plans are worthless if our client lacks the resources, staff or time to implement them. This is why our lawyers take into account every client's resources, operational requirements and future needs when developing a solution.

Our law firm serves businesses and individuals in Phoenix and throughout the state of Arizona. We also accept select cases in California, Nevada and throughout the southwest United States.

About Us

Firm History

Our firm was founded in 1937 with the partnership of attorneys James R. Moore and Elias M. Romley. Curtis A. Jennings joined the firm as an associate in 1963, later becoming a named partner, and then of counsel, before passing away in October 2011.

In 1981, William F. Haug joined the firm as a partner. Jack Cunningham joined the firm in 1977 and became a partner in 1982. In 1998, John R. (Jack) Cunningham became a named partner and the firm's name was changed to its current configuration, named after homegrown Arizonans Jennings, Haug & Cunningham.

Community Service

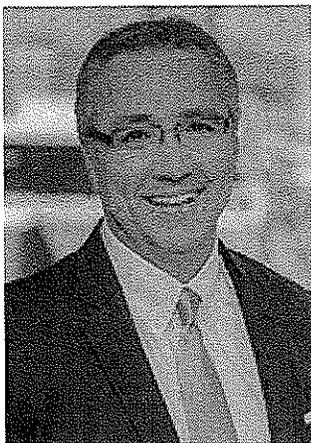
Jennings, Haug & Cunningham, LLP, maintains a strong commitment to community service, one that starts with the firm's executives leading by example. Over the years, our firm's lawyers and support staff have provided pro bono legal services to individuals and organizations serving the community.

Our lawyers and support staff also have become personally involved with numerous community organizations by serving on boards, volunteering and raising funds. These organizations include the Boy Scouts of America, Girl Scouts, M.I.K.I.D., the American Cancer Society, Special Olympics, a Soldier's Best Friend program, the Epilepsy Foundation and the Volunteer Lawyers Program.

Our attorneys are also involved in national, state and county bar associations. As leaders in their field of practice, many of our lawyers have leadership roles with practice related sections of various bar organizations, and volunteer their time to help mentor new members of the legal community.

In addition, our attorneys are active with industry associations related to their practices. They often serve as speakers at seminars and conferences, and authors in publications addressing legal issues specific to these associations and professional groups.

Please contact our firm to schedule an appointment or if you have a question regarding any legal matter.



Jorge Franco, Jr.

Location:
Phoenix, Arizona

Phone:
602-234-7810

Fax:
602-277-5595

Email:
[E-mail Me](#)

vCard:



Mr. Franco represents both plaintiffs and defendants in complex civil litigation cases ranging from insurance bad faith to professional malpractice, catastrophic injury/wrongful death, AZ Department of Child Safety ("DCS") Negligence [formerly known as Child Protective Services ("CPS")], as well as trucking and construction related injury cases. He has extensive experience representing businesses, insurance companies, individuals insured by insurance companies, self-insured companies, traffic control companies and municipalities as well as individual victims of torts in general.

Mr. Franco joined the firm in 1996 and became a partner in 1998. Prior to joining the firm, Mr. Franco was a trial attorney for State Farm Insurance Co., with its in-house law firm, where he obtained extensive litigation and trial experience. Mr. Franco holds certifications from the National Institute of Trial Advocacy (1995) and from the Arizona College of Trial Advocacy (1994).

In March 2007, Mr. Franco was appointed as adjunct faculty to the Phoenix School of Law to teach general litigation and trial practice skills to third year law students preparing to graduate and enter the practice of law. In July 2013 Mr. Franco was also appointed as faculty for the State Bar of Arizona College of Trial Advocacy where he instructs lawyers on the topic of trial practice skills.

Mr. Franco has earned the AV Rating with Martindale Hubbell®.

Mr. Franco is fluent in Spanish.

Representative Engagements

- \$350,000 Medical malpractice settlement (2014) on behalf of a surgical patient who was permanently injured and scarred in a failed laparoscopic bilateral ovarian cystectomy.
- Defense Verdict (2012) on behalf of Maricopa County in a \$1,750,000 wrongful death case brought by the parents of a deceased teenage boy in a case alleging the negligent design of a county roadway.
- Defense Verdict (2010) on behalf of Maricopa County in a \$2,000,000 property damage law suit brought by the homeowners of a flooded property.

- \$5,000,000 medical malpractice settlement (2010) on behalf of a deceased father's wife and son.
- \$875,000 Jury verdict (2009) against State of Arizona – Child Protective Services (CPS) on behalf of a father for the wrongful death of his daughter, which resulted from the neglect of her drug and alcohol dependent mother. This case resulted in the enactment of legislation known as Haley's Law.
- \$250,000 settlement (2009) against State of Arizona – Child Protective Services (CPS) on behalf of a mother for the wrongful death of her 5-year old son who was given a lethal dose of prescription SOMA while in the custody of his disturbed father in an attempted murder/suicide.
- Directed verdict obtained (2008) on behalf of the Maricopa County Department of Transportation and Flood Control District in a \$1.5 million lawsuit brought by homeowners alleging property damage resulting from County roadway maintenance coupled with flood control issues.
- Million dollar settlement (2008) against State of Arizona – Child Protective Services (CPS) on behalf of a young mother for the wrongful death of her two children killed by their father.
- \$752,500 settlement (2007) obtained against a Louisiana commercial motor carrier on behalf of a client who sustained catastrophic injuries in a freeway trucking accident where, after extensive lien negotiations, the settlement yielded a net equivalency of \$1 million for the client
- Million dollar settlement (2006) against a Utah construction company, reached on behalf of a job foreman who sustained permanent and disfiguring leg burns and crush injuries when he was struck and pinned by an out of control piece of construction equipment.
- \$7,500,000 wrongful death verdict (2004) against State of Arizona – Child Protective Services (CPS) following the death and severe beating of two sisters ages 3 and 20 months. The largest Arizona tort trial verdict in 2004.
- Mr. Franco has also had vast experience representing traffic control companies and the traffic control industry in all aspects of their business and industry, from drafting or reviewing Non-Compete Agreements, to revising company policies and procedures, defending job site injury cases, representing them in contract disputes and administrative hearings, and offering general advice and guidance on every day business, liability and risk management matters.
- Mr. Franco represents various restaurants and businesses in defending claims of negligence, sexual assault, dram shop liability, wrongful death and premises liability.
- Mr. Franco has also successfully defended and prosecuted numerous insurance bad faith claims.
- Mr. Franco also represents numerous public entities and municipalities in matters of general liability. Engagements include representation of flood control districts, irrigation districts, health care districts and departments, correctional health, Board of Supervisors and Department of Transportation.

Areas of Practice

- Litigation & Appeals
- Accidents & Injuries
- Construction Accident

- Insurance Defense
- Insurance Law
- Personal Injury
- Wrongful Death
- Dangerous Products
- Consumer Rights
- Directors & Officers' Liability
- Municipal Liability Defense
- Uninsured/Underinsured Motorist
- Medical Malpractice
- Legal Malpractice

Bar Admissions

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

Education/Training

National Institute for Trial Advocacy
Certif., 1995

Arizona College of Trial Advocacy
Certif., 1994

Thomas M. Cooley Law School
J.D., 1991

Shippensburg University of Pennsylvania
B.A., 1985

Honors and Awards

- Arizona's top 100 trial lawyers by the **National Trial Lawyers**
- AV Rating by **Martindale Hubbell**

Professional Associations and Memberships

- State Bar of Arizona, Trial Practice Section
- State Bar of Arizona, Tort & Insurance Practice Section
- Maricopa County Bar Association
- American Trial Lawyers Association
- Defense Research Institute
- Arizona Association of Defense Counsel

Languages

- Spanish



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Mark E. Barker

Mr. Barker has established a construction and commercial litigation practice with an emphasis on surety law, construction law and business dispute resolution. Mr. Barker also has a busy commercial transaction practice representing financial institutions and Arizona small businesses.

Mr. Barker assists surety clients with a variety of issues including investigation and resolution of performance and payment bond claims, takeover and completion of public, tribal and private projects, principal financing and collateral arrangements, quia timet and indemnity actions, salvage and subrogation claims.

Mr. Barker also represents Arizona small businesses and financial institutions. Mr. Barker can provide assistance with the formation of business entities, preparation of operating agreements or shareholder agreements, asset purchase and sale transactions, business reorganizations through merger or share exchange, real property acquisition and sale and other financial transactions. Representation of financial institutions has included the preparation of loan documents and related agreements for real estate acquisition, development and construction financing. Mr. Barker's work for financial institutions has expanded from primarily assisting with new loan transactions to representation arising out of the strained relationships between lenders and borrowers that have resulted from Arizona's economic woes over the last couple of years. Representation of financial institutions includes forbearance arrangements, loan modification, restructure or settlement agreements, note sales, sale transactions involving lender-owned real estate and the enforcement of lending transactions including non judicial and judicial foreclosure proceedings.

Mr. Barker joined the firm in 1984 and became a partner in 1992.

Mr. Barker is a graduate of the University of Arizona (B.S. 1981 and J.D. 1984).

Representative Engagements

- Surety company's multi-project bond loss including: takeover and completion of two housing projects owned by Indian Tribes; resolution of a performance bond claim by a general contractor on another Tribal owned project involving allegations of defective

work, latent defects, obligee overpayment and maladministration; enforcement through litigation of the indemnitor's indemnity obligations.

- Obtain *quia timet* relief for surety companies to force collateral acquisition and repayment of bond losses.
- Successful resolution of a general contractor's wrongful termination claim against public owner through settlement that, among other things, converted a termination for default to a termination for convenience.
- Negotiated and documented a member withdrawal and buyout agreement to resolve a contentious dispute between members of a limited liability company.
- Reorganization of a residential contracting business through the creation of a holding company to acquire through share exchange two existing affiliated companies as wholly owned subsidiaries.
- Preparation of loan documents for financial institution in connection with a loan of funds to a borrower for the purpose of acquiring, developing and constructing medical office condominiums.
- Preparation of loan documents for financial institution in connection with a loan of funds to a borrower for the construction of hotel properties in Arizona, Utah and New Mexico.
- Comprehensive loan restructure and modification transaction resolving loan defaults under six loans to affiliated borrowers.
- Several successful lender workout transactions resolving loan defaults by long-standing Arizona small businesses.

Areas of Practice

- Business Law
- Banking Finance
- Business Corporate Counseling
- Liability and Insurance Defense
- Commercial Business Law
- Real Estate
- Construction Law
- Surety and Fidelity Litigation

Bar Admissions

- Arizona
- U.S. District Court District of Arizona

Education

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

University of Arizona
B.S., 1981

Published Works

- Co-author, *Arizona Construction Law Practice Manual, Construction Surety Claims, State Bar of Arizona*
- *Arizona Construction Law, Continuing Legal Education, State Bar of Arizona* (1994)

Classes/Seminars

- *Annual Construction Law Seminar, State Bar of Arizona* (Several Years)
- *Dealing With The Surety On Trouble Construction Jobs, Lorman Seminars*
- *Impact of A-201 Modifications On The Surety, Surety Claims Institute*
- *Arizona Construction Law for Architects, Engineers and Contractors, HalfMoon Seminars* (April 2008)
- *Why Won't Sureties Do What You Want Them To Do?*, Construction Section monthly seminar, **State Bar of Arizona** (2001)
- *Mechanics Lien and Business Organization Strategies*, Seminar for the **Electric League of Arizona** (1993)
- *Mechanics Liens*, Seminar to **Association of Builders and Contractors** (1992)

Honors and Awards

- Selected for inclusion in the **Southwest Super Lawyers®** lists Construction/Surety, Business/Corporate (2009-2015)
- Arizona's Finest Lawyers© (2011)
- Listed in The Best Lawyers in America®, Construction Law and Construction Litigation, (2009-2016)

Professional Associations and Memberships

- State Bar of Arizona, Executive Council Member 1993-1995, Construction Law Section Member, Chair, 1996 and 1997
- Maricopa County Bar Association, Member, Construction Law Committee, Member
- American Bar Association, Member, Fidelity & Surety Law Section, Member; Construction Law Forum, Member

Pro Bono Activities

- Maricopa County Bar Association - Volunteer Lawyers Program



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Joseph A. Brophy

Mr. Brophy is a commercial litigator whose practice areas include complex business disputes, creditors' rights, fidelity and surety law, bankruptcy, construction law, and insurance defense. Mr. Brophy represents individuals, businesses and institutional creditors, as well as sureties and contractors in state, federal and bankruptcy court actions, as well as in arbitrations and administrative hearings.

Mr. Brophy joined the firm in February 2009 and became a partner in 2014.

Areas of Practice

- [Commercial and Business Law](#),
- [Commercial Litigation](#),
- [Surety & Fidelity Law](#),
- [Creditor's Rights](#),
- [Insurance Defense](#)

Bar Admissions

- Arizona

Education

University of San Diego School of Law
J.D., 2008 (*cum Laude*, Order of the Coif)
University of San Diego
B.A., 2000

Published Works

- *The Municipal Bankruptcy: Chapter 9 Issues for Sureties*, **Surety Claims Institute Newsletter** (Sep. 2013)
- *Contributing Author, 50 State Construction Lien and Bond Law*, (Arizona chapter), **Aspen Law Publications** (2013 and annual supplements)
- *Contributing Author, 50 State Contractor Licensing and Architect Registration*, (Arizona chapter), **Aspen Law Publications** (2015 and annual supplements)
- *The Quick Reference Guide to Western States Surety Law*, Editor, **WSSC, LLC** (2014)
- *Arizona Appellate Court Rejects Developer's Attempt to Force County to Make Subdivision Bond Claim*, **Fidelity & Surety Law Committee Newsletter** (Fall 2014)

Classes/Seminars

- Paper Presented, *Salvage: Getting to the Principal's Tax Refunds*, **Western States Surety Conference**, Seattle, Washington (May 2010)
- Speaker, *Don't Treat Me Bad: Dealing with Principal and Indemnitor Fraud*, **Western States Surety Conference**, Seattle, Washington (May 2014)
- Speaker, *Arizona's Daubert Rule 702*, **Arizona Association of Defense Counsel** (March 2015)
- Speaker, *Construction Defects: A Step-by-Step Guide to Unravelling Claims*, **National Business Institute** (July 2015)

Honors and Awards

- Southwest Super Lawyers Rising Star (2012-2015)

Professional Associations and Memberships

- State Bar of Arizona
- American Bar Association, Tort & Insurance Practice Section, Fidelity & Surety Law Committee
- Surety Association of Arizona, Member

Community Activities

- Madison Education Foundation, Board Member



Jack R. Cunningham

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Mr. Cunningham's practice includes both prosecution and defense of personal injury cases, all types of professional malpractice cases, litigation of insurance coverage and bad faith issues, general commercial litigation, as well as general trial and appellate work.

Mr. Cunningham joined the firm in 1977 and became partner in 1982.

Mr. Cunningham graduated from the University of Arizona (B.A. with high distinction, 1969) and Arizona State University (J.D., magna cum laude, 1977).

Mr. Cunningham has earned the AV Rating with Martindale Hubbell® and has been named to America's Best Lawyers, Southwest Super Lawyers and Arizona's Top Lawyers for multiple years.

Areas of Practice

- Accidents and Injuries
- Personal Injury
- Professional Malpractice
 - Medical
 - Legal
 - Architects & Engineers
 - Accountants
- Insurance Coverage Disputes and Bad Faith
- Liability and Insurance Defense
- Commercial Litigation
- Real Estate Brokers and Agents Litigation
- Uninsured and Underinsured Motorist Claims
- Commission/Wage Disputes
- Homeowner's Association Litigation

Bar Admissions

- Arizona
- U.S. Court of Appeals 9th Circuit
- U.S. Supreme Court
- Colorado River Tribal Court

Education

Arizona State University, College of Law
J.D., 1977 (*Magna cum Laude*)
University of Arizona
B.A., 1969 (High Distinction)

Published Works

- *Uninsured and Underinsured Motorist Law in Arizona*, **National Business Institute**(2000)
- *Litigating the Uninsured & Underinsured Motorist Claim*, **National Business Institute** (Dec. 2007)
- *Overcoming Complex Challenges in UM/UIM Law*, **National Business Institute** (2010)
- *Arizona Insurance Law - Update on Uninsured and Underinsured Motorist Law*, **State Bar of Arizona** (2013)

Honors and Awards

- Selected for inclusion in the **Southwest Super Lawyers®** lists General Litigation, Insurance Coverage, Personal Injury Plaintiff: General (2007, 2012, 2013, 2014, 2015)
- **The Best Lawyers in America®**, Personal Injury Litigation, Defense (2013-2016)
- Arizona's Top Attorneys, **Arizona Business Magazine** (2013)

Professional Associations and Memberships

- State Bar of Arizona
- Maricopa County Bar Association
- Arizona Association of Defense Counsel
- Fellow of the Arizona Bar Foundation
- American Bar Association
- American Association For Justice
- Arizona Trial Lawyers Association
- Paradise Valley Municipal Court, Magistrate Judge (2008 – Present)



Hillary P. Gagnon

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Ms. Gagnon's practice emphasizes estate planning, probate, and probate litigation. Ms. Gagnon assists families and individuals with guardianships, conservatorships and post death administration of trusts and estates. Ms. Gagnon's estate planning work consists of assisting clients develop and prepare a personalized estate plan appropriate for their individual and family needs. An estate plan may include, among other things, a will, revocable living trusts, special needs trust for a disabled child or family member, irrevocable trust, life insurance trust, estate tax planning, power of attorney, health care power of attorney, and living will.

Ms. Gagnon's trial and litigation experience includes probate matters, commercial disputes, collections, employment and labor law, liability and insurance defense and construction law.

Ms. Gagnon joined the firm in 2000 and became a partner in 2005.

Ms. Gagnon is a graduate of Wheaton College (B.S. 1994) and Suffolk University Law School (J.D. 1997).

Representative Engagements

- Represent personal representatives in the post death administration of a family member's estate.
- Represent trustees in the administration of a Trust.
- Representation of guardians and conservators of the estates of incapacitated family members, particularly those with long-term care needs.
- Representation of clients in probate litigation involving contested estates among family members.
- Advise individuals on developing and revising long-term estate plans and trusts upon entering into a new marriage.
- Regular representation of couples and individuals in the development or updating of their estate plans and preparation of trusts to protect themselves in the event of their disability and to provide for transfer of their assets at their death.
- Working with families and individuals in the development and updating of their estate plans to ensure the long-term care of their children with special needs.

- Court-Appointed Counsel for incapacitated adults in guardianship and conservatorship matters.
- Assist clients with the formation of limited liability companies and limited liability partnerships.
- Assist small business clients with succession planning and buy sell agreements.

Areas of Practice

- Estate Planning
- Trusts and Estates
- Probate
- Probate Litigation
- Guardianships and Conservatorships
- General Civil Litigation
- Business Law
- Commercial Law

Bar Admissions

- Arizona
- U.S. District Court District of Arizona

Education

Suffolk University Law School
J.D., 1997 (With Honors)

Wheaton College
B.S., 1994 (With Honors)

Published Works

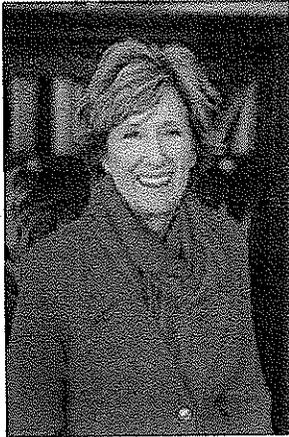
- *Long-term Planning for Families with a Special Needs Child*, **North Central News** (Sept. 2012)
- *Importance of a Revocable Living Trust as Part of Your Estate Plan*
- *Guardianships and Conservatorships* (Fall, 2011)
- *Caring for Aging Parents*
- *Changes to Federal Estate & Gift Tax Laws* (Jan. 2011)
- *Inexpensive Estate Planning Strategies* (June, 2010)
- *Understanding the Revocable Living Trust* (May, 2010)
- *8 Life Stages of Estate Planning* by G.M. Filisko quoting Hillary Gagnon
- *Estate Planning and the Special Needs Trust: Protect the Future of Your Special Needs Child* (Aug. 2009)

Professional Associations and Memberships

- State Bar of Arizona, Probate and Trust Section
- Maricopa County Bar Association, Estate Planning, Probate and Trust Section;
 - - Executive Board Member 2011- present,
 - - Chair, 2013,
 - - Treasurer, 2016,
 - - Volunteer Attorney for Probate Lawyers Assistance Project
- American Bar Association
- Arizona Women's Law Association, Former Co-Chair of the Mother Lawyer's Section
- Central Phoenix Women

Community Activities

- North Central Pop Warner Football and Cheer Association - Cheer Coordinator and Member of Board of Directors 2015 - present



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Karen S. Gaylord

Karen Gaylord's practice focuses on environmental and natural resources matter. She counsels members of municipalities, water providers, business and individuals. She has extensive experience in representing responsible parties in state and federal Superfund sites throughout Arizona. Karen has negotiated and obtained a variety of permits required for remediation of soils and groundwater, assisted with development of Brownfield properties, advised clients with cleanup of soils and groundwater, advised clients on the purchase or condemnation of potentially contaminated property, and handled wastewater treatment and reuse matters.

Representative Professional Experience

- Represents an international aerospace company regarding its environmental compliance and state and federal Superfund issues.
- Negotiated a complex settlement agreement to govern cleanup of a jet fuel spill at Phoenix Sky Harbor Airport.
- Advised Brownfield developer of the Tempe Marketplace Project, securing the delisting of the properties from the federal Superfund list and providing legal support for remediation.
- Negotiated voluntary compliance agreements for western electric utility to allow the Navajo Nation to take over regulation of a power plant located on the Nation's reservations.
- Leads environmental compliance audit teams.
- Represents clients in state and federal Superfund sites throughout Arizona.
- Represents a small southern Arizona water company in water quality issues, including negotiation of a settlement agreement that provided the water company with new wells to replace wells contaminated by a sulfate plume from a nearby copper mine.
- Successfully negotiated Arizona's first ever Mitigation Order under WQARF to require a mining company to clean up a plume of sulfate contamination.
- Advised a beverage bottling company in ensuring compliance with changing state and federal permit requirements.
- Represented a western electric utility in negotiating a Consent Decree resolving Superfund liability associated with the utility's acquisition of a parcel of land for a utility pole.

- Advised laundry services contractor in asbestos compliance issues.
- Handled WQARF and CERCLA liability issues, including issues related to the SIBW and NIBW federal Superfund sites, the Northwest Tempe WQARF site, and the Sanders Aviation cleanup site on behalf of a municipality.
- Resolved multiple water and environmental issues related to the Rio Salado Project for a local government.
- Secured a comfort letter from USEPA for a City purchasing a source property within the NIBW federal Superfund site.
- Represented the League of Arizona cities and Towns on a Cleanup Standards Policy Task Force, which established Arizona's Soil Remediation Standards.
- Served on the Joint Select Legislative Committee on the Water Quality Assurance Revolving Fund and the Groundwater Cleanup Task Force, which reformed the Arizona Superfund Program to establish proportionate share liability and dedicated orphan share funding.

Areas of Practice

- Environmental and Natural Resource Matters
- Indian Law
- Municipal Law

Bar Admissions

- Arizona

Published Works

- *Environmental Law, The Surety Underwriter's Desk Book*, Chapter 6 (2013)
- *What is the Water Quality Assurance Revolving Fund?, The Most Commonly Asked Questions in Environmental Law*, Chapter 7 (2006)
- Co-author, *What is the Water Quality Assurance Revolving Fund? The Most Commonly Asked Questions in Environmental Law*, Chapter 11 (2002). Updated Winter (2001)
- Co-author, *The National Environmental Policy Act of 1969, Arizona Environmental Law Manual*, Chapter 3.7 (Nicholas J. Wallwork eds.) (1999)

Honors and Awards

- Listed as a leading lawyer in Chambers USA®, **Arizona Environmental Lawyers** (2007-2014)
- Listed in "*The World's Leading Environmental Lawyers*" by **The International Who's Who of Environmental Lawyers** (2010-2014)
- Listed in *The Best Lawyers in America*®, **Environmental Law** (2009-2016)
- Selected for inclusion in the **Southwest Super Lawyers**® lists Environmental (2011-2015)
- Designated by **AZRE Magazine's People to Know as a Top Attorney in Commercial Real Estate** (2013)

- Designated **Lawdragon Top 3000** (country's top 3000 lawyers in all specialties) (2010-2012)
- Included in **Arizona Business Magazine's "Top Attorneys in Arizona"** Environmental (2012-2014)
- Listed in "*Top Lawyers*", **Corporate Counsel® Guide to Energy, Environmental, and Natural Resources Law** (2009).
- Local Government Fellow, *International Municipal Lawyers Association* (1999-2004)

Professional Associations and Memberships

- State Bar of Arizona, Environmental and Natural Resources Law and Public Lawyers Section
- American Bar Association
- Arizona Women Lawyers Association
- Arizona Women's EnviroLink

Pro Bono Activities

- Board of Directors, Audubon Arizona
- Regional Council, Arizona Forward
- Arizona WQARF Advisory Board (1998 – Present)
- Arizona Underground Storage Tank Policy Commission (2004 – Present)
- Center for Creative Land Recycling Technical Advisory Group (2005)
- Governor's Budget Oversight Committee for ADEQ (2009)
- ADEQ Director's UST Reform Roundtable (2003)



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Ronnie P. Hawks



Ronnie Hawks's practice focuses on environmental and regulatory matters involving a wide variety of state, federal, and tribal environmental programs, including:

- Federal and state Superfund laws;
- Solid and hazardous waste regulation;
- Surface water and groundwater quality under the Clean Water Act, Safe Drinking Water Act, Arizona's Aquifer Protection Permit program, and similar laws;
- Underground storage tank regulations and soil remediation programs; and
- Environmental review statutes such as NEPA and historic preservation laws.

Ronnie represents commercial and industrial entities, municipalities and special districts, electric and water utilities, private water companies, real estate developers, and individuals in judicial and administrative proceedings, private transactions, and negotiations.

Ronnie also has extensive experience helping clients understand the interplay between federal, state, and tribal law with regard to water rights issues, environmental compliance, and industrial and commercial development on tribal lands.

In the area of water law, Ronnie has defended parties' water rights in state and federal stream adjudications and helps clients with individual water rights and groundwater disputes.

Representative Engagements

- Assisted clients with environmental permit applications, permit compliance, responses to alleged permit violations, and review and comment on permit applications by third parties.
- Led successful administrative appeals of environmental permit decisions.
- Negotiated settlements with state and federal agencies regarding hazardous waste violations.
- Performed environmental compliance audits and developed compliance management procedures.

- Helped numerous clients in litigation, negotiations, and commercial transactions relating to the remediation and redevelopment of contaminated property, including abandoned dry-cleaning sites, agricultural pesticide facilities, and solid waste landfills.
- Performed potentially responsible party searches under federal and state Superfund laws.
- Negotiated allocations of liability under federal and state Superfund laws with agencies and individual parties.
- Provided counsel on cleanup strategies, goals, and site closure.
- Assisted water providers in obtaining replacement supplies for contaminated water wells.
- Negotiated settlement of liability for petroleum releases from underground storage tanks.
- Negotiated settlements and agreements with Native American regulatory agencies involving Native American claims or land.
- Assisted with drafting and reviewing environmental assessments for commercial development and real property transactions.

Areas of Practice

- Environmental and Natural Resources Law
- Indian Law

Bar Admissions

- Arizona
- U.S. District Court District of Arizona
- U.S. Court of Appeals 9th Circuit
- U.S. Court of Federal Claims

Education

Arizona State University, College of Law
J.D., 1998

College of William and Mary
B.A., 1985

Published Works

- *BIA Proposes Federal Recognition for the Pamunkey Indian Tribe*, 10 Native American Resources Committee Newsletter, No. 1, **American Bar Association**. (May 2014)
- *USEPA Report on Navajo Nation Uranium Cleanup Issued*, 9 Native American Resources Committee Newsletter, No. 1, **American Bar Association**. (July 2013)
- *The Supreme Court Denies Review of Kivalina Global Warming Damages Claim*, 9 Native American Resources Committee Newsletter, No. 2 **American Bar Association**. (July 2013)
- *Environmental Aspects of Real Estate Transactions*, The Most Commonly Asked Questions in Environmental Law, Chapter 7 (2nd ed.), author (2011)

- *Cleanup of Contaminated Property and Liability Under WQARF and CERCLA*, The Most Commonly Asked Questions in Environmental Law, Chapter 6 (2nd ed.) author (2011)
- National Environmental Protection Act of 1969, State Bar of Arizona, Arizona Environmental Law Manual (1999)
- Environmental Self-Audit Privilege and Immunity: Aid to Enforcement or Polluter Protection?, 30 Arizona State University Law Journal 235 (1998)
- Co-author on Arizona issues, Natural Resources, Energy and Environmental Law: The Year in Review, Section on Natural Resources, Energy and Environmental Law, American Bar Association (various years)
- Co-author, R. Clark, Waters and Water Rights, of Arizona state summary and annual supplements (various years)

Honors and Awards

- Listed in Best Lawyers in America®, Environmental Law, (2011-2016)
- Listed in Chambers USA, Arizona, Leading Lawyer in Environmental Law (2015)

Professional Associations and Memberships

- American Bar Foundation Fellow
- American Bar Association, Native American Resources Committee Co-Chair (2014-present)
- American Bar Association, Environment, Energy and Resources Law Section, Native American Resources Committee, Newsletter Chair (2012-14)
- American Bar Association, Environment, Energy and Resources Law Section, Superfund and Natural Resources Damages Litigation Committee, Programs Vice-Chair (2015-16)
- American Bar Association, Environment, Energy and Resources Law Section, Water Resources Committee, Membership Vice-Chair (2013-14)
- Arizona Forward, Southern Regional Council (2013-present)
- American Bar Association, Environment, Energy and Resources Law Section, Leadership Development Program (2012-13)
- DRI, Toxic Torts & Environmental Law Committee
- State Bar of Arizona, Environmental and Natural Resources Law Section
- AZ Water Association, member

Robert "R.J." Lamb

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Mr. Lamb is a litigator whose practice areas include business disputes, creditors' rights, fidelity and surety law, construction law, and insurance defense. Mr. Lamb represents individuals, businesses, sureties and contractors in state and federal court actions, as well as in arbitrations and mediations.

Mr. Lamb joined Jennings, Haug & Cunningham in April 2013 in order to pursue a practice in commercial litigation. Before joining the firm, Mr. Lamb was an associate with a national consumer law firm, where he represented consumers predominately in federal court actions pursuant to various consumer protection laws, including the Fair Credit Report Act and Fair Debt Collection Practices Act.

Mr. Lamb is a graduate of the University of Michigan (B.S. in Philosophy, 2004) and the Sandra Day O'Connor College of Law at Arizona State University (J.D., Cum Laude, 2011). While in law school, Mr. Lamb served as a Rule 38 Student-Attorney for Arizona State Civil Justice Clinic, and served as an extern for the Honorable Daniel Barker at the Arizona Court of Appeals and the Honorable Kristin Hoffman at the Maricopa County Superior Court.

Areas of Practice

- [Business Law](#)
- [Construction Law](#)
- [Creditors' Rights](#)
- [Liability and Insurance Litigation](#)
- [Estate Planning, Trusts & Probate](#)
- [Surety & Fidelity Law](#)

Bar Admissions

- Arizona, 2011
- U.S. District Court District of Arizona, 2011

Education

Arizona State University, Sandra Day O'Connor College of Law
J.D., 2011 (*Cum Laude*)

Rank: 19/167

Willard H. Pedrick Scholar College of Law Scholarship

Pro Bono Distinction

Law Journal: Arizona State Law Journal, Associate Editor

University of Michigan

B.S., 2004 (Philosophy)

Dean's List

Professional Associations and Memberships

- State Bar of Arizona



D. Kim Lough

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Mr. Lough devotes a substantial majority of his practice to litigation. He has extensive trial experience in complex construction, employment discrimination and other civil and administrative cases.

Mr. Lough's trial and litigation experience includes representing owners, contractors, subcontractors and suppliers in trial, arbitrations and mediations. He has successfully defended clients in multiple employment discrimination matters as well as personal injury claims. He has also successfully prosecuted and defended claims of construction defects in commercial and residential construction.

Mr. Lough joined the Firm in 1982 and became partner in 1989.

Mr. Lough graduated from the University of Arizona (B.A. 1976 and J.D. 1979).

Mr. Lough has earned the AV Rating with Martindale Hubbell®.

Representative Engagements

- Received jury verdict in favor of a subcontractor client penalized under the FAA P 401 Specification for asphalt placed at taxiways at the Prescott Municipal Airport.
- Received a defense verdict on jury trial in favor of an employer accused of employment discrimination by the EEOC.
- Received jury verdict in favor of design engineer for recovery of profits earned in an HVAC upgrade improvement for a major hospital.
- Representation of a general engineering contractor in a successful bid protest for an award of construction of a fish hatchery for the Arizona Department of Game and Fish.
- The successful representation of a general contractor in defense of citations issued by the Division of Occupational Safety & Health in an industrial fatality occurring during the construction of a county jail facility.
- The successful representation of a construction contractor and its surety in regard to the failure of foundations in the construction of a municipal maintenance facility.
- The successful prosecution of a local labor organization for malicious prosecution against a client in connection with an organizing campaign.

Areas of Practice

- Consumer Rights
- Construction Defect
- Real Estate
- Construction Law
- Employee's Rights
- Employment Discrimination
- Wrongful Discharge
- Business Law
- Business & Commercial Law
- Insurance Defense
- Administrative Law
- OSHA
- Registrar of Contractors

Bar Admissions

- Arizona
- U.S. Court of Appeals 9th Circuit
- U.S. District Court District of Arizona
- U.S. Supreme Court

Education

University of Arizona College of Law
1979 (With Distinction)

University of Arizona
B.A., 1976

Published Works

- *Interpretation of Davis-Bacon Act Could Result in Unforeseen Employee Lodging Expenses*, **ENR Southwest** (May 2012)
- *Arizona Mechanics' & Materialmen's Lien and Bond Claims: The 1998 Changes and Beyond* (1998)
- *Construction Surety Bonds in Arizona* (1996)
- *Protect Your Rights to Payment*, *Arizona Contractors Association* (1995)
- *Enforcing Your Lien Right* (1993)

Classes/Seminars

- *Arizona Mechanics and Materialmen's Lien and Bond Claims* (Mar. 2006)
- *Litigating a Multi-Party Construction Case: Lessons Working learned from Pioneer Roofing and its Progeny*, **State Bar of Arizona** (Feb. 2006)

- Material Price Escalation: Request for Change and Contract Clauses, **State Bar of Arizona** (June 2005)
- Construction Management at Risk Facts/Design Build in Arizona, **Lorman Education Services** (Apr. 2005)
- Contract Killer Clauses, **Arizona Builders Alliance Project Management Series** (Mar. 2004)

Honors and Awards

- Selected for inclusion in the **Southwest Super Lawyers®** (2015)
- Listed in **The Best Lawyers in America®**, Construction Litigation (2008-2016).

Professional Associations and Memberships

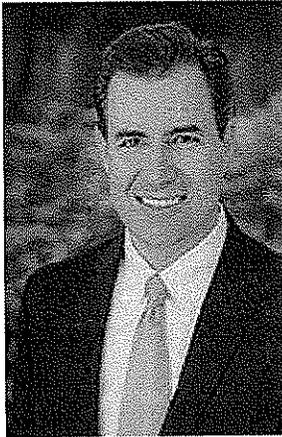
- State Bar of Arizona, Construction Law Section, Past Board Member
- State Bar of Arizona, Labor and Employment Law Section
- Maricopa County Bar Association
- Arizona Builders Alliance, Member, Attorneys' Counsel
- Arizona Roofing Contractors Association, General Counsel

Pro Bono Activities

- Maricopa County Bar Association - Volunteer Lawyers Program

Community Activities

- University of Arizona Alumni Association
 - Former national Board of Directors member
 - Phoenix Club, Past President
- Neighborhood Housing Services
 - Past Board Member



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Brian D. Myers

Mr. Myers represents clients in a wide variety of commercial litigation, including matters involving commercial lending, construction, and real estate litigation. His experience representing entities and individuals in collection matters is extensive. Mr. Myers regularly employs various pre-judgment and post-judgment remedies on behalf of his clients, including replevins, garnishments, writs of execution, and judgment debtor examinations. Mr. Myers has represented numerous financial institutions and equipment leasing companies in actions to recover equipment and other assets/collateral through the use of pre-judgment Orders of Replevin. This experience has involved working and coordinating with the U.S. Marshall's Office and various County Sheriff's Offices across Arizona.

In the area of construction litigation, Mr. Myers regularly represents general contractors, subcontractors and material suppliers in contract disputes; Prompt Payment Act claims; Mechanic's and Materialman's Lien foreclosures; and, actions before the Arizona Registrar of Contractors. Mr. Myers' construction law practice also includes nearly two decades of representing contractors in the fire and water restoration industry.

Mr. Myers' experience in real estate disputes has involved both commercial and residential evictions and purchase contract disputes, as well as representation of property owners in encroachment and property easement disputes.

Mr. Myers earned dual degrees from Arizona State University, and is an avid Sun Devil fan. He earned his law degree from Whittier Law School in Los Angeles, California, in 1996 and is admitted to the State Bar of Arizona.

Representative Engagements

- Acted as local counsel and assisted in obtaining a \$26 Million judgment for trade secret misappropriations in favor of aerospace industry client and against a bidding competitor for a procurement with the U.S. Department of State.
- Complex pre-judgment replevins have included retail inventory seized from five different retail store locations and a warehouse all at the same time to collect \$2 Million debt owed to national distributor; 18 different pieces of equipment and scrap metal inventory seized

to collect \$1.7 Million debt owed to financial institution; 12 tractor trailers seized from moving company yard to collect \$3 Million debt owed to financial institution; and, recovery of 600 head of cattle located in four different counties across Arizona to collect \$5 Million debt owed to agricultural lender.

- Representation of Park Western Financial Corporation, d.b.a. Park Western Leasing, in over 250 matters involving pre-judgment replevins and post-judgment seizures of leased equipment and additional collateral, including tractor trailers; heavy construction equipment; tow trucks; restaurant equipment; and, personal vehicles.
- Representation of Pinnacle Restoration, LLC, and V.B.S. Construction, Inc., for more than a decade in litigation related to fire/water damage restoration projects.
- Representation of several financial institutions, including Johnson Bank and Great Western Bank, in the collection of commercial loan defaults.
- Representation of agricultural lenders including Farm Credit Services Southwest, Farm Credit West, and Farm Credit Services of America in the collection of agricultural related loan defaults.
- Representation of various manufacturers, including Canyon Creek Cabinet Company and 3D Systems Corporation, in claims for against delinquent distributors/dealers.

Areas of Practice

- Creditors' Rights
- Construction Law
- Litigation
- Appellate
- Mediation & Arbitration

Bar Admissions

- Arizona (1996)
- U.S. District Court of Arizona (1996)
- 9th Circuit Court of Appeals (1999)
- U.S. Supreme Court (2000)

Education

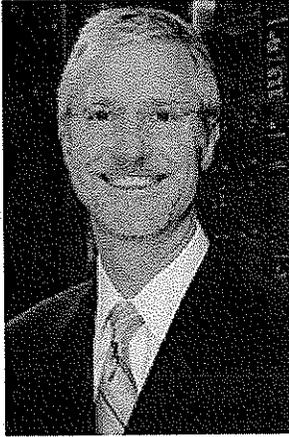
Whittier Law School
Los Angeles, CA
Juris Doctor (1996)

Arizona State University
Bachelor of Science /M.P.A. (1990/1992)
Major: Political Science/Urban Management & Planning

Professional Associations & Memberships

- State Bar of Arizona

- Maricopa County Bar Association
- Arizona State University Alumni Association
- National List of Attorneys



Edward Rubacha

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Mr. Rubacha represents clients in a wide range of construction and commercial litigation matters, including the representation of clients doing business with Indian tribes and tribal entities on and off the reservation. His trial and litigation experience includes matters specific to the construction and surety industries and general commercial business disputes, as well as tribal and reservation-related matters.

Mr. Rubacha joined the Firm in 1987 and became a partner in 1996.

Mr. Rubacha graduated from Purdue University (B.S. 1978) and Arizona State University (M.B.A. 1981 and J.D. 1987).

Mr. Rubacha has earned the AV Rating with Martindale Hubbell®.

Representative Engagements

- Representation of sureties in litigation involving construction issues, bond claims, and recovery from indemnitors.
- Representing organizations in contract negotiations with and litigation against Indian Tribes and tribal entities.

Areas of Practice

- Construction Law and Litigation
- Surety
- Indian Law
- Commercial Litigation

Bar Admissions

- Arizona
- California
- Colorado
- New Mexico (Federal District Court)
- U.S. Court of Appeals - 9th Circuit
- U.S. Supreme Court
- Hopi Tribal Court
- Tohono O'odham Tribal Court
- Gila River Indian Tribal Court
- Colorado River Tribal Court
- Pascua Yaqui Tribal Court
- Tonto Apache Tribal Court

Education

Arizona State University, College of Law
J.D., 1987 (*cum Laude*)

Arizona State University
M.B.A., 1981

Purdue University
B.S., 1978 (Electrical Engineering)

Published Works

- Co-Author, *Sureties and Native American Sovereigns*, **Pearlman 2007** (2007)
- Co-Author, *State by State Guide to Construction Contracts and Claims, Arizona Chapter* (2006)
- *Reservations About the Reservation: Concerns When Contracting With Tribes and Tribal Entities*, **Western States Surety Conference** (1994)
- Contributing Author, *Fifty State Construction Lien and Bond Law, Arizona Chapter*, **Aspen Publications**

Classes/Seminars

- "What to Do When Construction Projects Go Bad in Arizona", **Lorman Education Services** (Feb. 2008)
- "Arizona Construction Law for Architects, Engineers and Contractors", **HalfMoon Seminars** (2008)
- Presenter, **Western States Surety Conference** (1994, 2000, 2008, 2015)
- Presenter, Workshop, **Arizona Society of Certified Public Accountants** (Fall, 2006)
- Presenter, *ABA Forum on Construction*, New Orleans (2005)
- Presenter, *Tort & Insurance Practice Section- FSLC*, ABA, Mid-Winter, 2013
- Presenter, *City of Phoenix Construction Law Symposium*, Bi-Annual

Honors and Awards

- Listed in The Best Lawyers in America®, Construction Law and Construction Litigation (2012-2016)

Professional Associations and Memberships

- State Bar of Arizona, Construction Law Section
- California Bar Association
- American Bar Association
 - Fidelity and Surety Law Section
 - Litigation Section
 - Forum on Construction

Pro Bono Activities

- Maricopa County Bar Association – Volunteer Lawyers Program

Community Activities

- Arizona East Valley Juniors Youth Volleyball



Chad L. Schexnayder

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Mr. Schexnayder has three decades of experience in commercial litigation, in both state and federal court civil cases. His trial and litigation experience includes complex business disputes, fidelity and surety law, construction law, bankruptcy, real estate disputes, residential construction defects, and personal injury defense. In addition, Mr. Schexnayder serves as a mediator and arbitrator retained by the parties in commercial litigation.

Mr. Schexnayder joined the firm in 1984.

Mr. Schexnayder has earned the AV Rating with Martindale Hubbell®.

Areas of Practice

- [Surety and Fidelity Law](#)
- [Construction Law](#)
- Lawsuits & Disputes
- [Commercial and Business Law](#)
- [Bankruptcy](#)
- [Real Estate](#)
- [Mediation](#)
- [Arbitration](#)
- [Appeals](#)

Bar Admissions

- Arizona
- U.S. District Court District of Arizona
- U.S. Court of Appeals 9th Circuit
- U.S. Court of Appeals Federal Circuit
- U.S. Court of Federal Claims

Education

Arizona State University, College of Law
J.D., 1984 (cum Laude)

Washington University, St. Louis
B.A., 1981 (French & Political Science, cum Laude)

Published Works (partial listing)

- *The Quick Reference Guide to Western States Surety Law*, Editor, **WSSC, LLC** (2006 - 2015)
- *Bond Default Manual*, 4th ed. Author, Chapter 13, **American Bar Association** (2015)
- *The Surety Underwriter's Desk Book*, Schexnayder, Chad and McNamara, Mary Alice, **American Bar Association** (2014)
- *The Contract Bond Surety's Subrogation Rights*, Author, Chapter 11, **American Bar Association** (2013)
- *The Law of Commercial Surety and Miscellaneous Bonds*, 2nd Edition, Author, Chapter 5, **American Bar Association** (2012)
- *Salvage: Tax Refunds, Fidelity and Surety Law Committee Newsletter*, **American Bar Association** (Fall 2011)
- *The Law of Payment Bonds*, 2nd Ed., Chapter 12, **American Bar Association** (2011)
- *Intersections of Bankruptcy and Construction: Treatment of Executory Construction Contracts and Mechanic's Liens in Bankruptcy*, Griffin, Deborah S., Martin, Hon. Robert, Schexnayder, Chad, **Journal of the American College of Construction Lawyers**, Vol. 4, No. 2 (Summer 2010)
- *The Surety and Bankruptcy*, Chapter 2, **American Bar Association** (2010)
- *The Law of Performance Bonds*, 2nd Ed., Chapter 14, **American Bar Association** (2009)
- *The Indemnity Agreement in Bankruptcy, of The Surety's Indemnity Agreement: Law and Practice*, 2nd Ed., Chapter XI, , **American Bar Association** (May 2008)
- *Housing Market Crunch - Homebuilder Failures and the Surety*, Author and Speaker, **Western States Surety Conference**, Seattle, Washington (2008)
- *Homebuilder Bankruptcies and the Surety; A Bankruptcy Primer*, **Pearlman Conference**, Woodinville, Washington (2008)
- *The Most Important Questions a Surety Can Ask About Bankruptcy*, Second Edition, **American Bar Association** (2003)
- *The Law of Miscellaneous and Commercial Surety Bonds*, Chapter 5, **American Bar Association** (2001)
- *Bankruptcy and The Surety*, in *The Law of Suretyship*, Second Edition, Chapter 20, Gallagher, Edward G., Editors, **American Bar Association** (2000)
- *An Overview of Surety and Bankruptcy Law*, a monograph published by the **Defense Research Institute** (1990)

Classes/Seminars/Speaking Engagements

- *Speaker, Binding Corporate Indemnitors and Issues Related to Recovery Against Them And Any Subsidiaries, Affiliates Or Third Parties, Annual Meeting of the Surety Claims Institute, Santa Fe, New Mexico (June 25, 2015)*
- *Speaker, The Principal's Defense of the Surety, Western States Surety Conference (May 15, 2005)*
- *Speaker, Bond Default Manual, 4th ed. American Bar Association, TIPS, Fidelity and Surety Law Committee, La Jolla, California (May 7, 2015)*
- *Speaker, "After the Race, Practical Issues in the Indemnitor's Bankruptcy, American Bar Association, TIPS, Fidelity and Surety Law Committee, Louisville, Kentucky (May 8, 2014)*
- *Speaker, Mid-South Commercial Law Institute, Nashville, Tennessee, (December 5, 2013)*
- *Virtual Seminar; The Surety Underwriters Desk Book, National Association of Surety Bond Producers (June 7, 2013)*
- *Municipal Bankruptcy, Chapter 9, Pearlman Association (September 6, 2012)*
- *Speaker, It's Only Money-The Economic Loss Rule's Impact on Surety Claims and Subrogation, Western States Surety Conference (2011)*
- *Speaker, The Surety as Creditor: Strategies and Practice Considerations, Pearlman Conference, Woodinville, Washington, (Sep. 10, 2009)*
- *Speaker, "Builders, Construction Contractors and Developers in Bankruptcy", American Bar Association (Feb. 2008)*
- *Speaker, Claims for Loss of Labor Productivity/ Efficiency, Western States Surety Conference, Seattle, Washington (May 19, 2006)*
- *Speaker, Bankruptcy Hors D'Oeuvres For The Construction Lawyer, The Interplay Between Bankruptcy and Construction Law, The Construction Law Section, State Bar of Arizona (Jan. 3, 2006)*
- *Speaker, Navigating Your Way Through a Bond Principal's Bankruptcy, Commercial Surety Seminar, Surety Association of America, Phoenix, Arizona (June 2-3, 2005)*
- *Speaker, Common Bankruptcy Issues Facing Contractor Clients Regarding Preference Claims and Defenses, Maricopa County Bar Association (2004)*
- *Paper Presented, Arizona Construction Defect Law: To Flee or not to Flee the California Approach, West Coast Casualty Construction Defect Seminar, Anaheim, California (2001)*
- *Underwriting Implications of Bankruptcy of the Bond Principal, Surety Association of America, St. Louis, Missouri (Oct. 15, 2001)*
- *Paper Presented, Creation of Trusts Prior To And After The Execution of The Indemnity Agreement, Annual Meeting of the Surety Claims Institute, Miami, Florida (June 26, 1998)*
- *Paper Presented, The Surety's Right to Assert Recoupment and Set-Off Defenses of Its Principal, When the Principal Has Filed for Bankruptcy Protection, Annual Meeting of the Surety Claims Institute, Lansdowne, Virginia (June 27, 1997)*
- *Paper Presented, "Can't Touch That..." How Asset Protection Planning Affects Underwriting and Recovery, American Bar Association, TIPS, Fidelity and Surety Law Committee, Orlando, Florida (Aug. 4, 1996)*

- Paper Presented, *Your Principal is in Trouble - Bankruptcy Issues Lurking in the Shadows*, **Western States Surety Conference**, Santa Monica, California (Oct. 21, 1994)
- Paper Presented, *Common Bankruptcy Issues Facing Contractor Clients - Preference Claims and Defenses*, **State Bar of Arizona**, Construction Law Section (Feb. 22, 1994)
- Paper Presented, *The Surety's Attack in the Principal's Bankruptcy - Proven Strategies and Brave New Tactics*, **American Bar Association**, TIPS, Fidelity and Surety Law Committee, San Francisco, California (Aug. 11, 1992)

Honors and Awards

- Listed in **The Best Lawyers in America®**, Construction Litigation (2010 - 2016)
- Selected for inclusion in the **Southwest Super Lawyers®** lists, Construction/Surety, Business Litigation, Bankruptcy & Creditor/Debtor Rights, (2007-2009, 2011-2015)
- **Arizona's Finest Lawyers®**
- Martindale-Hubbell, **Top Rated Lawyers®**, Construction Law.

Professional Associations and Memberships

- State Bar of Arizona, Construction Law Section, Member
- State Bar of Arizona, Bankruptcy Law Section, Member
- American Bar Association, Tort & Insurance Practice Section, Vice-Chair, Fidelity & Surety Law Committee
- American Bar Association, Member, Forum on the Construction Industry

Community Activities

- Youth Leader, Boy Scouts of America, Troop 329, Grand Canyon Council, Scoutmaster, 1999-2005; 2007- 2010
- Youth Sports Coach



John G. Sinodis

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Mr. Sinodis has served as managing partner for the firm since 1999 and is the Chairman of the firm's executive committee. His practice emphasizes the representation of equipment lessors and funding sources in all aspects of equipment leasing including litigation, documentation, insolvency, and transactional matters. Besides representing equipment lessors and funding sources, Mr. Sinodis represents financial institutions and asset-based lenders in the areas of commercial litigation, secured transactions, asset recovery, loan restructure and business litigation.

In addition to his commercial litigation practice, Mr. Sinodis is a trained mediator having received his training from the Straus Institute for Dispute Resolution at Pepperdine University School of Law.

Mr. Sinodis is an active member of the Equipment Leasing and Finance Association (ELFA) and the National Equipment Finance Association (NEFA). Prior to joining the firm, Mr. Sinodis served as the president of General Leasing Co. and is presently a member of its board of directors.

Mr. Sinodis began his law practice with the firm of McCormick, Barstow, Sheppard, Wayte & Carruth, LLP in Fresno, California. He joined the firm in 1993 and became a Partner in 1995.

Mr. Sinodis is a graduate of Arizona State University (B.S. 1982 and J.D. 1985).

Mr. Sinodis has earned the AV Rating with Martindale Hubbell®.

Areas of Practice

- Finance and Leasing
- Business
- Corporate Counseling
- Banking
- Commercial Business Litigation
- Mediation

Bar Admissions

- Arizona
- California
- U.S. District Court District of Arizona
- U.S. District Court Central District of California
- U.S. District Court Southern District of California
- U.S. District Court Northern District of California
- U.S. Court of Appeals 9th Circuit

Education

Arizona State University, College of Law
J.D., 1985

Arizona State University, College of Business
B.S., 1982

Published Works

- *UCC Article 9 Changes: A Rose by Any Other Name Would Not Smell as Sweet*, **NEFA Newsline** page 17 (Jul/Aug. 2013)
- Co-author with Chris Stovall, *Lessor More Protected: UCC Article 2A Analysis Strengthens Resistance to Common Lessee Collection Defenses*, **The Monitor** (Jan/Feb. 2012)
- Co-author with Chris Stovall, *The UCC's Public Policy Favors the Lessor, Come Hell or High Water*, **Lease Enforcement Attorney Network** (Jan. 2012)
- *Lending in Indian Country - Understanding Important Issues*, co-author, **Monitor**, Vol.38, No.7, Conference Issue (2011)
- Co-author, *What Questions should Human Resource Professionals be Asking?*, **NEFA Newsline** (Fall 2008)
- *Community Property Laws can Affect your Lease Transaction*, **UAEL Newsline**, Vol.34, No.4 (Fall 2007)
- *Lessor Liability for Environmental Clean-up: How Far Will It Extend?*, **UAEL Newsline**, Vol. 3, No. 1 (Mar-Apr. 1997)
- *Small Business Regulation: Let Our People Go*, **SSBIA Conference** in Dallas, TX (1982)

Classes/Seminars

- *The Bankruptcy Reform Act of 1994* (1995)
- *Sexual Discrimination in the Workplace: A Case Study* (1990)
- *Litigation Support: A Sales Approach Toward Enhancing the Litigation Case* (1989)
- *Effective Documentation of the Lease Transaction* (1988)
- *Lender Liability; Emerging Theories* (1987)
- *Lease v. Conditional Sale; Knowing and Understanding the Difference* (1986)

Honors and Awards

- Selected for inclusion in the **Southwest Super Lawyers®** lists Business Litigation (2007-2009, 2011, 2014, 2015)

Professional Associations and Memberships

- State Bar of Arizona
- State Bar of California
- Maricopa County Bar Association
- ABA - Section Membership: Law Practice Management
- ABA - Section Membership: Business Law
- Equipment Leasing and Finance Association
- National Equipment Finance Association, Member
- LEAN: Lease Enforcement Attorney Network, Member
- Arizona Epilepsy Foundation, Board member



Matthew H. Sloan

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Mr. Sloan is an experienced commercial litigator whose practice areas include complex business disputes, creditors' rights, fidelity and surety law, bankruptcy, construction law, real estate disputes and construction defects. Mr. Sloan represents individuals, businesses and institutional creditors, as well as sureties and contractors in state, federal and bankruptcy court actions, as well as in arbitrations and administrative hearings.

Mr. Sloan regularly handles large complex commercial matters involving construction issues, including the investigation and resolution of performance and payment bond claims, and the prosecution and defense of cases involving differing site conditions, lost productivity, acceleration, termination and construction delay claims.

In addition, Mr. Sloan assists lenders and lessors to achieve the most favorable recoveries from distressed property and non-performing loans and leases. Mr. Sloan has experience with the judicial and non-judicial foreclosure of real property collateral and litigating deficiency claims against borrowers and guarantors, as well as with judicial and non-judicial recovery of personal property collateral. Mr. Sloan has regularly been assisting clients with negotiating short sales, forbearance agreements and deeds in lieu.

Mr. Sloan currently serves as the firm's hiring partner.

Mr. Sloan graduated from the University of Arizona (B.A. 1993) and Arizona State University (J.D. 1997).

Representative Engagements

- Successful litigation defense in federal court of multi-million dollar affirmative claim arising out of construction of a water treatment plant in Nevada
- Obtained favorable settlement following three year prosecution of complex litigation involving a waste water treatment plant in Arizona.
- Successfully prosecuted multiple actions as Special Counsel to the Liquidating Trustee in the bankruptcy of The Baptist Foundation of Arizona and recovered over \$1.5 million on behalf of investors.

- Successfully obtain prejudgment attachment and ultimate possession of million dollar parcel of real property on behalf of a national bank.
- Successfully prosecuted breach of contract claim involving crops lien and obtained favorable judgment in federal court on behalf of a national bank.
- Ongoing representation of institutional lenders in foreclosure and deficiency actions.

Areas of Practice

- Creditors' Rights
- Commercial and Business Law
- Surety & Fidelity Law
- Commercial Litigation
- Real Estate
- Construction Law

Bar Admissions

- Arizona
- U.S. District Court District of Arizona
- U.S. Court of Appeals 9th Circuit
- U.S. Supreme Court

Education

Arizona State University, College of Law
J.D., 1997

University of Arizona
B.A., 1993

Published Works

- *Small Business Financing, To Lease or Not to Lease*, **North Central News** (Nov. 2012)
- *Enforcement of Collateral Security Clauses in the Ninth Circuit*, **Surety and Fidelity Claims Institute Newsletter**, pages 11-14 (May, 2012)
- *Common Pitfalls Business Owners Should Avoid*, **North Central News** (Mar. 2012)
- *Getting a Handle on Green*, **AZRE Magazine** (March/April, 2010)
- *5 Questions With Matthew Sloan*, **Phoenix Business Journal** (Sept. 2009)
- *The Quick Reference Guide to Western States Surety Law, Nevada Chapter*, **WSSC** (2006-2010)
- *No License? No Problem*, **Arizona Builders' Alliance Legal Notes** (Sept. 2006)
- *Alternative Dispute Resolution*, **Arizona Builders' Alliance Legal Notes** (Feb. 2003)

Classes/Seminars

- Speaker, *Risk Management Issues for LEED Certification and Green Design*, **Arizona Builders' Alliance Legal Roundtable** (Feb. 2009 – Present)
- Paper presented, *The Interplay Between Bankruptcy and Construction Law*, **Maricopa County Bar Association** (2008 – Present)
- Speaker, *Bankruptcy Hors D' Oeuvres For The Construction Lawyer*, **The Construction Law Section of the State Bar of Arizona** (Jan. 2006 - Present)
- Speaker, *Analyzing and Proving Construction Project Damages in Arizona*, **Lorman Education Services** (April, 2002 – Present)

Professional Associations and Memberships

- State Bar of Arizona, Construction Law Section, Member
- Tort & Insurance Practice Section, Member
 - Fidelity and Surety Law Section
 - Forum on Construction Industry
- Commercial Law League, Member
- LEAN – Lease Enforcement Attorney Network, Member



Julianne C. Wheeler

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Julianne is a Partner at Jennings, Haug & Cunningham and has, since 1988, been a commercial litigator whose practice focuses primarily on commercial disputes, from dispute avoidance to dispute management, as well as commercial litigation, with an emphasis on construction-related issues, including bid protests, and extending to fidelity and surety law. From administrative licensing matters to complex litigation arising out of disputes over technical specifications, Ms. Wheeler has litigated in state and federal courts and represented national and Arizona contracting firms and a variety of other commercial enterprises ranging from national restaurant chains to local childcare facilities. A former Chair of the Construction Law Section of the Arizona Bar Association and former Member of the Arizona State Board of Technical Registration, Julianne earned an AV Rating with Martindale Hubbell, served as a faculty member of the Arizona Trial College, is a Judge *Pro Tem* with the Maricopa County Superior Court, and ranked among The Best of Arizona Business (Commercial Litigation), Ranking Arizona. Ms. Wheeler is a Member of the Board of Directors of the Arizona Subcontractors Association, and also a member of the Arizona Builders Alliance, the Construction Financial Management Association, and the International Concrete Repair Institute. Julianne graduated from Arizona State University's College of Law in 1987 and was a writer for its Law Journal. In addition to maintaining her Tempe, Arizona horse property and raising three children, Ms. Wheeler enjoys golfing and other sports, camping, and traveling.

Representative Cases

- *Performance Funding, LLC v. Barcom Corp.*, 197 Ariz. 286, 3 P.3d 1206 (2000)
- *Brockman v. Merabank*, 40 F.3d 1013 (9th Cir. 1994)
- *U.S. v. Aetna Casualty & Surety Co.*, 981 F.2d 448 (9th Cir. 1992)

Areas of Practice

- Construction Law
- Civil Litigation

Bar Admissions

- Arizona
- U.S. District Court District of Arizona
- U.S. Court of Appeals 9th Circuit

Education

Arizona State University, College of Law
J.D., 1987

Arizona State University
B.S., 1983 (Political Science)

Professional Associations and Memberships

- International Concrete Repair Institute
- Arizona Builders Alliance
- Arizona Subcontractors Association
- Construction Financial Management Association

Pro Bono Activities

- Tempe Sports Authority Foundation

Published Works

- Contributing Editor, *"Equitable Subrogation"* **Arizona Construction Law Practice Manual**, 2nd Ed. (2011)
- *Construction Litigation: Representing the Owner Against the Bank*, **Wiley Law Publications**, 2nd Ed. (1990)
- Co-author, *Construction Defaults: Rights, Duties, and Liabilities, Representing the Lender*, **Wiley Law Publications**, 2nd Ed. (1989)

Classes/Seminars

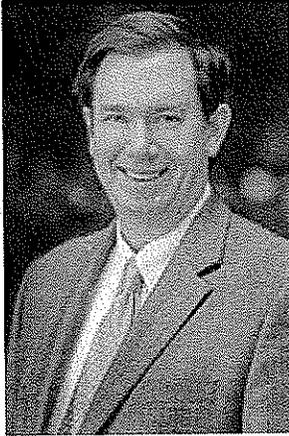
- *Compare and Contrast: The AIA A-401 and the Consensus 750 Forms of Subcontract*, **American Subcontractors Association of Arizona**
- *Warranties, Defects and Requests for Alternates: How to Protect Yourself*, **International Concrete Repair Institute (ICRI)** (Feb. 2012)
- Contributing Editor, *Equitable Subrogation*, **Arizona Construction Law Practice Manual**, 2nd Ed. (2011)
- *Resolving Problems and Disputes on Construction Projects*, **National Business Institute** (Jan. 2009)

Honors and Awards

- The Best of Arizona Business (Commercial Litigation), Ranking Arizona

Fraternities/Sororities

- Phi Alpha Delta



Russell R. Yurk

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Mr. Yurk's practice focuses on professional liability, lawyer discipline, and complex civil litigation. Mr. Yurk serves as the Chair of DRI's Lawyers' Professionalism and Ethics Committee and is an active member of the State Bar of Arizona's Committee on the Rules of Professional Conduct and the Arizona Supreme Court's Judicial Ethics Advisory Committee. He has spoken at approximately 60 seminars on professional conduct and ethics and authors a regular column on ethics in Maricopa Lawyer. In his spare time, Mr. Yurk works as a replay official in the National Football League.

Mr. Yurk has earned the AV Rating with Martindale Hubbell®.

Mr. Yurk is a graduate of Northwestern University (B.A., 1990) and the Arizona State University College of Law (J.D., 1998).

Representative Engagements:

- Provided counsel and represented attorneys on claims on professional negligence and in State Bar disciplinary matters.
- Represented professional services companies against claims of professional negligence.
- Represented government attorneys against claims of professional misconduct.
- Represented manufacturers and sellers in products liability actions.
- Represented property owners regarding alleged environmental regulatory violations and property remediation.
- Represented governmental entities in civil rights class action lawsuits.
- Represented company in challenging tribal jurisdiction over motor vehicle accident.
- Represented real estate developers in action brought by contractors regarding work performed and accounting of payments.

Areas of Practice

- Professional Liability
- Product Liability
- Commercial & Business Law
- Litigation
- Appeals

Bar Admissions

- Arizona
- U.S. District Court District of Arizona
- U.S. Court of Appeals 9th Circuit
- U.S. Court of Appeals D.C. Circuit
- U.S. Supreme Court

Education

Arizona State University, College of Law, J.D., 1998
Jurimetrics: The ABA Journal of Law, Science and Technology (Articles Editor)
Honors: Dean's Award, Pedrick Scholar

Northwestern University B.A., 1990 (Economics)
Honors: Dean's List

Published Works

- *How to Fight a Legal Grievance* for **About.com** (June 2015)
- *Lawyer Liability and Ethics Q&A* for the **Maricopa Lawyer** (June 2015, page 7)
- *Lawyer Liability and Ethics Q&A* for the **Maricopa Lawyer** (May 2015, page 7)
- *Top 10 Ethics Mistakes No. 1: Professionalism, Maricopa Lawyer* (April 2015)
- *Top 10 Ethics Mistakes No. 2: Conflicts of Interest: Former Clients, Maricopa Lawyer* (March 2015)
- *Top 10 Ethics Mistakes No. 3: Conflicts of Interest: Current Clients (Part 3), Maricopa Lawyer* (February 2015)
- *Top 10 Ethics Mistakes No. 3: Conflicts of Interest: Current Clients (Part 2), Maricopa Lawyer* (January 2015)
- *Top 10 Ethics Mistakes No. 3: Conflicts of Interest: Current Clients (Part 1), Maricopa Lawyer* (Dec. 2014)
- *Top 10 Ethics Mistakes No. 4: Joint Representations (Part 2), Maricopa Lawyer* (Nov. 2014)
- *Top 10 Ethics Mistakes No. 4: Joint Representations (Part 1), Maricopa Lawyer* (Oct. 2014)
- *Top 10 Ethics Mistakes No. 5: Who Is Your Client?, Maricopa Lawyer* (Sept. 2014)
- *Top 10 Ethics Mistakes No. 6: Have A Fee Agreement, Maricopa Lawyer* (Aug. 2014)
- *Top 10 Ethics Mistakes No. 7: Don't Talk About Your Client's Case, Maricopa Lawyer* (July 2014)
- *Top 10 Ethics Mistakes No. 8: Know Your Limits, Maricopa Lawyer* (June 2014)
- *Top 10 Ethics Mistakes No. 9: Correcting False Testimony or Evidence, Maricopa Lawyer* (May 2014)
- *Top 10 Ethics Mistakes No. 10: It's The Client's File, Maricopa Lawyer* (April 2014)
- *Philadelphia Bar Association Issues Opinion Reminding Attorneys To Keep Client Names Confidential, DRI Today* (Aug. 2014)
- *The Ever-Present Joint Representation Comundrum, DRI Professionalism Perspectives* (May 2014)

- *When Does Another Lawyer's Unethical Conduct Become Your Problem, For The Defense* (Oct. 2013)
- *What To Do When Your Witness' Testimony Doesn't Match His or Her Declaration* (Seminar Materials), **DRI** (March 2013)
- *Avoiding the Ethical Pitfalls of Joint Representation* (Seminar Materials), **DRI** (Sept. 2012)

Classes/Seminars

- *10 Deadly Sins of Conflicts*, **State Bar of Arizona** (2011, 2013)
- *Ahh! The Pitfalls (of Joint Representation)*, **Planned Giving Round Table of Arizona** (2014)
- *Avoiding the Ethical Pitfalls of Joint Representation*, **DRI** (2012)
- *Bar Leadership Institute*, **State Bar of Arizona** (2013-2014)
- *Ch-Ch-Ch-Ch-Changes: Ethical Considerations for Lawyers in Transition* (moderator), **State Bar of Arizona** (2014)
- *Conflicts and Confidentiality*, **Law Firm In-House Seminar** (2007-2011)
- *Course on Professionalism*, **State Bar of Arizona** (2008-2014)
- *Dial "E" for Ethics*, **State Bar of Arizona** (2012, 2014)
- *Ethical Trends Today*, **State Bar of Arizona** (2008-2014)
- *Ethics 911: Inside the Ethics Hotline*, **State Bar of Arizona** (2007-2010)
- *Ethics Café*, **State Bar of Arizona** (2008-2012)
- *Ethics from the In-House Counsel Perspective* (moderator), **DRI** (2011)
- *Ethics Issues in the Internet Age*, **USLAW** (2011)
- *Firm Succession: Why You Need a Plan*, **Maricopa County Bar Association** (2014)
- *Five Ws (and an H) of Reporting Unethical Conduct*, **DRI** (2012)
- *Issues in Joint Representation*, **Arizona PRIMA** (2012)
- *Keep Both Hands on the Wheel*, **State Bar of Arizona** (2005)
- *Land Use Seminar, Ethics Presentation*, **State Bar of Arizona** (2009)
- *Litigation Basics: Ethics Issues Concerning Third-Party Payors and Joint Representation*, **AADC** (2012)
- *Medical Marijuana Update*, **State Bar of Arizona** (2011)
- *Pitfalls of Joint Representation*, **State Bar of Arizona** (2014)
- *Resolving Conflicts of Interest, Minority Bar Convention*, **State Bar of Arizona** (2013)
- *Risk Management Seminar*, **CNA Insurance** (2010)
- *Technology and E-Discovery in Construction Cases*, **State Bar of Arizona** (2014)
- *What To Do When Your Witness' Testimony Doesn't Match His or Her Declaration*, **DRI** (2013)
- *What You Don't Know That You Don't Know About Ethics*, **Arizona Paralegal Association** (2014)

Professional Associations and Memberships

- *American Bar Association, Center for Professional Responsibility*
- *Association of Professional Responsibility Lawyers*
- *DRI, Lawyers' Professionalism and Ethics Committee (Chair)*
- *Maricopa County Bar Association*
- *State Bar of Arizona, Committee on the Rules of Professional Conduct*

Pro Bono Activities

- *Arizona Association of Defense Counsel, Pro Bono Consultant, Lawyer Discipline*

Community Activities:

- *Trainer, high school and youth football officials*
- *Pat's Run, Team Leader (2012-2013)*